



An  
Bord  
Pleanála

## Inspector's Report ABP-319025-24

<b>Development</b>	Construction of a house and all associated site works as previously granted under Ref 18-04842.
<b>Location</b>	Site no. 4, Ballinvriskig, Upper Glanmire, Co. Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2342358
<b>Applicant(s)</b>	Richard and Ann Hyde
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Nollaig Ó Mathúna
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> June 2024
<b>Inspector</b>	Frank O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject appeal site is located on the northern side of the R616 (Regional Road), at Ballinvriskig, Whites Cross, Upper Glanmire, directly opposite and to the northwest of Ros Árd housing development and within the 50 kmph speed limit. The site, which has a stated area of 0.0439 hectares, is estimated to be within 4.3 km northwest of the centre of Glanmire and 6.6 km northeast of the centre of Cork City. The lands to the rear appear to be in agricultural/ horticultural use and are accessed via an existing access laneway positioned along the southwestern site boundary.
- 1.2. The adjacent lands to the immediate southwest are the subject of 3 no. separate concurrent appeals for 3 no. separate dwellings, as follows:
  - Appeal Ref. No. ABP-319028-24 (Planning Reg. Ref. no. 2342357) (Site No. 3). Construction of two storey dwelling and all associated site works as previously granted under planning ref. no. 18-04842.
  - Appeal Ref. No. ABP-319018-24 (Planning Reg. Ref. no. 2342356) (Site No. 2). Construction of two storey dwelling and all associated site works as previously granted under planning ref. no. 18-04842.
  - Appeal Ref. No. ABP-319011-24 (Planning Reg. Ref. no. 2342355) (Site No. 1). Construction of two storey dwelling and all associated site works as previously granted under planning ref. no. 18-04842.
- 1.3. It is proposed to access the subject appeal site and the adjacent above referenced 3 no. sites via a proposed access road permitted as part of planning reg. ref. no. 18-04842.
- 1.3.1. At the time of my site inspection, the subject appeal site was in use as part of a site compound/ vehicle storage area/ hardstanding area on the landholding. Some recent site clearance works inside the adjacent roadside boundary to the south and southeast of the site had also been undertaken. The compound may be associated with road and pedestrian safety improvement works along the adjacent regional road to the south.

## 2.0 Proposed Development

2.1. The proposed development is for the following:

- The construction of 1 no. 2 storey/ four-bedroom detached dwelling, as previously granted under planning reg. ref. no. 18/04842.
- The dwelling (House Type B) measures 9.9 metres in width, 9.7 metres in depth, 9.8 metres in height and has a stated gross floor space of 187.63 sqm. The dwelling includes a 4.5 metre-wide natural stone fronted A gable projection for the front elevation and a zinc/ aluminium or similar flat roofed dormer window to the front elevation of bedroom no. 1. The remaining elevations are all proposed to have a smooth plaster finish. The A gable roof finish is shown to comprise blue/ black roof slates. The proposal includes all associated site works.
- The dwelling has a proposed finished floor level (FFL) of 111.00 metres. This is 4.8 metres above the centreline level of the public road at the existing site entrance, which measures 106.2 metres.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On 15<sup>th</sup> January 2024, the Planning Authority issued a notification of decision to GRANT permission subject to 9 no. conditions.

3.1.2. Condition no. 1 reads as follows:

- *The development shall be carried out in accordance with the plans and particulars submitted to the planning authority on 09/10/2023, as amended by Further Information plans and particulars submitted to the planning authority on 11/12/2023, and shall otherwise comply with the terms and conditions of Planning Permission Reg. No. 18/4842 which governs the overall development of the lands of which the site forms part, save where amended by conditions in this Schedule.*

*Reason: To define the scope of the permission, and to enable the planning authority to check the proposed development when completed, in the interests of proper planning and sustainable development.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The **Local Authority Planner** considered that having regard to the site context and nature together with the nature and scale of the proposed development and the location and context of the site and surrounding area, together with the policies and objectives of the Cork County Development Plan 2022 to 2028, that, the proposed development is in accordance with the proper planning and sustainable development of the area and would not seriously injure the residential and visual amenities of the area. The Local Authority Planner recommended that permission be granted subject to 9 no. conditions.

#### 3.2.2. Other Technical Reports

- The **Environment and Waste Management & Control Department** raise no objection to the proposed development subject to 4 no. standard conditions in relation to site clearance/ tree felling, the treatment and disposal of construction wastes, noise levels/ hour of operation and control of environmental impacts.
- The **Drainage Division** raise no objection to the proposed development subject to 2 no. standard conditions (see Condition no's 7 & 8 of the Notification of Decision to Grant permission issued by the Local Authority on 15<sup>th</sup> January 2024).
- The **Area Engineer** recommended that a request for further information be issued, as follows:
  - *The applicant shall provide a sightline drawing for the proposed site entrance from the R616 Regional Road located within the 50 KPH speed limit zone.*

- *On the Site Layout Plan the applicant has detailed the proposed site entrance 13m wide. The applicant shall provide a plan and contextual elevation detailing the proposed site entrance to the public road.*
- *There is an open drain on the Southern site boundary perpendicular to the R616 public road. There is a pipe under the site entrance to maintain the surface water flow which is located on the Eastern side of the entrance in the proposed location of the attenuation tank. The applicant shall detail the open drain and pipe on the Site Layout Plan and the proposal to maintain same.*

### **3.3. Prescribed Bodies**

- **Irish Water (Uisce Eireann):** No response on file.

### **3.4. Third Party Observations**

3.4.1. 1 no. Third Party Objection was received, as follows:

- Nollaig Ó Mathúna.

3.4.2. The issues raised in the 1 no. Third Party Observation relate to:

- **Traffic Safety:** The subject proposal together with the 3 no. adjacent proposals, as planning reg. ref. no's 22/42355, 22/42356 and 2342357 refer, will create considerable extra traffic onto the public road (Upper Glanmire Road) particularly at school drop off and pick up times. The proposal will only add to and exacerbate the existing school traffic congestion at these said times.
- **Dwelling Design:** The dwelling designs completely disregard the village design nature of the area. The development is described as being in an outer city suburb.

## 4.0 Planning History

### 4.1.1. Planning history on the wider landholding and subject appeal site

- **11/5864:** Applicant: Richard & Ann Hyde. Permission for the construction of an agricultural entrance. Permission was GRANTED on 16<sup>th</sup> November 2011 subject to 7 no. conditions.
- **18/04842:** Applicant: Richard & Ann Hyde. Permission for site development works for 4 no. residential serviced sites. Permission was GRANTED on 11<sup>th</sup> February 2019 subject to 45 no. conditions.
  - This application was for full planning permission for site development works only and did not include the provision of any housing units. The subject appeal site together with the adjacent 3 no. sites, which are the subject of concurrent appeals, ref. no's. ABP-319018-24, ABP-319028-24 and ABP-319025-24, are all contained within the defined development boundary under planning reg. ref. no. 18/04842.
  - A final grant for this permission (reg. ref. no. 18/04842) was issued on 11<sup>th</sup> February 2019. The duration of planning reg. ref. no. 18/04842 has lapsed and there is no record on the planning register of an Extension of Duration Application having been lodged/ approved.
  - Condition no. 2 states that *'prior to the commencement of development the developer shall enter into a connection agreement with Irish Water in relation to the development.'*
  - Condition no. 40 states that *'the developer shall contact Irish Water and secure agreement in writing, permission to connect to the public watermain and/ or public foul sewer. This permission should be submitted to the planning authority once received.'*
  - Condition no. 41 states that *'the developer shall provide to the Estates Dept, all relevant PCE terms and Conditions and subsequently all*

*conditions rendered on them by Irish Water in relation to their Irish Water Services Connections to watermain and/ or foul sewer.'*

- *Condition no. 44 states that the developer shall contact Irish Water and secure agreement that the existing pipework and storm attenuation tanks in Rosard estate has sufficient spare capacity to accept the flows from the proposed development. Also, the developer shall contact Irish Water and secure agreement that the existing pipework and WWTP in Rosard Estate has sufficient spare capacity to accept the flows from the proposed development.'*
- **22/41348:** Applicant: Ann and Richard Hyde. Permission for 5 no. 4 bedroom two story detached dwellings, new vehicular access onto the R616 and all associated development works. Permission was REFUSED on 17<sup>th</sup> October 2022 for the following 1 no. reason:

*'1. The proposed development is in an area which is zoned ZO 15 "Public Open Space" as designated in the Cork City Development Plan 2022 – 2028. The reasons for and aims of this land use zoning are detailed in Chapter 12 of the current City Development Plan. There is a presumption against developing land zoned Public Open Space for alternative purposes. The proposed development materially contravenes this zoning objective and would, therefore, be contrary to the proper planning and sustainable development of the area.'*

- It is noted that this proposed development, reg. ref. no. 22/41348, was to be served by the wastewater treatment plant in the Ros Árd residential development to the south and that Irish Water made a submission dated 12/10/2022. Irish Water state that a Confirmation of Feasibility (COF) has issued to the developer and that they have no objection to the proposal subject to the constraints outlined in the said COF and stated condition/s. The recommended stated condition relates to wastewater and notes the wastewater network and

wastewater treatment plant in Ros Árd is in private ownership. The applicant is thus advised to obtain consent from the owner for connection to the infrastructure and confirmation of available capacity in the infrastructure. Irish Water state this shall be provided to them prior to the developer applying for a connection to the Irish Water wastewater network. It is further stated that where the existing wastewater network for connection is less than 225 mm in diameter an upgrade to the sewer will be required.

#### 4.1.2. Planning history on the adjacent sites to the southwest

- **Appeal Ref. No. ABP-319028-24 (Planning Reg. Ref. no. 2342357):**  
Construction of two storey detached dwelling and all associated site works as previously granted under Planning ref. no. 18-04842. (Site No. 3). Cork City Council issued a Notification of Decision to GRANT permission on 15th January 2024 subject to 9 no. conditions. The Appeal case was due to be decided by 17<sup>th</sup> June 2024.
- **Appeal Ref. No. ABP-319018-24 (Planning Reg. Ref. no. 2342356):**  
Construction of two storey detached dwelling and all associated site works as previously granted under Planning ref. no. 18-04842. (Site No. 2). Cork City Council issued a Notification of Decision to GRANT permission on 15th January 2024 subject to 9 no. conditions. The Appeal case was due to be decided by 17<sup>th</sup> June 2024.
- **Appeal Ref. No. ABP-319011-24 (Planning Reg. Ref. no. 2342355):**  
Construction of two storey dwelling and all associated site works as previously granted under planning ref. no. 18-04842. (Site No. 1). Cork City Council issued a Notification of Decision to GRANT permission on 15th January 2024 subject to 9 no. conditions. The Appeal case was due to be decided by 17<sup>th</sup> June 2024.

#### 4.1.3. Planning history on the adjacent site further to the Northeast

- **2140745 (Appeal Ref. no. ABP-315701-23):** Permission for 17 no. dwelling houses. The Board GRANTED permission on 6<sup>th</sup> September 2024 subject to 19 no. conditions.



- Condition no. 13 states that *‘Prior to commencement of development, the developer shall enter into water and/ or wastewater connection agreement with Uisce Éireann.’*

4.1.4. Planning history on the nearby site located a further to the Northeast

- **2140600:** Permission for 24 no. dwellings. Permission was GRANTED on 7<sup>th</sup> April 2022 subject to 34 no. conditions.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Cork City Development Plan, 2022 to 2028**

- 5.1.1. The Appeal site is zoned ZO 15 - *‘Public Open Space’* in the Cork City Council Development Plan, 2022 to 2028. The relevant zoning objective for ZO 15 lands is *‘to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.’*
- 5.1.2. It is stated in Section ZO 15.1 that *‘this zone includes strategic public open space and amenity lands. Lands in this zone comprise a wide range of passive and active recreational and amenity resources for the community including parks, sport and water sports, leisure facilities, amenity areas and natural areas including ecological networks, woodlands and other habitats. The primary purpose of this zone is to preserve all land in this zone for open space and amenity use.’*
- 5.1.3. It is further stated in Section ZO 15.2 that *‘There is a presumption against developing land zoned Public Open Space for alternative purposes.’*

### 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites to the subject appeal site are as follows:
- Cork Harbour Special Protection Area (SPA 004030), 4.3 km to the south–east.

- Great Island Chanel Special Area of Conservation (SAC 001058), 7.2 km to the south-east.

### 5.3. Environmental Impact Assessment Screening

- 5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure, the nature of the receiving environment and the existing pattern of development in the vicinity, and the separation distance from the nearest sensitive location, 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. (See Form 1 & 2, Appendix 1).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. 1 no. Third Party Appeal was received in respect of the proposed development from the following:

- Nollaig Ó Mathúna

- 6.1.2. The Grounds of Appeal can be summarised as follows:

- Traffic Hazard:
  - The subject proposal together with the 3 no. adjacent proposals, as planning reg. ref. no's 22/42355, 22/42357 and 2342358 refer will create considerable extra traffic onto the public road (Upper Glanmire Road) particularly at school drop off and pick up times. The proposal will only add to and exacerbate the existing school traffic congestion at these said times.
- Dwelling Design:
  - The dwelling designs completely disregard the village design nature of the area. The development is described as being in an '*outer city suburb*'.

- Capacity of Wastewater Treatment Plant:
  - The local Wastewater Treatment Plant has no spare capacity. The development is therefore premature.

## 6.2. Planning Authority Response

- None

## 6.3. Observations

- None

## 6.4. Further Responses

- None

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Planning Reg. Ref. No. 18-04842
- Principle of Development/ Zoning
- Traffic Safety
- Wastewater Capacity
- Dwelling Design
- Other issues
  - *Appropriate Assessment*

- 7.2. Planning Reg. Ref. No. 18-04842.
- 7.2.1. Planning reg. ref. no. 18-04842 was for full planning permission for site development works for 4 no. residential serviced sites. The said site development works include road access and site services and expressly exclude the provision of any housing units. I note the public notices of the subject planning application refer to *'planning permission for/ to construct a two-storey detached dwelling and all associated ancillary site development works as previously granted under Planning Ref. No. 18-04842'*. I further note that Condition no. 1 of the Notification of Decision to Grant permission includes specific reference to planning reg. ref. no. 18-04842 where it is stated that the development ... *'shall otherwise comply with the terms and conditions of Planning Permission Reg. No. 18/4842 which governs the overall development of the lands of which the site forms part, save where amended by conditions contained in this Schedule.'* It is also of relevance to note that the subject appeal site, as per the site location map, is set back from the public road, in the same location as Site no. 4 permitted under planning reg. ref. no. 18/04842.
- 7.2.2. I am satisfied that the subject development is dependent upon enabling works, particularly in terms of access and services, which are governed by a separate planning permission, namely planning reg. ref. no. 18/04842. As noted above in Section 4.0 (Planning History), the duration of planning reg. ref. no. 18/04842 has lapsed.
- 7.2.3. It is further noted that planning reg. ref. no. 18-04842, was for full planning permission and did not include any element of outline planning permission. I note the Report of the Senior Executive Planner attached to the adjacent appeal file ref. no. ABP-319011-24, seeking Further Information and dated 29<sup>th</sup> November 2023. The said Report includes a summary of Pre-Planning Advice provided to the Applicant by email on 13<sup>th</sup> April 2023. Specific reference is made to the 2018 permission which the Local Authority consider to be a de facto outline permission that could be seen as overriding the public space zoning objective for the site. It is specifically stated that *'should the 2018 permission lapse however, this principle will be lost.'*
- 7.2.4. As the said permission, reg. reg. no. 18-04842, has lapsed, the subject appeal is assessed on its own merits.

### 7.3. Principle of Development/ Zoning

- 7.3.1. The subject site is zoned ZO 15 - '*Public Open Space*' in the Cork City Development Plan, 2022 to 2028. The relevant zoning objective for ZO 15 lands is '*to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities.*' It is stated in Section ZO 15.2 that '*there is a presumption against developing land zoned Public Open Space for alternative purposes.*' Residential use is not listed as a primary use or a use which is acceptable in principle on lands zoned ZO 15.
- 7.3.2. In my view therefore, that the proposed development, as presented, which is for full planning permission for 1 no. dwelling on lands zoned ZO 15 'Public Open Space' materially contravenes the above stated zoning objective. I therefore recommend that planning permission be refused.

### 7.4. Traffic Safety

- 7.4.1. I note the subject site is located on zoned lands close to the centre of the settlement and within the 50 kmph speed limit zone, where reduced traffic speeds apply. In addition, I note the 3 no. separate residential estate road access points on the southern side of the Regional Road serving the Ros Árd Housing Development and also the number and extent of existing individual and grouped residential access points on both sides of the public road. Finally, I note there is a generous set down area to the front of the National School located c. 260 metres to the southwest of the site on the opposite side of the public road.
- 7.4.2. The Area Engineer, as per the Report attached to the file dated 14<sup>th</sup> November 2023, recommended that a Request for Further Information be issued on 3 no. main points, 2 no. of which relate to traffic issues, namely sightlines and a revised plan/ contextual elevation detailing the proposed site entrance to the public road. I note that the recommendation of the Area Engineer is considered in the initial assessment of the Local Authority Planner and that it is stated that these matters were assessed and permitted under the 2018 permission (18/04842) for serviced sites. I am satisfied that the principle for vehicular access to the subject appeal site and the adjacent 3 no. sites to the immediate southwest which are the subject of 3 no. concurrent appeals, ref. no's. ABP-319028-24, ABP-319018-24 and ABP-319011-24, was established under a previous planning permission, reg. ref. no. 18-04842. I further

note that the principle for an agricultural access to the site was previously established under planning reg. ref. no. 11/5864 and that this said agricultural access has been installed.

- 7.4.3. I do not accept that the increase in traffic movements arising from the proposed development alone or indeed together with that of the adjacent 3 no. dwellings which are the subject of the above referenced concurrent appeals, is such that it would result in an excessive level of traffic congestion along the public road or that such additional traffic movements would serve to exacerbate existing school traffic congestion in the area, including at peak times. It is therefore my opinion that the proposed development, as presented, is acceptable from a traffic safety perspective. Notwithstanding the above, there are more substantive issues raised in this appeal.

#### 7.5. Wastewater Capacity

- 7.5.1. Under planning reg. ref. no. 18-04842 permission was approved for a foul sewerage connection from the subject site to the existing wastewater treatment plant at the adjacent Ros Árd residential development located on the southern side of the public road. I note the documentation attached to the subject appeal file includes a letter from Irish Water/ Uisce Eireann dated 09<sup>th</sup> October 2017 which was lodged as part of planning reg. ref. no. 18-04842. The said letter relates to water and wastewater connections for 5 no. houses at the subject site and confirms, at the time of the letter, that there is capacity available as assessed by Irish Water and that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.
- 7.5.2. I note condition no. 2 of this said permission is a pre-commencement condition which requires the developer to enter into a connection agreement with Irish Water. I further note that condition no. 40 requires the developer to secure agreement in writing/ permission to connect to the public watermain and/ or public foul sewer and that condition no. 41 requires the developer to provide full details of all relevant pre-connection terms and conditions, and all subsequent conditions rendered onto them by Irish Water in relation to serve connections to the public watermain and/ or foul sewer. I finally note that condition no. 44 is partly concerned with confirmation that the existing wastewater pipework and WWTP in Ros Árd estate has sufficient spare capacity to accept the flows from the proposed development.

- 7.5.3. Under planning reg. ref. no. 22/41348 on the subject landholding and as noted above in Section 4.0 (Planning History), Irish Water raised no objection to that proposed development for 5 no. dwellings subject to a condition relating to the necessary consents, capacity and sizing of the existing wastewater network and the capacity of the wastewater treatment plant in the adjacent Ros Árd housing development which is in private ownership. The Board will note this said application was subsequently refused for 1 no. reason relating to a material contravention of the current public open space zoning.
- 7.5.4. More recently, planning permission was granted by the Board for 17 no. dwellings and associated works on a site further to the northeast, as planning reg. ref. no. 2140745 and Appeal Ref. No. ABP-315701-23 refer. This said proposal includes a proposed foul sewerage connection from that said site to the existing wastewater treatment plant in the Ros Árd residential development to the south. I note condition no. 13 is a prior to commencement condition wherein *'the developer shall enter into water and/ or wastewater connection agreements with Uisce Éireann.'*
- 7.5.5. I note a Pre-Connection Enquiry (PCE) response from Irish Water, dated July 2018, was lodged as part of the planning application documentation submitted with planning reg. ref. no. 2140745 (Appeal Ref. No. ABP-315701-23). I further note the following main points from the said PCE:
- The PCE dated July 2018 relates to a proposal for 19 no. dwelling units at the site.
  - Subject to a valid connection agreement being put in place, the applicant's proposed connection to the Irish Water network(s) can be facilitated.
  - A gravity connection is not confirmed by Irish Water to be achievable and therefore a suitably sized pumping station on the applicants' site may be required.
  - The existing Ros Árd WWTP will treat sewage from the proposed development and there is sufficient capacity for the proposed 19 house development.

- The WWTP has a design capacity of 550PE, with available capacity of 105PE (35 houses). Upgrade works to the WWTP would be required where there is a development of more than 35 houses.
- The ownership of the Irish Water sewer through Ros Árd estate to the Ros Árd WWTP has been challenged. Irish Water advise that prior to entering into a connection agreement with Irish Water, written permission may need to be obtained from the owner of this foul sewer. This challenge is being investigated by Irish Water and they state that when more clarity is obtained, they will revert back to the developer/ applicant.
- The correspondence does not constitute an offer.

7.5.6. I estimate that since July 2018, a total of 41 no. dwellings have been granted in Upper Glanmire, including the 17 no. dwellings permitted on appeal to the Board on 6<sup>th</sup> September 2024, as planning reg. ref. no. 2140745 (Appeal Ref. No. ABP-315701-23) refers. This does not include the wastewater service connections for the 4 no. sites approved under planning reg. ref. no. 18-04842, the duration for which has since expired.

7.5.7. Having regard to the foregoing, it would appear therefore that there is insufficient spare capacity in the existing wastewater treatment plant to cater for the proposed development. However, in order to reach a definitive conclusion on this matter, it is my view that further documentation would be required. The Board may wish to seek the views of the parties in this regard. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.5.1. The Appellant considers the proposed development is premature owing to the lack of spare capacity in the wastewater treatment plant. It is my view that the issue of prematurity does not arise owing to the other substantive reason for refusal set out below.

## 7.6. Dwelling Design

7.6.1. Upper Glanmire, together with Kerry Pike and Killeens, is defined as a city hinterland settlement in the Cork City Development Plan, 2022 to 2028. The village is stated to



have a population of 530 persons. The settlement/ village can, in my view, be described as an outer city suburb.

7.6.2. I note the established pattern of development and dwelling design themes in the general area of the appeal site. In particular, I note the 3 no. detached A Gable fronted/ A Gabled roofed dwellings on the opposite side of the public road (southeast) which are of comparable scale and proportions to that of the subject proposal. I further note that a similar A Gable fronted design theme is presented to the remaining dwellings within the front of the adjacent Ros Árd housing development, and which also face onto the public road. The same or similar design theme is replicated throughout the said Ros Árd housing development.

7.6.3. I am satisfied that the proposed house design is appropriate, is in keeping with the established design themes in the area and, if permitted, would not be out of character with the prevailing design themes in the area.

7.6.4. Notwithstanding the design suitability, there are more substantive issues raised in this appeal.

7.7. Other issues

- *Appropriate Assessment*

7.7.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

8.1.1. I recommend that permission be REFUSED for the following reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Having regard to the ZO 15 Public Open Space zoning of the site, the objective of which is *'to protect, retain and provide for passive and active recreational uses, open space, green networks, natural areas and amenity facilities'*, it is considered that the proposed development, which is for residential use, would contravene materially the said zoning objective and would be contrary to the 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.*

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Frank O'Donnell  
Planning Inspector

23<sup>rd</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-319025-24			
<b>Proposed Development Summary</b>	Construction of a house and all associated site works as previously granted under Ref 18-04842.			
<b>Development Address</b>	Site no. 4, Ballinvriskig, Upper Glanmire, Co. Cork			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	<b>X</b>	
		<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>			EIA Mandatory EIAR required	
<b>No</b>	<b>X</b>		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>				No EIAR or Preliminary Examination required
<b>Yes</b>	<b>X</b>	Class/ Threshold ... 10 b)		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	<b>X</b>	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319025-24	
<b>Proposed Development Summary</b>	Construction of a house and all associated site works as previously granted under Ref 18-04842.	
<b>Development Address</b>	Site no. 4, Ballinvriskig, Upper Glanmire, Co. Cork	
<p><b>The Board carried 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></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development.</b>		
<b>Is the nature of the proposed development exceptional in the context of the existing environment.</b>	The subject proposal is for a single dwelling within an existing settlement and is not exceptional in terms in the context of the existing environment.	No
<b>Will the development result in the production of any significant waste, emissions or pollutants?</b>	The development will not result in the production of any significant waste, emissions or pollutants.	No
<b>Size of the Development</b>		
<b>Is the size of the proposed development exceptional in the context of the existing environment?</b>	The size of the proposed development, on a site measuring 0.0439 hectares, and with a proposed gross floor area of 187.63 sqm is not exceptional in the context of the existing environment.	No
<b>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</b>	There are no significant cumulative considerations having regard to other existing and / or permitted projects.	No
<b>Location of the Development</b>		
<b>Is the proposed development located on, in, adjoining, or does it have the potential to</b>	The proposed development is not located on, in, adjoining, nor does it have any significant impact on	No

<p><b>significantly impact on an ecologically sensitive site or location, or protected species?</b></p> <p><b>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</b></p>	<p>an ecologically sensitive site or location, or protected species.</p> <p>The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structures.</p>	<p>No</p>
<b>Conclusion</b>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA is not required.</b></p>	<p><del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del></p> <p><del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del></p>	<p><del>There is a real likelihood of significant effects on the environment.</del></p> <p><del>EIAR required.</del></p>

**Inspector:**

**Date:**

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

**(only where Schedule 7A information or EIAR required)**