



An
Bord
Pleanála

Inspector's Report ABP-318716-23

Development	Construction of seven no. dwelling houses, comprising five no. two storey houses and two single storey houses, drainage works together with associated site works
Location	Dromdihy, Killeagh, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	226511
Applicant(s)	Eoin O'Mahony
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant(s)	Eoin O'Mahony
Observer(s)	Paul Fitzgerald
Date of Site Inspection	16 August 2024
Inspector	Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site is located within the development boundary of Killeagh approximately 32km east from Cork City. The central core of Killeagh is a designated Architectural Conservation Area (ACA) which extends up to the existing entrance to the subject site accessed off the L3806 (Mount Uniacke Road). The subject site is approximately 200m north of the N25/L3806 junction and Killeagh village.
- 1.2. The subject site comprises two separate land parcels (total site area 1.1ha) located either side of what was the original access avenue, Dromdiah Avenue, to protected structure Dromdihy Country House and Stables (RPS 408) located to the north of the subject site. The applicant also owns the adjoining lands, open farmland, immediately north of the application site outside the development boundary for Killeagh.
- 1.3. The sloping topography of the site rises from the southeast to the north /northeast. The subject site sits at a significantly higher level to the existing dwellings on Lawrence Kelly Terrace and the existing dwellings along Dromdihy Avenue/Dromdiah Avenue.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of seven no. residential units, 5 no. two storey and 2 no. single storey. The access laneway, Dromdiah Avenue, is proposed to be widened to include the provision of a 2m wide footpath along its eastern edge with street lighting, following a request of further information from the planning authority.
- 2.2. The two storey houses step to follow the contours of the sloping site and have a split level profile, houses have entrances on the upper level except for house no. 1 (House Type 4, as revised by further information) which enters at ground floor level. Two parking spaces per residential unit are proposed. There is a shared public open space proposed to the north of the proposed 5 no. units, with children's play area and informal play space. Planted green roofs and low-profile zinc roofs are proposed.
- 2.3. It is proposed to provide onsite treatment for the foul drainage (Houses no. 1-5) by means of a pumped system and on-site septic tank and reed bed system on the

open ground to the north of the site (Appendix C Foul Water Drainage Design Engineering Design Report Hegsons Design Consultancy Limited). Foul drainage proposals revised following further information to connect to public sewer through an agreed wayleave.

- 2.4. Surface water is proposed to be collected and disposed of on site by means of soakaways and attenuation. The primary energy source will be an air-water heat pump, stated to potentially incorporate a PV panel system.

House units no. 6 and 7 are proposed to connect to the public foul drainage in the private access road which is connected to the Killeagh village main drainage system. Surface water to be collected and disposed off on site by means of soakaways.

A new mains water connection is proposed to all dwellings from the Killeagh village service.

It is proposed that traffic calming devices. In the form of speed humps by way of planning condition, should be located approximately 40m north and south of the access. (Appendix B – Drawing no. HDC 1291-002 of Transport Statement Hegsons Design Consultancy Limited).

1 no. residential unit is proposed to be offered to the planning authority to fulfil social and affordable requirements.

3.0 Planning Authority Decision

3.1. Decision

On the 23 November 2023 the planning authority granted permission subject to 27 no. conditions.

3.1.1. Conditions

Condition 1

(a) The proposed development shall be carried out in accordance with plans and particulars lodged with the planning authority on 10th November 2022 and 22nd September 2023 save where amended by the terms and conditions herein.

(b) Permission is hereby granted for 4 no. dwellings only. Proposed dwelling no. 6 shall be omitted and its vacated area incorporated into the curtilage of proposed

dwelling no. 7 (or alternative arrangement as may be agreed in writing with the planning authority).

(c) Proposed dwellings no's 4 and 5 and their associated access road shall be omitted, and their vacated area incorporated into the area of public open space (or alternative arrangement as may be agreed in writing with the planning authority).

Reason: In the interest of clarity.

Condition 3 Archaeology

Condition 6 Green roofs shall be omitted, design changes to be agreed with the planning authority.

Condition 14 The foul sewer connections from all properties are to be individually connected to the proposed public foul sewer.

Condition 21 The developer shall ensure that adequate sight lines are made available for the proposed development in agreement with the local Area Engineer.

Condition 23 The applicant shall ensure the recommendations/mitigations of the submitted transport statement are applied unless otherwise agreed in writing with the planning authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial report:

- The current proposal adheres to the requirement of DB01 of the development plan and is generally acceptable in principle.
- Density at approx. 7units/ha is a low-density proposal considered appropriate given the site-specific heritage context.
- In considering the application the planning authority sought further information (FI) in respect of a number of items including in particular: proposals for site servicing to eliminate the need for developer provided infrastructure (DPI), cross sections to illustrate the proposed dwellings relative to Lawrence Kelly Terrace along with boundary treatments to mitigate impacts, and cross sectional drawings of proposed dwellings and existing dwellings south along

Dromdiah Avenue, further sectional and photomontages of the proposal in context with Dromdihy House, revised access road of proper width (5.5m) with 2m wide pedestrian footpath for the entire length of the estate road with public lighting, an Archaeological Impact Assessment (AIA) to be carried out, clarification of proposed soakaway and permeable paving proposals to prevent surface water flooding and revised southern boundary details as timber panel fencing not acceptable, revised public open spaces proposals to define the functions of this proposed space.

- Screens out requirement for Appropriate Assessment having regard to the scale and nature of the proposal and the lack of any physical or hydrological connection between the development site and any European site. Final screening is contingent on resolution of the main servicing issues.
- The proposed development is sub-threshold and does not require a mandatory EIA. The need for EIA can be excluded at preliminary examination and a screening determination is not required.

Further information report:

- The applicant has secured a wayleave to allow direct connection to the public sewer network. Uisce Eireann have not issued Confirmation of Feasibility (CoF), the water service engineer has indicated that capacity is available. The Development provided infrastructure is not necessary to service the development.
- Storm water connection is required to cater for dwellings no. 6 and 7. Storm water connection to the foul sewer is undesirable. Recommend a condition for details to be agreed.
- Concerns of the impact of proposed dwelling no. 6 on existing third-party amenity by reason of significant overbearing taking into account proximity to Lawrence Kelly Terrace. Recommends that dwelling no. 6 is omitted, and the area incorporated into the curtilage of proposed dwelling no. 7.
- Notes the mitigation measures proposed in revisions to house no. 2, including the reversal of living arrangement from first floor to ground floor, the same implemented for house no. 1 and the omission of windows to the side of the bay on upper floor house no.1.

- Concerns relating to impact of dwelling no. 4 given proximity to site boundary and amenity of adjoining existing property. Notes the agreed right of way between the property owner and applicant to accommodate the proposed sewer connection.
- Dwellings no. 4 and 5 by reason their position on the site and two storey nature will impact on the setting of Dromdihy House and its associated walled garden and should be omitted. Consideration could be given to single storey design solution as part of a separate application.
- Road/ access elements to be fundamentally upgraded as per the response to FI. This has required a greater land area than was originally shown and the applicant has indicated that they have the necessary consent/ownership to implement this revision. Third party submission received following receipt of significant FI do not dispute the ownership of the extended land area. Considers the improved road will be beneficial for the existing users of this avenue.
- Public lighting proposals satisfactory.
- Archaeological Impact Assessment submitted, reviewed and conditions recommended with respect to monitoring.
- Proposed additional SuDS measures are acceptable subject to condition.
- Revised public open space to include seating areas and small play areas is acceptable.
- Development not likely to generate any adverse traffic impacts subject to the inclusion of transport statement mitigation measures/conditions.
- Conditions to submit CEMP.
- Recommended the omission of proposed dwellings 4, 5 and 6 as there are outstanding issues relating to impact on residential amenity and heritage impacts that cannot be addressed in the subject application.
- Contribution based on permitted 4 no. dwellings.

3.2.2. Other Technical Reports

- Housing Officers report notes the council have demand for social and affordable housing in Killeagh and the unit proposed to meet the developers Part V obligation is suited to such use. No objection to planning being granted for the development.
- Public Lighting request for further information on the public lighting proposals.
- Area Engineers Report notes that there has been significant surface water flow from the existing entrance onto the L3806 applicant request to show how this is to be contained at the entrance. Water supply from mains Killeagh supply subject to IW.

Engineering Report FI the applicant has not dealt with the surface water runoff onto the L3806 Killeagh Mount Uniacke Road.

- Estates Report recommends that the applicant provides an access road and footpath of proper width for the entire length of estate road with lighting. Request details on soakaway and surface water management. The proposal of a reed bed system, pumping stations etc. is not feasible. A connection to the public foul sewer should be the only proposal.

Estates FI Report notes the provision of a widened roadway and footpath. No objection subject to conditions.

- Water Services Report (Primary) concerns raised about proposals for private pumping station and reedbed system. The applicant shall apply to IW for a confirmation of feasibility to discharge all proposed 7 no. dwellings to the public foul sewer network. Recommended amendments to wastewater infrastructure to connect to the public wastewater system.

Water Services Report FI Option 2 1291-250 Amendments removed the need for the developer provided infrastructure. Pre-connection enquiry noted but no confirmation of feasibility received to date. June 2023 Killeagh WWTP is shown as amber with potential spare capacity. A separate storm line will be required on Dromdiah Avenue to facilitate stormwater runoff. This to be agreed subject to condition (Storm drawing 1291-230). If the foul sewer is to be laid between houses 4 and 5 a 6m wayleave will be required with no permanent structures constructed within.

- Environment Report (Primary) the applicant shall submit a site-specific construction waste management plan and a site-specific surface water management plan including a layout drawing which highlights the location of silt fences and other surface water containment measures proposed for construction phase.
- Environment Report concerns about the cost/maintenance/safety issues of green roofs in a domestic setting, recommends omitting the green roof proposals. Wastewater proposals for the 5 no. dwellings (developer provided infrastructure) may be contrary to DPI policy. Developer should consider connecting the entire development to the public scheme. Feasibility of connection is required from Irish Water in respect of the 2 no. proposed houses and water supply for the entire development.
- Archaeologist Report the proposed development is large in scale (1.1ha) and adjacent to Recorded Monument CO066-40 Holy Well and CO066-79 and 80 Fulacht fia and within its Zone of Archaeological Potential. Archaeological Impact Assessment requested as further information.
- Water Services report a confirmation of feasibility of connection to the Killeagh WWTP has not been submitted. The foul sewer from house no. 7 is shown going through the site of house no. 6, each house should be individually connected to the main foul sewer on Dromdiah Avenue and shall not be laid through adjoining sites.
- Conservation Officer concerns relating to proposed houses no. 4 and 5 as they compete with the view of the protected structure and its curtilage. Single storey houses may be considered subject to separate application having regard to the prominence and proximity to Dromdihy House.
- Cork National Roads Office highlight errors in the referencing in the Transport Statement. The Transport Statement does not appear to demonstrate the existing conditions in section 2.4 or existing traffic count. Suggested mitigation measures within section 5 and 6 relating to the construction stage should be conditioned. A condition restricting construction deliveries at am & pm peak, would be beneficial in terms of safety at this junction.

3.3. Prescribed Bodies

Uisce Éireann further information required to determine feasibility of a connection though the submission of a pre-connection enquiry (PCE) and confirmation of feasibility (COF) must be submitted to the planning department as the response to this further information request with respect to public water/wastewater infrastructure.

Uisce Éireann FI report states that stormwater drains shall not connect to the public foul sewer. The applicant should provide a new stormwater layout drain for Dromdiah Avenue with house no. 6 and house no. 7 showing a connection to the public storm line. There is a public storm line in the vicinity of the proposed development. The revised indicative drainage plan still proposes a private common drain to the south of the properties 1 to 5. A new foul sewer layout drawing showing a public sewer on the main road to the north of the property with individual connects to the main line is required. If the foul sewer is to be laid between houses nos. 4 and 5 a 6m wayleave will be required with no permanent structures constructed within.

Transport Infrastructure Ireland (TII) consider the proposal development at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) as the site of the proposed development is located within an area considered for a future national road scheme. The proposed development could prejudice plans for the design of this scheme and hence the application is premature pending the determination of this route. The proposed development is within Midelton to Youghal roads scheme constraints study area.

3.4. Third Party Observations

A total of 9 no. third party observations were received by the planning authority from the following:

Declan Lee, Paudrig Lee, Vincent Lucey, Anthony Sheehan, Malcolm and Bridget Sparrow, Paul Fitzgerald, Malachy McCarthy, Julie Sheehan, Claire and Nelly Long,

In summary the key issues highlighted in the third-party submissions include:

Impact on established residential amenity

- Overlooking onto existing properties on Lawrence Kelly Terrace and properties to the south
- Overshadowing of property (Dromdihy) living spaces by proposed house no. 6 and 7 and overlooking.
- Boundary proposals of timber not acceptable.

Site servicing and flooding

- Potential for flooding from water run-off onto adjacent properties.
- Existing deficient water supply in Killeagh village (PL04.311042) works to address same only by 2027.
- Unsuitable ground conditions for on-site treatment.
- Engineering report 5.2.1 indicates that the COF and SODA has not yet been attained for the proposed development.
- Existing private well at Dromdiah Lodge.

Traffic movements and safety

- Transport Statement submitted suggests that speed humps. Concerns raised about noise impacts from traffic calming measures proposed on the L3806.
- Deficiencies at the access junction, poor sightlines and the proposed development may result in queuing of traffic/congestion, potential use of a different access further up Mount Uniacke Road (L3806) which appears to be a safer option.
- This application is a stepping stone to developing adjoining lands (shown in blue) which will lead to more traffic congestion.
- Noise impacts of vehicle movements, at both construction stage and occupation.

Historic Landscapes and Architectural Heritage

- Previous planning applications (17/7422 and 20/4151) refused by reason that the development would be determinantal to the curtilage of Dromdihy House (protected structure RPS 00408).

- The proposed development is within the curtilage of protected structures and the application details indicates that it is not. Concerns raised about validity of application.
- Proposed materials to be used do not complement or respect their landscape setting as suggested in the Architectural Design Statement.
- Development Plan section 16.3.27 Historic Landscapes seeks to protect such landscapes.
- An Archaeological Impact Assessment would need to be carried out.
- Development required to be sensitive to adjoining Architectural Conservation Area.
- Proposals to widen the historic avenue to facilitate this development and future development would remove the historic limestone drains and take away from the vernacular aspect of the area as a whole.
- Large ash tree at far north of the proposed site to be kept and preserved along with the large stand of mature ash trees south/west of this vista which houses a rookery.

Miscellaneous

- Dromdiah Lodge is omitted from application drawings.

Further third-party submissions following FI:

Declan Lee seeking clarification with regard to the upgraded access road and surface water drawings.

Malcom and Bridget Sparrow concerned that the proposed development of 5 no. two storey houses will visually impact on the protected structure Dromdihy House from the Youghal Road, by reason of their size.

Paul Fitzgerald concerned regarding overlooking and risk to their property from proposed boundary treatment.

Malachy McCarthy concerned about the impact on flooding in Killeagh village.

4.0 Planning History

Within the application site (red line) northern section (larger area).

Planning register reference: 06/11601 Outline planning permission refused to Michael Murphy (December 2006) for a dwelling house and garage.

Within the application site (red line) southwest section (smaller area).

Planning register reference: 06/6205 Planning permission was refused to John Lawton (June 2006) for the construction of a dwelling house and garage.

Planning register reference: 06/7258 Planning permission was refused to Cathy Kelly (July 2006) for the construction of a dwelling house.

In lands northeast of the subject site (within blue line)

Planning register reference: 20/4151 Planning permission was refused to Andrew Walsh and Ciara Tattan (March 2020) for the construction of a new part storey and a half, part single storey dwelling house, detached garage, new site entrance driveway, septic tank system and percolation area including all associated site works at Dromdihy, Killeagh, Co. Cork.

Reason:

It is considered that the proposed development by virtue of its sensitive elevated location will have a significant negative visual impact on Dromdihy House and stables (a protected structure RPS I.D. 00408) and the sensitive landscape associated with its curtilage. It is therefore considered that the proposed development, if permitted, would be contravene policies HE 4-1 & 4-2 of Cork County Development Plan and therefore be contrary to proper planning.

Lands adjacent (southeast) to the smaller site area

Planning register reference 21/6351 (ABP-311951-21) Retention permission granted to Louise Keniry (March 2022) for the existing single storey dwelling, garden shed, internal retaining wall, site entrance and all associated works as constructed at Dromdihy, Killeagh, Co. Cork.

- **Dromdihy House**

Planning register reference: 19/6774 Planning permission was granted to Malcom and Bridget Sparrow (June 2020) for alterations and extension of Dromdihy coach house and restoration of adjacent outbuildings within the curtilage of Dromdihy House to include the sub-division of existing 2 no. unit coach house to form 3 dwelling units and new domestic wastewater treatment system.

Planning register reference: 19/5127 Planning permission was granted to Malcolm and Bridget Sparrow (August 2019) for the adaption and conservation of ruinous structure to provide a new two storey over basement house. Provision of new gate and piers to existing entrance to the L3806. Ancillary site works including the provision of new patent wastewater treatment system and polishing filter at Dromdihy House a protected structure and recorded monument.

Planning register reference: 15/6502 Planning permission was granted to Sinead Ni Chionaola (April 2016) for the enlargement of existing site entrance and construction of a new entrance roadway.

- **Water Storage**

Planning register reference 20/6525 (ABP-311042-21) Planning permission granted to Irish Water (February 2022) for the construction of a new treated water storage tank consisting of a 14.7m diameter precast concrete tank along with ancillary structures, parking area and new access point onto the public road.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The subject site is located within the development boundary of Killeagh. Killeagh is a serviced and designated 'Key Village' in the South Cork (Carrigaline, Cobh, East Cork and Macroom Municipal Districts) area within the Greater Cork Ring Strategic Planning Area. The central core of Killeagh is designated as an Architectural Heritage Area (ACA) located along the Midleton to Youghal Greenway.

The population target for the plan period is 1,150 (96 no. houses) up to 2028 based on the 2016 population of 899.

3.9.1 Vision and Context: The vision for Killeagh is to realise the potential and value of its heritage and amenities, to promote regeneration and expansion of the

village core and to encourage a more moderate rate of residential development in keeping with its role as a key village located on the Atlantic Corridor.

Paragraph 3.9.5 It is considered that there is a sufficient amount of land within the development boundary to accommodate this scale of development. During the life of this plan, development will focus mainly on lands close to the village centre. New residential developments should be well integrated with the existing village and allow for easy and safe access to the centre and main facilities by foot and bicycle. Development which utilise brownfield sites should be prioritised. The scale and form of development will be very much dependant on improvements to the village's infrastructure including the provision of a new water supply scheme and completion of the Killeagh bypass to the south of the village which will alleviate the congestion currently experienced in the village.

DB-01 Within the development boundary of Killeagh encourage the development of up to 96 houses during the plan period.

DB-02 The green infrastructure, biodiversity and landscape assets of Killeagh include its hedgerows, mature trees, woodlands, and other habitats. New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity.

DB-03 All proposals for development within areas identified as being at risk of flooding will need to comply with relevant objectives in Chapter 11 'Water Management'.

3.9.20 A wastewater treatment plant has been constructed on a site to the east of the village centre and is currently accessible through an existing housing estate. The current capacity allows for headroom of 1,350 PE.

Protected Structures in the vicinity of the site:

- Protected Structure (RPS. 408) Dromdihy House (Dromdiah House), Dromdihy, Killeagh – NIAH Reg. No 20829001 Prominently sited the house...a significant and imposing feature in the landscape.

- Protected Structure (RPS. 574) Thatch House located opposite the entrance to Dromdihy avenue.

Recorded archaeological sites in the vicinity of the subject site:

- Ritual site - Holy Well CO066-040 'Farrell's Well'
- Burnt Mound CO066-079
- Burnt Spread CO066-080

County Development Plan Objective PL 3-1: Building Design, Movement and Quality of the Public Realm (excerpt)

e) new buildings should provide for high quality, local material choice and the design shall draw on the local architectural language of place and reinterpret these in a contemporary manner.

County Development Plan Objectives HE 16-14: Record of Protected Structures (excerpt)

e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.

f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.

g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.

County Development Plan Objectives HE 16-20: Historic Landscapes)

a) Recognise the contribution and importance of historic landscapes and their contribution to the appearance of the countryside, their significance as archaeological, architectural, historical and ecological resources.

b) Protect the archaeological, architectural, historic and cultural element of the historic/heritage landscapes of the County of Cork.

c) All new development within historic landscapes should be assessed in accordance with and giving due regard to Cork County Councils 'Guidance Notes for the

Appraisal of Historic Gardens, Demesnes, Estates and their Settings' or any other relevant guidance notes or documents issued during the lifetime of the Plan.

Paragraph 3.3.80 N25 Midelton to Youghal

5.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)
- Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

5.3. Other relevant guidance

Architectural Heritage Protection Guidelines for Planning Authorities (2011)

Guidance Notes for the Appraisal of Historic Gardens, Demesnes, Estates and their Settings – An Action of the County Cork Heritage Plan 2005/2010 Cork County Council.

Design Manual for urban Roads and Streets -DMURS (2019)

Urban Design Manual – a best practice guide (2009)

5.4. Natural Heritage Designations

Proposed Natural Heritage Area: Ballyvergan Marsh (Site Code 000078) approximately 5km to the east of the subject site.

Special Protection Area: Ballymacoda Bay SPA (Site Code 004023) is approximately 5.2 km southeast of the subject site. Proposed Natural Heritage Area: Ballymacoda (Clonpriest and Pillmore) (Site Code 000077) and Special Area of Conservation: Ballymacoda (Clonpriest and Pillmore) (Site Code 000077) SAC is within 5.5km southeast of the subject site.

5.5. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. An EIA screening determination or an EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal can be summarised as follows:

- Request that Condition no. 1 is amended to reinstate proposed dwellings nos. 4, 5 and 6 thereby permitting all 7 dwellings.

Proposed dwellings no's 4 and 5

It is contended that View 4 is the critical view of the proposal in the context of the curtilage of Dromdihy House and the proposed development demonstrates the success of the mitigation measures employed in the design namely, the restricted number of units proposed (5 units), the clustering of houses to the southernmost end of the site, the low-profile roof form reducing the overall height of the houses, and the external palette of materials used. The proposed development reads as modest and appropriate extension to the built form of the village itself, visually distinct from the protected structure and its setting. The visual impact of proposed dwellings no. 4 and 5 is minor and does not diminish the setting or significance of the protected structure.

Proposed dwelling no. 6

Refers to previous decision ABP311951-21 to grant permission for a single storey dwelling on lands adjacent to the subject site. No concerns were raised regarding the scale, location or separation distance of the proposed dwelling from the existing neighbouring property below nor any concerns that the building might be overbearing. Recommendations of the inspector related to

the reduction of the boundary wall and regrading of the garden area. The difference in the floor levels in this subject appeal will be greater (5.4m rather than 3.8m) however the overall ridge height is similar (11m rather than 10.3) Separation distance of 6.5m minimum to the boundary and 23m to the nearest house (18m to the back of the single storey rear extension). It is considered that development will have significant overbearing impacts.

- Request that Condition no. 14 is removed that requires all properties to be individually connected to the proposed foul sewer. This condition is onerous and does not reflect Uisce Éireann's views in relation to the proposed wastewater connection to the rear of the properties. Uisce Éireann in this COF outline that the proposed connection method via backyard sewer for part of the development will not be taken in charge by Uisce Éireann as part of any future connection agreement and that Uisce Éireann will have no obligation to maintain or operate infrastructure prior to connection to the public wastewater network on L3806. This condition would by reason of the site constraints (e.g. ground levels, topography) result in additional costs that would impact the viability of the scheme.

6.2. Planning Authority Response

- Report submitted from the Executive Engineer with respect to condition no. 14 noting that the applicant received a PCE (Pre-Connection Enquiry) from Uisce Éireann CDS 23006407 based on the applicants originally submitted plans – Indicative drainage plan – Drawing no. 201 Rev:3.
- Uisce Éireann have confirmed that they will not take in charge the foul sewer if it is laid as a back yard service. The location of the proposed foul sewer backyard services is very close to a creche and other private properties to the south. If an issue was to occur with the foul sewer and given the topography of the land there is potential for public health nuisances and property flooding, if the sewer isn't maintained and operated correctly.
- The applicant submitted alternative indicative drainage plan – option 2 – Drawing no. 250 which shows each property with their own connection to the public foul sewer on the roadway and through the wayleave would be maintained and operated by Uisce Éireann as the water services authority.

This option provides clarity of responsibility and avoids disputes and confusion as to ownership/responsibility of pipework.

- The proposed foul sewer as a backyard service may be easier in the short term to construct but it may lead to larger operational and maintenance problems in the long term.
- When constructing a new development, the foul services should be constructed in a manner which they can be taken in charge by Uisce Éireann to operate and maintain which will remove the burden from the householder. Condition no. 14 should remain.

6.3. Observations

One observation received from Paul Fitzgerald:

- Concerns regarding overbearing, overlooking and serious loss of privacy to their property if house no. 6 were to be permitted.

7.0 Assessment

- 7.1. The subject site is located within the development boundary of Killeagh Village on unzoned lands within the original demesne of Dromdihy House and Stables (protected structure 00408). Taking into account the vision for Killeagh which seeks to realise the potential and value of its heritage and amenities, to promote regeneration and expansion of the village core and to encourage a more moderate rate of residential development in keeping with its role as a key village located on the Atlantic Corridor I am of the opinion that the proposed development of residential dwellings on lands within the development boundary of Killeagh is acceptable in principle. The proposed development accords with development plan objective DB-01 to encourage the development of up to 96 houses during the plan period within the development boundary of Killeagh.
- 7.2. I acknowledge that this first party appeal is against condition no. 1 and condition no. 14 of the planning authority's decision to grant permission. Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the reports of the local authority and having inspected the site, and having regard to the relevant local, regional, national policies

and guidance, I consider that the determination of the application 'de novo' is warranted having regard to the nature of the conditions in accordance with section 139 of the Planning and Development Act 2000, as amended.

Therefore, the substantive issues in this appeal to be considered are as follows:

- Visual Impact and Architectural Heritage Impact
- Residential Amenity
- Site servicing
- Other – TII prematurity (New Issue)

7.3. Visual Impact and Architectural Heritage Impact

- 7.3.1. Condition 1 of the planning authority decision omitting proposed houses no. 4 and 5 is based on visual impact and architectural heritage impact concerns. I am of the opinion that the visual impact and architectural heritage impact of all five proposed two storey dwellings (nos. 1-5) at this section of the subject site, in conjunction with proposals to widen the laneway access, warrant consideration as a whole given the interrelated aspects of the proposed dwellings and provision of suitable access to same.
- 7.3.2. The submitted Architectural Design Statement highlight that Dromdihy Country House and Stables (RPS No. 00408) was '*approached originally from the south by way of a long sweeping drive starting close to the village which swept through an initial wooded area, through an open green area, on past walled garden and up to the house and coach house behind... The lower half of the former grounds are no longer in ownership of house and the former wooded area at the driveway entrance has been developed in the 20th century as an extension to the settlement of the village...clearly the site was originally within the curtilage of the house an integral part of the landscape it occupied and proximate to the entrance driveway*'. It is contended by the applicant that '*the site in question is no longer an integral part of the setting and context of the protected structure and its curtilage*'.
- 7.3.3. I do not agree with the view expressed in the Architectural Design Statement that the site in question is no longer an integral part of the setting and context of the protected structures. I acknowledge that a new entrance has been created to serve

Dromdihy House (see planning history 4.0) and that the subject site is in separate ownership I am, nevertheless, of the view that the subject site could reasonably be understood as remaining within the attendant grounds of the protected structure taking into account the demesne features of Dromdiah Avenue and historical relationship of the entrance gateway to the country house.

- 7.3.4. I note in the initial planners' report that the Conservation Officer expressed reservations that any development could be accommodated on these lands having regard to the potential impact on Dromdihy House. The planner's report highlights that the site has been retained as part of the Killeagh development boundary as such there is an imperative to consider some form of development on these lands. Revisions were made to the initial development concept following pre-application consultation stage to reduce the number of units from an original proposal of 13 no. units to 7 no. units in response to pre-planning advice from the planning authority and conservation officer. During its assessment the planning authority, due to time constraints preventing a request for clarification of further information, were restricted in requesting further revisions to the proposal and decided to omit proposed house no. 4 and house no. 5 by condition in response to remaining concerns raised by the Conservation Officer that these units compete visually with the view of the protected structure and its curtilage (referencing View 4 of the photomontages submitted).
- 7.3.5. Having regard to the prominence of the subject site's elevated levels and the openness of the landscape of this part of the application site I would agree with the conservation officer that a sympathetically scaled proposal of single storey dwellings may be more appropriate to protect this sensitive landscape. The contemporary design proposed (for dwellings no. 1-5) whilst providing a low profile does create a certain horizontal emphasis which appears disparate to the local architectural language of Killeagh and not in accordance with County Development Plan Objective PL3-1: Building Design, Movement and Quality of the Public Realm.
- 7.3.6. Contextual site sections (Section M-M and N-N Drawing no. 200902-RFI-003) demonstrate sightlines from ground and first floor rooms on the southeast (front elevation) of Dromdihy House towards the application site. The applicants confirm in cover letter submitted with these contextual site sections that the proposed houses will be visible from at least the upper floor of Dromdihy House at this oblique angle. From my site inspection the proposed loss of the screening provided by trees and

hedgerows along the avenue will further amplify the visibility of dwelling nos. 1-5 from Dromdihy House, as detailed in 7.3.7.

7.3.7. Notwithstanding the above considerations relating to the proposed houses, I wish to highlight to the Board that an integral issue to the provision of additional housing along Dromdihy Avenue is the suitability of the avenue to accommodate additional vehicular and pedestrian movements. I acknowledge that this issue has not been raised in the grounds of appeal or in the observation received but I consider the proposal to widen the existing avenue to 5.5 metres and the provision of a 2m wide footpath, as requested by the planning authority at further information stage to accommodate the additional traffic movements, will significantly impact upon the existing established trees and woodland character of the avenue. I am of the view that the assessment of the impact of these proposed works has not sufficiently addressed the impact on the biodiversity and landscape assets of Killeagh in accordance with development plan boundary objective for Killeagh DB-02. The proposed landscape plan (Drawing no. 200902-RFI-005 and Drawing no. 200902-PL-030) and the Road Widening (drawing 100 Rev. E) do not clearly identify all of the mature trees and dense hedgerow along the existing laneway, particularly those along the eastern edge which acts as a significant visual screen of the existing houses developed within the wooded section of the subject site. The visibility of the proposed 5 no. dwellings will be further exaggerated by what appears will be a significant loss of mature trees and hedgerows to accommodate the widening of the avenue and footpath provision. I am of the opinion that the submitted photomontages particularly in view 3 and view 4 which include the trees and hedgerow along the avenue do not accurately reflect what the proposed development, including the works required to widen the avenue, would look like.

7.3.8. Therefore, on conclusion on this point I am of the view that the proposed development of the 5 no. two storey dwellings, by reason of its uncharacteristic design which appears disparate to the local architectural language of Killeagh and by virtue of its sensitive elevated location, would have a significant negative visual impact on Dromdihy House and stables (a protected structure RPS I.D. 00408) and the sensitive historic landscape associated with its curtilage and attendant grounds. It is therefore considered that the proposed development, if permitted, would be contravene policies HE 16-14 of Cork County Development Plan, HE 16-20 and

therefore be contrary to proper planning and sustainable development of the area. I recommend that a refusal is warranted on this basis.

7.4. Residential Amenity

- 7.4.1. With respect to proposed house no. 6, I concur with the planning authority that given the level difference, of finished floor levels of approximately 5.5 metres between the existing property on Lawrence Kelly Terrace and the proposed house no. 6, and proximity of the dwelling to the shared boundary with Lawrence Kelly Terrace of less than 7 metres that there will be an adverse impact upon established residential amenities by reason of an overbearing impact on existing rooms and private amenity space to the rear of the houses on Lawrence Kelly Terrace.
- 7.4.2. I note the previous decision by the Board to grant retention permission (ABP 311951-21), as highlighted by the first party appellant. I do not consider that this decision is comparable given the subject site sits approximately two metres higher than that of the referred to case and the proposed development is three metres closer to the shared boundary. From my site inspection the level difference between the permitted house (ABP 311951-21) and the proposed is of significance in the context and the proposed house no. 6 will appear overly dominate and overbearing in this context.
- 7.4.3. Taking into account the issues raised with respect to the significant element of the subject application i.e. the 5 no. houses, as set out in section 7.3 of my report, and the impact on established residential amenities of the proposed house no. 6 I am of the view that these issues must be responded to comprehensively in conjunction with any proposals to widen/alter the avenue. As such, I am of the view that it would not be appropriate to recommend a grant of permission for house no. 7 in isolation.

7.5. Site servicing

- 7.5.1. The first party appellant seeks that condition no. 14 is removed by reason that it does not reflect Uisce Éireann's views in relation to the proposed wastewater connection to the rear of the properties and would, due to the site constraints such as topography, result in costs which may impact the viability of the scheme. Having reviewed all the documentation on file I note that a copy of the 'Confirmation of Feasibility' is not included to verify in full the stated views of Uisce Éireann. Nevertheless, in their submission following receipt of FI it is clear that it was their recommendation for a new foul sewer layout drawing showing a public sewer on the

main road to the north of the property with individual connections to the main line is required.

- 7.5.2. Details of revised servicing arrangements for the site are contained in Hegsons Design Consultancy Ltd. Engineering Design Report – September 2023, these proposals include a foul sewer running along the rear of the 5 no. proposed dwellings and then exiting the land adjacent to the access road over agreed easement area to outfall in the public manhole within the road. The other 2 no. proposed dwellings (Nos. 6 and 7) are proposed to connect individually to the existing combined sewer within the existing access road. I acknowledge that there is no issue with respect to the plans for wastewater with respect to houses no. 6 and 7 from either party.
- 7.5.3. A report received in response to the appeal from the local authority's executive engineer sets out a clear rationale for the application of condition 14, to ensure that each property (dwelling no. 1-5) have their own connection to the public foul sewer. I concur with Cork County Council's engineer in that clarity of responsibility for the foul pipework servicing the development is critical in terms of ensuring proper management and maintenance of same to avoid public health nuisances and flooding. Taking into account the proximity of existing public foul services and the capacity of same I recommend that a condition to similar effect to condition no 14 be attached in the event of a grant of permission.
- 7.5.4. Reference is made by the executive engineer to 'Indicative Drainage Plan – Option 2 – Drawing number 250' as showing the correct connection route. I note the snipped image of this drawing in their submission but highlight to the Board that this drawing is not included in the case file. This drawing was requested from Cork County Council and email received on the 20 September 2024 confirmed that there is no drawing numbered 250 as part of the planning documentation.
- 7.5.5. Notwithstanding this drawing not being on file, I consider that this issue could be addressed by condition in the event that the Board is minded to grant permission.
- 7.6. *Other – TII prematurity (New Issue)*
- 7.6.1. The planner's report at both initial stage and following receipt of further information does not address the submission received from Transport Infrastructure Ireland (TII) received on the 23 October 2023. The TII have raised issues in respect to prematurity of the development proposed given the site of the proposed

development is located within an area considered for a future national roads scheme (Midleton to Youghal). No further details are provided to illustrate the extent of the subject site that is within the roads scheme constraints study.

- 7.6.2. Paragraph 3.3.80 of the development plan notes that improvements and upgrades to the N25 Midleton -Youghal sections of the corridor are planned but are currently suspended pending the availability of funding. The development plan viewer illustrates the indicative route to the south and southeast of the subject site and Killeagh village. I note that the report received from the Cork National Roads Office indicates that there are no observations in terms of the N25 Midleton to Youghal Transport Project.
- 7.6.3. In light of the limited information available to me on the case file with respect to the future roads scheme I do not consider there to be sufficient detail to justify a recommendation for refusal on this basis. As above, if the Board is minded to grant permission further information should be sought from TII and Cork National Roads Office.

8.0 AA Screening

- 8.1. *Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)*
- 8.1.1. I have considered the proposed development of seven residential units (5 no. two storey and 2 no. single storey) in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.1.2. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Cork County Council as part of their planning assessment and requirement for Appropriate Assessment screened out having regard to the scale and nature of the proposal and the lack of any physical or hydrological connection between the development site and any European site.
- 8.1.3. A detailed description is presented in Section 2.0 of my report. In summary, the proposed development site is a greenfield site within a former demesne of Dromdihy House and Stables (A protected structure 00408) located within the designated

development boundary for Killeagh, surrounded by housing, retail, roads and green space in the immediate vicinity. The development will comprise of the construction of seven no. houses with associated car parking and an area of public open space. Water and waste will be connected to local public services.

- 8.1.4. There are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The River Dissour runs to the south of the subject site.

8.2. *European Sites*

- 8.2.1. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two of European sites are located within 6 kilometres of the potential development site.

- Special Protection Area: Ballymacoda Bay SPA (Site Code 004023) is approximately 5.2 km southeast of the subject site.
- Special Area of Conservation: Ballymacoda (Clonpriest and Pillmore) (Site Code 000077) SAC is within 5.5km southeast of the subject site.

- 8.2.2. The most western boundary of Ballymacoda Bay SPA (Site Code 004023) is within 5.2 km southeast of the subject site. This coastal site stretches north-east from Ballymacoda to within several kilometres of Youghal, Co. Cork. It comprises the estuary of the Womanagh River, a substantial river which drains a large agricultural catchment. Part of the tidal section of the river is included in the site and on the seaward side the boundary extends to, and includes Bog Rock, Barrel Rocks and Black Rock.

- 8.2.3. Ballymacoda (Clonpriest and Pillmore) (Site Code 000077) SAC encompasses an area north-east from Ballymacoda to within about 6 km of Youghal, Co. Cork. Though moderate in size, it has a good diversity of coastal habitats, including several listed on Annex I of the E.U. Habitats Directive.

- 8.2.4. Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Ballymacoda Bay SPA and Ballymacoda (Clonpriest and Phillmore) SAC.

European Site	Qualifying Interests	Distance	Connections
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	(summary)		
Special Protection Area: Ballymacoda Bay SPA (Site Code 004023)	<p>Wigeon, Teal, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Common Gull and Lesser Black-backed Gull.</p> <p>The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds.</p> <p>Wetland and Waterbirds.</p>	5.2 km	No direct
Special Area of Conservation: Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	5.5 km	No direct

8.3. *Likely impacts of the project (alone or in combination)*

- 8.3.1. Due to the enclosed nature of the development site and the presence of urban development between the subject site and the River Dissour, I consider that the proposed development would not be expected generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.
- 8.3.2. The proposed development would not have direct impacts on any European site.
- 8.3.3. During site clearance, construction of the proposed residential dwellings and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.
- 8.3.4. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to Ballymacoda Bay SPA and Ballymacoda SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

8.4. *Likely significant effects on the European sites in view of the conservation objectives*

- 8.4.1. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

8.5. *In combination effects*

- 8.5.1. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.
- 8.5.2. No mitigation measures are required to come to these conclusions.

8.6. *Overall Conclusion - Screening Determination*

- 8.6.1. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Ballymacoda Bay SPA, Ballymacoda (Clonpriest and Phillmore) SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.6.2. This determination is based on:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
 - Distance from and weak indirect connections to the European sites
 - The conclusions of the planning authority.

9.0 **Recommendation**

I recommend that permission is refused for the following reasons and considerations set out below:

10.0 **Reasons and Considerations**

1. Having regard to the sensitive elevated location the proposed development by reason of its scale, uncharacteristic design distinct from the local architectural

language of Killeagh, and the associated access road requirements would materially and adversely affect the character and setting of Dromdihy House, and stables (a protected structure RPS I.D. 00408) and the sensitive historic landscape associated with its curtilage and attendant grounds. It is therefore considered that the proposed development, if permitted, would seriously injure the amenities of the area, contravene policies HE 16-14 of Cork County Development Plan, HE 16-20 of the Cork County Development Plan and, therefore, be contrary to proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Claire McVeigh
Planning Inspector

07 October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318716-23		
Proposed Development Summary	Construction of seven no. dwelling houses, comprising five no. two storey houses and two single storey houses, drainage works together with associated site works.		
Development Address	Dromdihy, Killeagh, Co. Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No			
Yes	√	Class/Threshold Part 2, Schedule 5 (Class 10 (a)) Construction of more than 500 dwelling units.	Proposal is significantly below threshold.
			Conclusion
			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318716-23	
Proposed Development Summary	The proposed development comprises the construction of seven no. houses, 5 no. two storey and 2 no. two storey, drainage works together with associated site works.	
Development Address	Dromdihy, Killeagh, Co. Cork.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located in Killeagh village within the designated development boundary.</p> <p>Killeagh is a zoned serviced settlement, the proposed development is not exceptional in the context of the existing environment.</p> <p>No significant waste, emissions or pollutants are likely.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The proposed development comprises 7 no. dwellings and amenity open space. The size of the development is not exceptional in the wider context of the existing built-up environment.</p> <p>There is no real likelihood of cumulative effects with other existing and/or permitted projects.</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>There are no ecologically sensitive locations in the vicinity of the site. The nearest European sites are the Special Protection Area: Ballymacoda Bay SPA (Site Code 004023) is approximately 5.2 km southeast of the subject site. Special Area of Conservation: Ballymacoda (Clonpriest and Pillmore) (Site Code 000077) SAC is within 5.5km southeast of the subject site.</p> <p>The subject site sits within the former demesne of Dromdihy House and stables (RPS 00408), I have identified concerns relating to adverse impacts on the character and setting of Dromdihy House and stables (a protected structure RPS I.D. 00408) and the sensitive landscape associated with its curtilage and attendant grounds in my assessment. These concerns however would not be considered to trigger EIA for same.</p> <p>The proposed development is not likely to have the potential to significantly affect other significant environmental sensitivities in the area.</p>	No
<p style="text-align: center;">Conclusion</p> <p>There is no real likelihood of significant effects on the environment in terms of the nature, size and location of the proposed development and having specific regard to the criteria set out in Schedule 7 of the P&D Regs 2001 (as amended).</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)