



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318728-23

#### Development

Development of three houses and one existing house, widening of vehicular access, new private access road, new site curtilage of existing dwelling and associated site works.

#### Location

Moneygourney, Douglas, Cork

#### Planning Authority

Cork City Council

#### Planning Authority Reg. Ref.

22/41640

#### Applicant(s)

Michael Nolan

#### Type of Application

Permission

#### Planning Authority Decision

Refuse permission

#### Type of Appeal

First Party

#### Observer

Desmond O'Sullivan

#### Date of Site Inspection

15<sup>th</sup> March 2024

#### Inspector

John Duffy

## **1.0 Site Location and Description**

- 1.1. The site with a stated area of 0.467 hectares is located in the south eastern environs of Cork city in an area to the south of Rochestown and to the east of the N28. The site comprises part of the sizable front private amenity space associated with the host property, a large, detached two storey dwelling. The site has frontage onto a local road known locally as the Ballyorban or Moneygourney Road that was moderately trafficked during my site inspection. The road is characterised largely by ribbon development and agricultural lands. There is a bend in the road south of the double entrance to the subject site and the neighbouring property to the south.
- 1.2. The front gardens of the host property adjoin the well-screened southern boundary of the site, beyond which there is an adjoining detached dwelling. Further south of the appeal site on the same side of the road there is a relatively new residential development at Foxwarren. Beyond the site boundary to the north, which is also well screened by hedging, there is a detached house on a large plot. Further north, also on the western side of the public road there is a cluster of 4 houses at Ard na Muine.
- 1.3. The road has a number of bends and there are no public footpaths or public lighting at this section of the road. The appeal site is within the 60 kph speed limit zone. The lands proposed for development within the red line boundary as denoted on the site location map adjoin lands accommodating the host property to the west. Lands further west of the host property are in agricultural use.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
  - (i) A private residential development consisting of 3 no. new dwellings and one existing dwelling
  - (ii) All associated ancillary development works including widened vehicular access from the public road, a new private access road, drainage, landscaping, new site curtilage of existing dwelling and associated site works.

Segregated vehicular and pedestrian entrances to the site from the front boundary are proposed. A 1.5 m wide internal footpath and a 5 m wide internal access road runs to the front of the three sites as far as the boundary with the host property. A 2 metre

wide landscaping strip lies as a buffer zone between the internal access road and the path. A turning area is provided at the south-west corner of the site.

Site 1 nearest the public road will accommodate House Type B (237 sqm), while adjoining sites 2 and 3 will each accommodate House Type A (242 sqm). Each proposed house is a 4 bedroom / 7 person unit and comprises two volumes, one single storey and the second of two storey design. Pitched roof ridge heights are c 8.1 m; external finishes comprise slate roofs and a combination of local stone and plastered finish for the external walls.

Internal boundaries for each of the three sites shall comprise timber post and rail fences along with beech hedging behind for screening. It is proposed to retain the existing hedgerow at the northern boundary. A new boundary comprising native Irish planting shall be established between the host property and the proposed development.

It is proposed that the existing front hedgerow boundary would be replaced with a 1 m high stone clad wall with railings on top; a beech hedge is to be planted inside this boundary to provide screening.

The application is accompanied, inter alia, by:

- Planning Civil Engineering Report
- Planning Report
- Design Note – Sightline Review

The Further Information submission is accompanied, inter alia, by:

- Planning Report / Response
- Road Safety Audit: Stage 1 / 2
- Schedule of Accommodation

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority refused permission on the 29<sup>th</sup> November 2023 for one reason, as follows:

1. The Planning Authority is not satisfied, based on the information provided, that sufficient sight lines are achievable at the proposed vehicle entrance to serve the proposed development. It is considered that the proposed development would endanger public safety by reason of traffic hazard because forward visibility (when travelling from north to south and turning right into the development) has not been sufficiently provided. The proposed development would not therefore be in accordance with the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The first report of the area planner notes the site's planning history, the policy context, reports received and third party submission made in respect of the planning application. The principle of the proposed development is considered acceptable given the residential zoning of the site. The report considers the site could more comfortably accommodate two new dwellings, which would better reflect the pattern of development, receiving environment and character of the area. The proposed design is broadly acceptable; accommodation is deemed to be of good standard in terms of size and access to daylight and outlook although a schedule of compliance with relevant standards should be sought. In terms of public open space provision, it is considered that sufficient amenity for the proposed units is provided for within the plots and as such there is no requirement for public open space. Proposed boundary treatments should retain as much natural screening as possible. Reference made to internal reports received and issues raised therein. The report recommends that six items be addressed by way of a further information request as follows:

1. Provision of revised drawings to reflect the following:

- (i) Omission of proposed dwelling closest to the public road (Site 1)
- (ii) An updated landscaping plan showing retention / enhancement of existing natural boundaries
- (iii) Site layout plan to accurately show ground floor plans of House Type A
- (iv) Details of existing internal road access to be included on existing site layout plan

- (v) Updated elevation drawing of the site from the public road
- 2. Submit revised details / drawings showing (i) details of pedestrian connectivity including tie-in details to the existing pedestrian network, (ii) Sightlines for right turning vehicles from the north which have to cross the live lane coming from the south, (iii) Speed limit at proposed entrance is 60 km/hr and as such all drawings / sightlines to be amended accordingly.
- 3. Provision of a Housing Quality Assessment to demonstrate compliance with 'Quality Housing for Sustainable Communities' (2007).
- 4. Undertake a stage 1 / 2 Road Safety Audit at the entrance to the proposed development
- 5 (i) Submit detailed drainage drawing showing the drainage arrangement at the entrance. This should show a large aco channel and gullies to ensure no water run-off from the site onto the public road. Drawing to also show proposed connection of surface water system to a location close to existing drainage road crossing. (ii) Agreement of connection to foul line.
- 6. Outcome of pre-connection enquiry with Uisce Eireann to be submitted.

The area planner's second report assesses the further information responses received along with the internal reports relating to these responses. The report recommends refusal of permission for the reason set out at section 3.1 above.

### 3.2.2. Other Technical Reports

Urban Roads and Street Design Section: The first report recommends further information is sought in connection with tie-in details to the existing pedestrian network of the proposed pedestrian provision along the development frontage. The second report from the Area Engineer notes this issue is addressed under Item 2(a) of the Further Information response received on 3<sup>rd</sup> November 2023.

Drainage Division: No objection subject to conditions

Environmental Waste Management and Control: No objection subject to conditions

Contributions Reports: No objection subject to inclusion of a Section 48 contribution condition

Housing and Community Directorate – Proposal is exempt from social / affordable obligations under Part V

Traffic: Regulation and Safety Report – The first report recommends a stage 1 / 2 Road Safety Audit is carried out on the entrance to the proposed development having regard to the proposed increase in vehicular use, two entrances side-by-side, the nearby bend in the road and the speed limit, and also that any recommended changes are to be implemented in the design. The second report expresses satisfaction with the submitted Road Safety Audit and records no objection subject to conditions.

Area Engineer – The first report recommends further information is sought as detailed under Items 2 and 5 as set out in the further information request as set out in Section 3.2.1 above. The second Area Engineer's report recommends refusal on the basis of traffic hazard at the site entrance. The report notes obstructions in terms of utility poles and signage when travelling north to south turning right into the development and as such forward visibility is not sufficient.

### **3.3. Prescribed Bodies**

Uisce Éireann – No objection subject to conditions

Inland Fisheries Ireland (IFI) – Report notes that it is proposed to dispose of effluent to the public sewer. Requests that the local authority or Uisce Éireann signifies there is sufficient capacity in this regard.

### **3.4. Third Party Observation**

One third-party submission was received by the Planning Authority in respect of the proposed development. The main issues raised are set out as follows:

- The proposed development of 3 houses constitutes extreme densification
- The proposed development has ignored the advice provided at the pre-planning stage
- The houses will overlook each other, dominate the public road and existing houses on the opposite side of the road

- Excessive scale of the proposed houses, staggered in height, relative to their location adjoining public road
- Privacy and recreational value for walkers on the road would be significantly compromised
- Public space needs to be provided in the interest of sustainable development and street parking
- 2 parking spaces per dwelling is inadequate and means that visitors would park on the public / access road
- Detrimental impact on the landscape and the visual amenity of the area
- Loss of the mature tree and shrub boundary would also adversely impact the environment
- Landscape screening plan required
- Proposed development located close to a dangerous bend on this narrow road which is used each day by hundreds of pedestrians, runners and cyclists
- Unclear how the required sightlines can be achieved
- Very poor drainage throughout the area at Moneygourney with surface water drainage being a recurring and constant concern
- Surface water flows from the appeal site to the eastern side of the public road which itself is repeatedly flooded during periods of heavy rain

## 4.0 Planning History

### Appeal Site

Planning Authority Reference 0812/23 refers to an Exemption Certificate granted to the applicant on lands at Moneygourney, Douglas, Cork.

Planning Authority Reference 20/39023 refers to a March 2020 decision to refuse permission for a development consisting of 6 houses and one existing house, widened vehicular access, new private access road, drainage, landscaping, new site curtilage of existing dwelling and associated site works. Permission was refused for two reasons relating to haphazard backland development which would be seriously

injurious to the amenities of existing residential properties in the area and also that the proposal provided no public space provision and would therefore be contrary to the Development Plan.

#### **Site c 70 m to the south**

Planning Authority Reference 18/6393 refers to a March 2019 decision for construction of 19 no. dwellings and all associated works including layout and internal road changes from that previously permitted under An Bord Pleanála Ref. 04.245552 / Cork County Council Ref. 14/6290)

Planning Authority Reference 14/6290 / An Bord Pleanála Reference PL04.245552 refers to a February 2016 decision to grant permission for 30 houses and all associated ancillary development works including vehicular access, parking, footpaths, drainage (including pumping station), landscaping and amenity areas. Condition 2 omitted two houses in the south-east corner of the site to provide for an increased area of public open space.

Planning Authority Reference 06/12470 / An Bord Pleanála Reference PL04.224596 refers to a July 2007 decision to grant permission for 13 houses.

#### **Site c 250 m to the south**

Planning Authority Reference 19/38884 refers to a September 2020 decision to grant permission for 4 houses and all associated works, to be accessed via the adjoining Foxwarren residential estate.

#### **Site c 420 m to the north-west**

Planning Authority Reference 17/4293 / An Bord Pleanála Reference PL04.300311 refers to a July 2018 decision to grant permission for demolition of former farmhouse and agricultural structures and to construct 6 houses and all ancillary works (opposite Douglas Hall AFC).



## 5.0 Policy Context

### 5.1. Cork City Development Plan 2022 - 2028

#### Zoning

The site is located on Zoning Map 14 South East and Hinterland within the 'South Central Suburbs', in an area zoned ZO 01 - Sustainable Residential Neighbourhoods, where it is an objective "To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses."

#### Paragraph ZO 1.1

'The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.'

#### Paragraph ZO 1.2

'Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.'

#### Strategic Objective 01 – Compact Liveable Growth

Deliver compact growth that achieves a sustainable 15 minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to the existing city.

Section 3.45 – Adaptation of Existing Homes, Infill Development and Conversion of Upper Floors. Recognises the City's existing housing stock is a valuable resource for meeting the needs of a growing population. Retaining and adapting existing housing

stock is important in this regard, ensuring this is not done at the expense of unreasonable impact on adjoining properties.

Section 11.66 relates to Place Making and Quality Design. It outlines a broad range of issues to be assessed in relation to new residential development including design quality, residential density, building height, integration with surrounding environment, transport and accessibility and impacts on residential amenity of surrounding areas.

Section 11.139 - Adaptation of existing housing and re-using upper floors, infill development will be encouraged within Cork City. New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g., boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).

Objective 11.3 relates to Housing Quality and Standards

Objective 11.5 relates to Private Amenity Space for Houses

## 5.2. National Planning Policy

The following are considered to be of relevance to the proposed development:

- National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. In terms of Compact Urban Growth, it includes a target of 50% of new housing growth in the five cities within the existing built-up footprint, on infill and brownfield lands.
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Section 1.3.2 relating to Compact Growth notes the following: *In order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport*
- Design Manual for Urban Roads and Streets (DMURS)

- Quality Housing for Sustainable Communities: Design Guidelines (2007). These Guidelines set out target floor areas for a range of different dwelling types, as well as providing guidance on quantitative and qualitative standards.

### **5.3. EIA Screening**

5.3.1. See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising three houses, widened vehicular access, private access road, drainage, landscaping, new curtilage for existing dwelling and associated site works, in an urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **5.3.2. Natural Heritage Designations**

5.3.3. The appeal site is not located within or in the vicinity of any European site. The Cork Harbour SPA is the closest Natura 2000 site located approximately 2.2 kms north of the proposed development.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a first-party appeal from Michael Nolan against the decision made by Cork City Council to refuse permission for the proposed development. The appeal is submitted on behalf of the applicant by Coakley O'Neill Town Planning Ltd. The grounds of appeal are summarised as follows;

- The planner's report prepared on foot of the submitted further information raises no concerns with the provision of three houses on the site
- There are no recorded flood events in the area
- The proposed development is to be located within an established residential area, close to existing amenities, services, public transport and it constitutes a sustainable approach to the development of serviced urban lands

- All relevant national and local policies identify the development of infill sites as an opportunity to provide housing
- The proposed development meets all qualitative and quantitative standards for new housing
- Given the large sizes of the proposed rear gardens, the extent of mature screening at site boundaries and the separation distances to boundaries and neighbouring properties, no undue negative impacts on residential amenity would arise
- In terms of the refusal reason relating to the limited sightlines for vehicles turning right into the proposed development, discussions have taken place with the local authority's Area Engineer and it has been agreed that the road signage could be moved to ensure sightlines are achieved
- Section 1.3.10 of the Transport Infrastructure Ireland (TII) Traffic Signs Manual (TSM) notes that permanent features (such as bends, hill crests, narrow verges and buildings) which cannot be altered will necessitate the special positioning of signs. In this regard the guidance notes it is preferable to increase the standard distance between the sign and the hazard rather than reduce it
- Considered that the telecom pole does not pose a sightline restriction but that it is a roadside hazard, as reflected in the Road Safety Audit and the Design Note (Sightline Review) prepared by DMA Consulting Engineers (attached at Appendix 1 to the appeal). Section 4.4.5 of DMURS allows for slender objects to be within a sightline triangle
- The telecom pole no longer appears to serve a function. The applicant has engaged with the relevant utility provider to agree either its removal or relocation
- Potential road safety issues can therefore be fully and safely addressed prior to the commencement of any development on the site

The following documents are attached to the appeal submission:

Appendix 1 – Design Note (Sightline Review) prepared by DMA Consulting Engineers dated 14<sup>th</sup> December 2023

Appendix 2 – An Bord Pleanála Appeal Checklist

Appendix 3 – Copy of Notification of Decision to refuse permission received from Cork City Council

## **6.2. Planning Authority Response**

6.2.1. None on file

## **6.3. Observations**

One observation has been received from Desmond O' Sullivan who lives opposite the appeal site at Tiaracht, Moneygourney, Douglas, Cork. The submission may be summarised under the following headings:

### Road Safety

- Dangerous bend in the road near the development site
- It was a requirement of planning permission that homes opposite the development site and further away from the bend in the road could only proceed if vehicular access was moved further within the 60km/h speed zone area
- Road is used widely by pedestrians, cyclists and runners and has a high traffic volume at peak commuting hours
- Residents are campaigning to highlight road safety concerns at this location and there is a petition for the local authority to act and address these concerns (QR code to the petition and extracts from petition provided)
- The Area Engineer's reports and the Road Safety Audit (RSA) highlight serious traffic safety issues at the bend in the road; the obstructions referred to are in fact helpful warning signage of an upcoming bend and frequent equestrian activity on the road

- Removal of or relocating signage does not remove the bend
- The RSA highlights six safety hazards (signs, utility poles, trees, open ditches, level differences and water hazards) however just two of these are dealt with in the Further Information response i.e., signage and poles
- The open ditches may cause car crashes; level differences are not addressed
- RSA notes that water is draining from the site onto the road
- The safety hazards cannot be addressed without significant infrastructural investment by the local authority

#### Stormwater

- Proposed development will increase the velocity and volume of stormwater run-off
- Stormwater is overflowing the open drains and across the public road causing a safety risk
- Inadequate storm drainage infrastructure in the area; this should be rectified
- Proposed that water will be collected in an attenuation tank. There is another tank at Foxwarren and concern is raised of flooding impacts on the existing houses located at the eastern side of the road should these tanks fail
- Inappropriate to add more housing without these issues being remedied by the local authority

#### Foul drainage

- The foul drainage system in the area is inadequate and failing; it requires upgrading
- It would be negligent to allow additional housing to connect into a flawed treatment tank and this would create a health hazard

#### Other

- References made by the applicant to other permitted residential developments in the area are not comparable to the proposed development as they are served by a straight stretch of road

- The proposed houses are elevated and will tower over the narrow rural road; they are out of character
- Other issues of concern remaining unresolved include the scale / density of the proposed development, the absence of a revised landscape plan and road safety concerns
- Proposed screening to the front of the site is inadequate
- At Section 2.1 of the appeal the applicant states that lands to the east are in agricultural use; this is not the case as there are houses opposite the development site
- Furthermore, the road adjoining the proposed development is not unnamed; it is known as the Ballyorban / Moneygourney Road

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of 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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Sightlines / Refusal Reason
- Other issues
- Appropriate Assessment

### **7.2. Sightlines / Refusal Reason**

7.2.1. There is a bend in the public road to the south of the existing double entrance to the subject site and the neighbouring property. A 60 kph speed zone applies to the road at this location. The Stopping Site Distance (SSD) for a non-bus route is 59 m in a 60 kph design speed as set out in Section 4.4.4 of DMURS. The sightline drawing submitted as part of the further information response shows sightlines north and south of the entrance meet DMURS requirements.

- 7.2.2. The reports from the Area Engineer and also the Road Safety Audit (RSA) submitted as part of the further information response highlight the presence of obstructions on the eastern side of the carriageway, opposite the entrance to the site. These obstructions, namely signage and a utility pole, restrict clear forward visibility when travelling north to south turning right into the proposed development, and as such forward visibility is insufficient. It is on this basis that the planning authority refused permission for the proposed development.
- 7.2.3. Appendix 1 of the appeal comprises a Design Note prepared by DMA Consulting Engineers in connection with the refusal reason. It refers to Section 1.3.10 of TII's Traffic Signs Manual (TSM) which contains a provision / preference to increase the standard distance between road signs and the hazard in circumstances where there are permanent features such as bends, hill crests, narrow verges and buildings. The Design Note confirms that discussions have taken place with the local authority and that it has been agreed to relocate the road signage to a suitable location at the applicant's expense. In terms of the utility pole which appears to be redundant, while the applicant does not consider it is a sightline hazard and refers to Section 4.4.5 of DMURS that allows for slender objects to be positioned within a sightline triangle, engagement has occurred with the utility provider with a view to removal of or relocating the pole.
- 7.2.4. I note that Chapter 1 of the Traffic Signs Manual published by the Department of Transport was updated in February 2024 and the new version also includes at Section 1.3.10 the preference to increase the standard distance between a sign and a hazard rather than reduce it. In my opinion, the solution as proposed by the first party appellant is acceptable and I am satisfied that it would facilitate sufficient clear forward visibility when travelling north to south turning right into the proposed development. If the Board is minded to grant permission, I would recommend inclusion of a condition requiring the applicant to agree the suitable relocation of road signage with the planning authority and the relocation / removal of the utility pole, both prior to commencement of development.
- 7.2.5. A Road Safety Audit (Stage 1 and 2) prepared by RSM was submitted as part of the further information response. The Audit examines the road safety implications associated with the ongoing use of the existing access to the development site and the tie-in to the internal private road layout, and all associated ancillary works. Section



2 of the report includes various issues raised on foot of the Audit, such as the insufficient forward visibility problem as set out above. The report provides recommendations to address the issues identified. In this regard I consider it appropriate to include a condition requiring that the recommendations of the RSA are addressed and implemented.

### **7.3. Other issues**

#### **7.3.1. Layout and Design**

7.3.2. I note the observer considers that the proposed development is out of character with the surrounding pattern of development. My view is that the area exhibits a pattern of development typically found on the outskirts of a city and that there is no particular distinctive character on this road. The area is characterised by ribbon development on both sides of the road with existing housing varying in the size of their sites and in their design. The low density nature of the proposed development incorporating large, detached houses would not detract from the amenities or character of the area.

7.3.3. I do not consider that the proposed development would have a dominant effect on the public road. The proposed dwelling (Type B) on Site 1 is sufficiently set back from the front boundary and the part of the house nearest that boundary is of single storey design.

7.3.4. The applicant provided a revised drawing as part of the further information response which updated landscaping proposals and boundary details. In my opinion the proposed front boundary comprising low level stone clad wall with railing on top, with beech hedge behind is acceptable. Where possible the existing boundary of hawthorn and silver birch with oak and pear trees is to be retained.

#### **7.3.5. Density**

7.3.6. Concerns are raised by the observer in relation to the high density nature of the proposed development. The proposal, comprising three houses on a site of 0.467 hectares yields a density of approximately 6.4 units per hectare. Table 11.2 of the current Cork City Development Plan relating to Density and Building Heights

Strategy identifies Douglas as an inner urban suburb with a prevailing density of 5 – 20 dwellings per hectare, and lower and upper target densities of 50 and 100 dwellings per hectare respectively. In this regard it is apparent that the proposed development falls within the lower prevailing density parameters for the area and as such it does not constitute a high density development.

7.3.7. Section 3.3.6 (c) of the Sustainable and Compact Settlements – Guidelines for Planning Authorities (2024) relates to exemptions in terms of density requirements for small infill sites that are not of sufficient scale to define their own character and density and which need, inter alia, to respond to the scale and form of surrounding development and to protect the amenities of surrounding properties. My view is that the subject infill site falls within this category and as such I consider the number of houses proposed and the resultant density to be acceptable in this instance.

7.3.8. Drainage

7.3.9. The observer has raised a concern that the existing foul sewer system is inadequate to cater for the development and requires upgrading.

7.3.10. It is intended that the existing dwelling and the proposed development will connect to the existing Uisce Éireann foul sewer located along the Moneygourney Road, as reflected in the foul water layout submitted with the planning application. The applicant's further information response noted that the foul sewer was in private ownership and would be taken in charge by Uisce Éireann, although that process was not complete at that time. As such the applicant intends to finalise a connection agreement into the foul line in accordance with Uisce Éireann requirements.

7.3.11. In the interest of public health, I recommend inclusion of a condition requiring the applicant or developer to enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development. In this regard I note that Uisce Éireann would not facilitate connectivity unless there is sufficient wastewater treatment capacity available to cater for the proposed development.

7.3.12. The observer has raised concerns in connection with the increased volume and velocity of surface water arising from the proposed development and notes that

stormwater overflows the open drains and travels across the public road causing a safety risk.

7.3.13. A new surface water drainage network is proposed to serve the development and it will incorporate the principles of sustainable urban drainage systems (SuDS). All surface water from the proposed units will be catered for by a soakaway located within the curtilage of each site which will allow surface water run-off to infiltrate into the soil. Rainwater harvesting systems are proposed for each house. Permeable paving is also proposed for the driveways. While the existing internal driveway (c 328 sqm) is not attenuated and the run-off drains into the open channel ditch, the hardstanding surfaces of the proposed new internal access road and footpath are to be attenuated.

7.3.14. The Area Engineer reported that surface water from the subject site sometimes enters onto the public road, and flows onto its eastern side and soaks into a ditch. This issue was raised as part of the further information request and the applicant agreed to address this issue by, inter alia, providing a large aco channel and gullies at the site entrance to prevent surface water run-off from entering onto the public road, as requested.

7.3.15. I note that the Drainage Division recorded no objection to the proposal subject to conditions. I am satisfied that the aforementioned surface water drainage measures would more appropriately manage stormwater and encourage its infiltration and attenuation.

7.3.16. Road Safety Audit (RSA)

7.3.17. As noted by the observer, the RSA raises a number of issues to be addressed. These include roadside hazards, ponding at the site access, absence of suitably dropped kerbs, potential of landscaping / boundary treatment to obstruct visibility, discontinuous footways, and absence of information relating to road markings and a lighting scheme. As referenced under section 7.2.5 above, the RSA provides detailed recommendations to address the issues identified. Should the Board be minded to grant permission, I recommend inclusion of a condition requiring that the recommendations of the RSA be incorporated into the development.

## **7.4. Appropriate Assessment**

- 7.4.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in an urban area to the south of Rochestown and to the east of the N28. The Cork Harbour SPA is the closest Natura 2000 site located approximately 2.2 kms north of the proposed development.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted for the proposed development subject to the conditions set out below.

## **9.0 Reasons and Considerations**

Having regard to the residential land-use zoning of the site, the existing pattern of development on the site and in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development is in accordance with the Cork City Development Plan 2022-2028 and would not give rise to a traffic hazard or cause surface water flooding, and would not be injurious to the amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 3<sup>rd</sup> of November 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(i) Prior to commencement of development the road signage on the eastern side of the road, opposite the site entrance shall be relocated at the applicant's expense, to an alternative location to be agreed by the planning authority.</p> <p>(ii) Prior to commencement of development the telecom pole on the eastern side of the road, opposite the site entrance shall be removed and / or relocated at the applicant's expense, to an alternative location, as appropriate, to be agreed by the planning authority and the relevant utility provider.</p> <p><b>Reason:</b> To facilitate sightlines to the proposed development.</p>
3.	<p>(i) All recommendations of the Road Safety Audit received by the planning authority on the 3<sup>rd</sup> of November 2023 shall be implemented and incorporated into the proposed development.</p> <p>(ii) The internal road serving the proposed development including turning bay, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p>

	<p><b>Reason:</b> In the interest of traffic and pedestrian safety.</p>
4.	<p>The landscaping scheme shown on Drawing No. 2195-PL1100, as submitted to the planning authority on the 3<sup>rd</sup> day of November 2023 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development (or until the development is taken in charge by the local authority, whichever is the sooner), shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
5.	<p>Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
6.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>

7.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any new house.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, management measures for noise, dust and dirt and off-site disposal of construction / demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>

12.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
13.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
14.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried



to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

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John Duffy

Planning Inspector

16<sup>th</sup> July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-318728-23			
<b>Proposed Development Summary</b>	Development of three dwellings and one existing dwelling, widening of vehicular access, private access road, drainage, landscaping, new curtilage of existing dwelling and associated site works.			
<b>Development Address</b>	Moneygourney, Douglas, Cork			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X	
		<b>No</b>		
<b>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?</b>				
<b>Yes</b>		Class	EIA Mandatory EIAR required	
<b>No</b>	X		Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	X	Class 10 (500 DHS)		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP- 318728-23	
<b>Proposed Development Summary</b>	Development of three dwellings and one existing dwelling, widening of vehicular access, private access road, drainage, landscaping, new curtilage of existing dwelling and associated site works.	
<b>Development Address</b>	Moneygourney, Douglas, Cork	
<b>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.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	The site is zoned Z01 – Sustainable Residential Neighbourhoods. The proposed development is not exceptional in the context of existing environment.  Construction waste can be managed through standard Waste Management Planning. Localised construction impacts will be temporary.	No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing	No. The total site area within the red line boundary is 0.467 ha	No

and/or permitted projects?	No.	
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	No. The nearest European site is Cork Harbour SPA located approximately 2.2 kms north of the proposed development.  There are no other locally sensitive environmental sensitivities in the vicinity of relevance.	No
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  EIA not required.		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)