



An  
Bord  
Pleanála

## Inspector's Report ABP-319093-24

<b>Development</b>	New two-storey dwelling, single-storey detached gym/garden store, relocation and modification of entrance, new boundary walls, gate and driveway, new foul mains connection and all other ancillary site development works.
<b>Location</b>	Moneygourney, Douglas, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2341894
<b>Applicant(s)</b>	Joan and William O'Neill
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Niall and Noreen Duggan Gerard and Geraldine O'Shea
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	01/10/2024
<b>Inspector</b>	Gillian Kane

## 1.0 Site Location and Description

- 1.1.1. The rectangular subject site is located on the eastern side of the Moneygourney Road, in the south-eastern suburb of Douglas, Cork. Moneygourney Road runs south from a junction with the L2472 Garryduff Road. The road is characterised by individual ribbon development with vehicular entrances on to the road. With the exception of a small section directly across from the subject site and at the Garryduff road junction, there are no footpaths. The pattern of residential development ranges from bungalow to large three storey dwellings, with no architectural uniformity.
- 1.1.2. To the north of the subject site is a bungalow, to the south, three two-storey detached dwellings. The site is bound by a low hedge to the south and east and a stone wall with planting to the north. There is an existing opening in the low stone wall facing the road.

## 2.0 Proposed Development

- 2.1. On the 4<sup>th</sup> April 2023, planning permission was sought for the construction of a two-storey dwelling (298sq.m.), a single storey garage (49sq.m.) on a site of 0.106ha. The application was accompanied by a Planning Cover letter and a Speed Survey report.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On the 24<sup>th</sup> of January 2024, the Planning Authority issued a notification of their intention to GRANT permission subject to 17 no. standard conditions.

### 3.2. Planning Authority Reports

- 3.2.1. **Environment Report:** No objection subject to conditions.
- 3.2.2. **Drainage:** No objection subject to 3 no. standard conditions.
- 3.2.3. **Contributions:** condition recommended
- 3.2.4. **Area Engineer:** Further Information required regarding sightline drawing.
- 3.2.5. **Planning Report:** Assesses the proposed development against the previous reasons for refusal – ridge height requires further reduction, gym should be reduced to 40sq.m. and design of dwelling should be altered. Land ownership issue has been satisfactorily resolved. Applicant required to clarify extent of private open space.

Notes comments of traffic engineer and concurs. Recommendation to request Further Information on five items.

- 3.2.6. **SEP:** concurs with recommendation to request Further Information.

### 3.3. **Planning Authority Reports on File following the submission of Further Information**

- 3.3.1. The Applicant responded to the Further Information request on the 20<sup>th</sup> December 2023. The response included a daylight and sunlight study.
- 3.3.2. **Contributions:** Condition recommended
- 3.3.3. **Area Engineer:** No objection subject to 5 no. conditions.
- 3.3.4. **Planners Report:** Issues raised have been satisfactorily addressed. Recommendation to grant permission subject to 17 no. standard conditions.
- 3.3.5. **SEP:** Concurs with EP recommendation to grant.

### 3.4. **Prescribed Bodies**

- 3.4.1. Uisce Eireann: No objection.

### 3.5. **Third Party Observations**

- 3.5.1. Raised planning history of refusal on site, site ownership issues, overbearing impact, privacy, and traffic / sightlines.

## 4.0 **Planning History**

- 4.1.1. Planning Authority Reg. ref. **03/6090**: Outline planning permission granted for a dwelling house.
- 4.1.2. Planning Authority Reg. ref. **20/39391**: Planning permission refused for the construction of a new two storey dwelling with attic accommodation, the construction of a separate garage to the rear of dwelling, the upgrading of site entrance to create a new driveway, the provision for a new foul connection to the public mains, and all necessary ancillary site works located at their site. The three reasons referred to scale and design of the dwelling, overbearing impact on adjoining dwellings and inadequate sightlines.

## 5.0 Policy Context

### 5.1. Sustainable Residential Development and Compact Settlement Guidelines 2024

- 5.1.1. The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.
- 5.1.2. In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).
- 5.1.3. Of relevance to the subject application are the following:
- Residential densities of 50-250dhp for city-urban neighbourhoods in Dublin and Cork with typical density range for low rise apartments – c.100-150 dph,
  - **SPPR1** – separation distances
  - **SPPR2** - Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). All residential developments are required to make provision for a reasonable quantum of public open space.
  - **SPPR3**: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
  - **SPPR4**: It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents

and visitors. The following requirements for cycle parking and storage are recommended: (i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers. (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

## **5.2. Cork City Development Plan 2022-2028**

- 5.2.1. The site is located on lands subject to zoning objective ZO 1- Sustainable Residential Neighbourhoods, the objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. 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.
- 5.2.2. **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.
- 5.2.3. **ZO 1.3** Primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.

- 5.2.4. **ZO 1.4** Uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Such uses include but are not limited to: small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units;
- 5.2.5. **Strategic Objective 1 Compact Liveable Growth** To increase the population of Cork City in line with national and regional growth targets. To develop Cork City as an international compact, sustainable, healthy city of scale and the regional driver of growth by creating sustainable, liveable, integrated communities and neighbourhoods for all. To plan to deliver at least half (50%) of all new homes in the existing built-up footprint of the City. To support the delivery of the Core Strategy by: Applying a tiered approach to land use zoning; and by ensuring that new homes are provided at appropriate densities in brownfield, infill and in greenfield locations within and contiguous to existing City footprint.
- 5.2.6. **Strategic Objective 2 Delivering Homes & Sustainable Neighbourhoods** To increase the population of Cork City in line with the Core Strategy. To deliver sustainable, liveable, safe, healthy and child-friendly communities and neighbourhoods. To ensure that new homes are provided at appropriate densities in brownfield, infill and greenfield locations within and contiguous to existing City footprint identified in the Core Strategy, and aligned with transport, community and social infrastructure. To ensure that new homes are provided with a good mix of accommodation types and sizes to meet the needs and abilities of all members of society
- 5.2.7. **Section 3.46** Cork City Council will support infill development to optimise the role that small sites in the City can play in providing new homes for Cork's expanding population. **Objective 3.4** states that the City Council will seek to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork. This will be achieved by (amongst other measures) the development of small and infill sites. Objective 3.9 also refers to infill development.
- 5.2.8. **Section 11.139** of the plan states: 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).

- 5.2.9. Private amenity space for houses should aim to be at least 48sq.m. (**objective 11.5** refers). Car parking in Zone 2 of the city, which includes the city suburbs, is required at a rate of 2 no. spaces for 3 - 3+ bedroom dwellings.

### 5.3. **Natural Heritage Designations**

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

### 5.4. **EIA Screening**

- 5.4.1. See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising one house and associated works, in an suburban area 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.

#### 5.4.2. **Natural Heritage Designations**

- 5.4.3. 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 2kms from the proposed development.

## 6.0 **The Appeal**

### 6.1. **Appeal of Gerard & Geraldine O'Shea, Manila, Moneygourney**

- 6.1.1. An agent for the appellants has submitted a third-party appeal against the decision of the Planning Authority to grant permission. The appellants bungalow is to the immediate north of the subject site. The appeal notes that the appellants were refused permission for a two-storey gable fronted extension with a ridge height of 7.1m on the grounds of it being inappropriate in terms in scale proportion and design.

6.1.2. The grounds of the appeal can be summarised as follows:

- Planning permission was refused on the subject site in 1999 due to drainage, the size of the site and building lines.
- In 2003 an outline planning permission was requested to respect the building line on the road. Image submitted showing building line established on the road.
- Ridge heights in the immediate are vary from 4.47m to 7.30m. Proposed dwelling has ridge height of 7.75m and has the highest plot ratio.
- The applicants statement of the proposed development being within plot ratio range is refuted due to miscalculations. Site A of the applicants comparison has a net density of 0.156. Site B has the largest land holding in the area. Site C is a low impact cottage bungalow. Site D is the only relevant example. It has a high plot ratio but its deep plan form is similar to its neighbours and is low impact.
- Appellants bungalow does not have a rear garden. Private amenity space is to the side. The submitted shadow study shows that the percentage of the patio impacted by shadow is much greater. The impact on the kitchen / living area is a loss of light of 2/2.5 hours for six months, one third of daylight hours. This will have a negative impact on health and well-being. Photo and images submitted.
- Development plan requires infill development to respect the height and massing of existing residential units and for distances to be derived by street typology.
- Board is requested to refuse permission.

6.2. **Appeal of Niall Duggan, Boranna, Moneygourney.**

6.2.1. An agent for the appellant has submitted a third-party appeal against the decision of the Planning Authority to grant permission. The appellants dwelling is to the immediate south of the subject site. The appeal notes that permission was refused previously for overdevelopment but the subject proposal is even bigger.

6.2.2. The grounds of the appeal can be summarised as follows:

- Residents on the road use their front gardens to enjoy afternoon and evening sun. The proposed development shows an enclosed open space to the front that will impact the privacy of Boranna. Photo and image submitted.



- Planning permission was refused on the subject site in 1999 due to drainage, the size of the site and building lines. A new sewer on the road allows the development to respect the established building line. Image submitted showing building line established on the road.
- The applicants statement of the proposed development being within plot ratio range is refuted due to miscalculations. Site A of the applicants comparison has a net density of 0.156. Site B has the largest land holding in the area. Site C is a low impact cottage bungalow. Site D is the only relevant example. It has a high plot ratio but its deep plan form is similar to its neighbours and is low impact.
- Ridge heights in the immediate are vary from 4.47m to 7.30m. Proposed dwelling has ridge height of 7.75m and has the highest plot ratio.
- Development plan requires infill development to respect the height and massing of existing residential units and for distances to be derived by street typology.
- Traffic on the road is getting worse. The applicants speed survey is out of date – 2021, during Covid and working from home. A petition to introduce safety measures is underway. School morning times are dangerous. Letter of support and details of petition submitted.
- The proposed development is 5sq.m. bigger than that previously refused permission on the grounds of scale and design.
- The Board is requested to refuse permission.

### **6.3. Applicant Response**

6.3.1. An agent for the applicant has responded to the two third-party appeals. The response can be summarised as follows:

- Consideration of building line in a planning application over twenty years ago is irrelevant.
- There is no definitive building line that must be adhered to. The design process took context, sunlight exposure, overshadowing impacts on neighbouring properties and privacy into account when deciding the proposed dwelling building line.

- The design process ensures the two-storey element of the dwelling does not overlook front or rear gardens of property to the south. The proposed dwelling harmonises with its surroundings and preserves the character of the area.
- The proposed open space provision is similar to many of the existing dwellings in the area. The side patio area will be used the same as the appellants refer to their use of their front gardens in the afternoon and evening. There is no possible overlooking because of the location of the patio behind the building line of the appellants dwelling.
- The methodology used to calculate the plot ratio of the 6-house development did not consider roads and green spaces as each dwelling will be sold individually.
- The footprint of the appellants dwelling Manila, significantly exceeds that of the proposed dwelling. The plot ratio of the proposed dwelling is 0.285, for Manila it is 0.237, indicating that density is not exceptionally high compared to existing.
- Site coverage of the proposed development is 0.156, for Manila it is 0.237. The proposed development does not represent over development of the site.
- Dwelling lengths in the area vary significantly. Total length of proposed dwelling is 21.775m, with the two-storey section being 17.197m.
- Ridge height is now 108.85m, houses to the south are 108.41m and 110.07m. The eaves of the proposed dwelling will be 830mm below that to the immediate south.
- The pitch of the proposed dwelling reduces the volume of the dwelling, with the roof profile forming a consistent line from the road to the west and the existing dwellings to the south, softening the appearance of the dwelling.
- The proposed dwelling is set back 20.7m from the site entrance, with an 8.7m separation distance with the dwelling to the north. a 23.7m separation distance to the exists to the north-east.
- Manilla has received planning permission to extend over their main amenity area to the side. It is submitted that due to changes in glazing in the extension, the portion of light that was afforded the extension in the absence of the development has been over estimated in the modelling. The applicants study has been left as

a worst-case scenario. The appellants claim of loss of 2.5/3 hours of daylight is rejected as their interpretation of the shadow study is inaccurate.

- A full breakdown and analysis of the shadow study is submitted with the appeal. Table 4 of the study has been revised to include the Manila extension. The 12-month study has specific consideration over four days. Conclusion can be summarised as: from April to Sept – no shadow on the extension, minimal impact on the side garden from March to April, no shadow on the garden from May to August, gradual increase in shadow from Sept to November, decreasing until April. Even during early Sept and early April time, extension is only impacted from 09.00 to 11.45am. The proposed development complies with the 50% threshold of overshadowing, satisfying the BRE BR209 Guidelines. The proposed development satisfies the 25-degree test and meets or exceeds the criteria outlined in the BRE BR209 guidance regarding overshadowing, sunlight and obstruction angles.
- Google street images show significant changes to the shared boundary between the subject site and Manila over time, without any development by the applicant.
- The traffic survey was carried out during Covid but still provides valuable data and is indicative of underlying traffic trends.
- The inclusion of a letter referring to traffic calming measures should not be taken as an endorsement that the proposed development represents a traffic hazard. The petition submitted with the appeal does not relate to the current proposal.
- The proposal has been accepted by the Roads Department of Cork City Council. The development includes upgrading an existing site entrance, addressing previous road safety issues.
- Average driving speeds are noted to be less than 40kph, therefore a suitable design speed is 50kph. The proposed development provides a 45m uninterrupted sight line measured 2m from the road edge. This satisfies DMURS.
- In conclusion, it is submitted that the proposed development complies with the proper planning and sustainable development of the area, complies with the policies and objectives of the development plan, does not negatively affect the

surrounding area and overcomes the previous reasons for refusal. The Board is requested to grant permission.

- The appeal response is accompanied by a Shadow Study

#### **6.4. Planning Authority Response**

6.4.1. None on file

#### **6.5. Further Responses**

##### **6.5.1. Niall Duggan Response to First Party Response**

- Main issue is position of the dwelling on site. when the site boundary is amended the site will be smaller.
- Planning policy on building lines has not changed in 20 years. The building line has been unchanged for 20 years.
- Plot ratio is too high. The proposed dwelling is 450mm higher than Boranna and much higher than the single storey Manila. Site coverage and floor area have increased.
- The applicants figures for site coverage of Boranna are incorrect. The 2020 and 2023 applications required the applicant to keep in with the existing two storey dwelling to the south, stating that the proposed dwelling was dominant.
- The Planning Authority noted that previous reasons for refusal must be overcome.
- The red line boundary has increased from the previous application.
- The positioning of a dwelling further back on the site would allow construction traffic to safely turn on site.
- The appellants have no problem with a two-storey dwelling in line with the three houses to the south.

##### **6.5.2. Gerard and Geraldine O'Shea Response to First Party Response**

- The proposed development will cause the appellants kitchen and living area to be in shadow. If the dwelling respected the building line, overshadowing and visual impact would not be an issue.

- The views of the Planning Inspector and the Cork City planner on previous planning applications, that the dwelling should respect the building line are still valid.
- The Planning Authority was incorrect to include shared amenity space in the plot ratio calculation.
- The applicants understanding of building line is incorrect.
- The floor area of the subject dwelling is bigger than that previously refused.
- The appellants do not object to a two-storey dwelling further back on the site. The Board is requested to refuse this application.

## 7.0 **Assessment**

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, the reports of the local authority, and having inspected the site, and having regard to the relevant policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Extent of Development
- Impact on Residential Amenity
- Traffic

### 7.2. **Principle of Development**

- 7.2.1. The subject site is zoned for residential development. Given its proximity to the city and Douglas suburb, and the pattern of residential development in the immediate surrounds, the current use is not an efficient use of zoned serviced land. Subject to other planning considerations, the development of the site for a single family home is appropriate and in keeping with the zoning objective for the site.
- 7.2.2. One of the appellants raises the issue of the site boundary, stating that the red line of the subject application has changed from the previous planning applications on site. I note that drawing no. 19118-PLA-102-B submitted to the Planning Authority as part of the Further Information response refers to the issue. Notes on that drawing state

that “the issue of land ownership ...that arose on planning reference 20/39391 was due to an error on the drawings arising from a misunderstanding of where the physical boundary was located on the topographical survey versus the one set out as the registered site boundary. This error was rectified at FI stage of that planning application with the amendment of the red line boundary”. The note further states that the site application red line boundary, the land registration map boundary and the map submitted by the third-party engineer all align. I am satisfied that this issue has been addressed satisfactorily.

### **7.3. Extent of Development**

- 7.3.1. The appellants raise the issue of the scale, mass and bulk of the proposed dwelling and its position on site. I note that both appellants state that they would have no objection to a two-storey dwelling on-site, were it positioned further ‘back’ into the site, respecting the building line they say is established on the road.
- 7.3.2. In terms of building line, the appellants raise two concerns – that the proposed location on site impacts the residential amenity of the adjoining dwellings and also traffic safety. The appellants state that there is a building line established by the existing dwellings on site and that the applicants determination of building line is incorrect.
- 7.3.3. The subject road is characterised by single detached dwellings of various sizes, heights and architectural designs, all on individual plots. This ribbon development pattern creates no uniformity, with each development reading as a singular entity. Three two-storey dwellings to the immediate south of the subject site are somewhat similar and are relatively along the same building line but this is not carried through to the north of the site.
- 7.3.4. The proposed dwelling is set back from the dwelling to the north and forward of the dwelling to the south. The dwelling is single storey at ground level, stepping up to two-storey further east (back) into the site. This stepped approach – both in terms of building line and building height allows the mass of the dwelling to read as an infill between the two very different dwellings on either side. I consider it an appropriate response to the site context.

- 7.3.5. I note section 11.139 of the development plan which refers to infill development and states that “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)”. I am satisfied that the design approach to the subject site respects the height and massing of development in the area and that the architectural language is complementary.
- 7.3.6. The position of the dwelling on the subject site also allows sufficient space to the front – for all traffic to safely manoeuvre on site and exit in a forward gear, and to the rear in the form of private amenity space for the proposed dwelling.
- 7.3.7. The issue of the position of the dwelling and the impact on residential amenity is addressed in section 7.4 below.
- 7.3.8. The appellants raise the issue of plot ratio, stating that it is excessive given the pattern of development in the area. The applicant refutes this, providing details of plot ratios in the area. I do not consider the precise calculation of plot ratio to be a key issue. Taking a step back, the subject site is zoned and serviced for residential development. It is currently an empty site between a ribbon of single-family homes along a road leading to a busy suburb of Cork City. Providing that the proposed development does not seriously injure the residential amenity of existing dwellings, or provide sub-standard residential amenity to future residents, it is considered that the plot ratio of the proposed development is not a deciding factor.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The appellants raise the issue of the height and size of the proposed dwelling, referring to the previous planning applications on site. The Board will note that two, large, three-storey dwellings have been constructed to the immediate west of the subject site. As with the building line, there is no prevailing height on the subject road. The distinct nature of the plots allows a degree of individualisation. The height of the proposed dwelling, in my opinion, is only relevant in how it impacts the residential amenity of both existing and proposed dwellings.

7.4.2. The proposed dwelling presents a pitched gable front with single storey projection at ground level, as its 'front' / roadside elevation. The side/ south elevation, after amendment at FI stage is a series of three mono-pitches, stepping east as the dwelling sits into the site. This stepped approach allows the mass of the dwelling to be minimised from the roadside. There are no windows on the southern elevation at first floor level. On the northern elevation there are two – a hall and an en-suite, both of which can be conditioned to be of obscure glazing, should the Board decide to grant permission. I am satisfied that no overlooking will arise from the height of the proposed dwelling.

7.4.3. In terms of overshadowing, the appellants to the north state that the dwelling will impact the residential amenity of their kitchen / living space on the southern side of their bungalow and the outdoor amenity area in the same location. The applicant submitted a shadow study as part of their response to the third-party appeals. As noted by the appellant, in February and October, the southern elevation of their bungalow Manila, will experience between 1hr 15mins and 2hrs44min shadowing from the proposed development. The perception of this impact by the appellants as significant is understandable, however it does not qualify as overbearance. The proposed development complies with all standards and recommendations of the BRE guidance. I am satisfied that the proposed development will not significantly negatively or seriously injure the residential amenity of the dwelling to the north of the subject site.

## **7.5. Traffic**

7.5.1. The appellants submit that the traffic survey undertaken by the applicant is incorrect, having been undertaken during Covid. The applicant in response, notes the acceptance of both the traffic survey and the principle of the development by the traffic department of the City Council.

7.5.2. As noted above, the applicant submitted a Speed Survey report to the Planning Authority when lodging the application. The survey, undertaken in November 2021, found that the majority of vehicles passing the site travelled under the speed limit (50kph). In terms of sightlines at the proposed site entrance, 45m area available to the north and south. The report concludes that the proposed development is DMURS compliant. The Cork City Area Engineers Report of May 2023 states that noting that



notwithstanding that the survey was undertaken in Covid, they were happy to accept the findings of the report.

- 7.5.3. The subject site is zoned and serviced for residential development. the creation of another entrance on the road will further encourage the demonstrated under-the-speed limit behaviour of drivers on the road. I am satisfied that it has been demonstrated that the proposed development will not create a traffic hazard.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. 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 c. 2km to the north of the subject site. No nature conservation concerns were raised in the planning appeal.
- 8.1.3. 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
- 8.1.4. 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.

## **9.0 Recommendation**

I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

## 10.0 Reasons and Considerations

- 10.1.1. Having regard to the location of the site on serviced urban land, the ZO 01 sustainable residential neighbourhood land use zoning of the site, the existing and permitted pattern of residential development at this location and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in keeping with the established pattern of development at this location and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would therefore be in accordance with the proper planning and sustainable development the area.

## 11.0 Conditions

1. 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 submitted on the 20th day of December 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.

**Reason:** In the interest of clarity.

2. The windows at first floor level on the northern elevation, illuminating the hall and bathroom shall be of obscured glazing only.

**Reason:** In the interest of protecting the residential amenity of neighbouring properties to the north.

3. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

**Reason:** In the interests of clarity and public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and surface water management.

6. The site shall be landscaped (and earthworks carried out) in accordance with a detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.

**Reason:** In order to ensure the satisfactory completion of the development.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 9 Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

10. The construction of the development shall be managed in accordance with a Construction and Traffic 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:
- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;
  - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent

the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

13. 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.

**Reason:** 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.

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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Gillian Kane  
Senior Planning Inspector

30 October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening, EIAR not submitted

<b>An Bord Pleanála Case Reference</b>	ABP-319093-24		
<b>Proposed Development Summary</b>	Two-storey dwelling, single-storey detached gym/garden store, relocation and modification of entrance, new boundary walls, gate and driveway, new foul mains connection and all other ancillary site development works.		
<b>Development Address</b>	Moneygourney, Douglas, Co. 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>	
<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>No</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>	Class 10		No EIAR or Preliminary Examination required
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>		<b>Preliminary Examination required</b>	



<b>An Bord Pleanála Case Reference</b>	ABP-319093-24		
<b>Development Summary</b>	Two-storey dwelling, single-storey detached gym/garden store, relocation and modification of entrance, new boundary walls, gate and driveway, new foul mains connection and all other ancillary site development works.		
<b>Examination</b>			
	Yes / No / Uncertain		
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?	no		
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?	No		
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?	No		
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	No		
<b>Comment (if relevant)</b> Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any 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			
<b>Conclusion</b>			
<b>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</b>			
There is no real likelihood of significant effects on the environment	EIAR not required		
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	No		
There is a real likelihood of significant effects on the environment	No		

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

**Date:** 30 October 2024