



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319511-24

<b>Development</b>	Construction of two-storey dwelling to rear of existing dwelling and all associated site works.
<b>Location</b>	9 Castle Avenue, Castle Road, Blackrock, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2342512
<b>Applicant(s)</b>	Aoife Byrne.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant, subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Paul and Kathleen O' Sullivan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	17 <sup>th</sup> July 2024.
<b>Inspector</b>	Terence McLellan

## **1.0 Site Location and Description**

- 1.1. The appeal site relates to a 0.05 hectare section of the rear garden of No. 9 Castle Avenue, which is located within the established residential suburb of Blackrock, approximately 4.5km east/south-east of Cork City Centre. The rear garden of No. 9 Castle Avenue is very deep and rectangular in shape, with the appeal site specifically referring to the western two thirds of the plot.
- 1.2. The surrounding area is characterised by a variety of housing. No.9 Castle Avenue is a dormer bungalow positioned at the end of the cul-de-sac characterised by a range of single, dormer, and two storey dwellings. Castle Road which is approximately 200m to the north includes a number of notable period residences, as well as more contemporary housing. The appeal site itself is bounded to the north by the rear garden ground of No. 8 Castle Avenue, as well as the single storey dwelling known as Marguerites which is accessed from Castle View. To the south the site is bounded by the Gate Lodge Estate which comprises mainly two-storey semi-detached and terraced dwelling houses.
- 1.3. The appeal site is bounded by an existing high wall to the south on its border with the Gate Lodge Estate. A combination of walling, fencing and mature planting stands along the western and northern site boundaries. Access to the site is presently obtained directly from Castle Avenue, although it is proposed to create a new vehicular/pedestrian entrance from the Gate Lodge estate to the immediate south.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the subdivision of the rear garden of No. 9 Castle Avenue in order to create a separate development plot for the construction of a detached, two storey, three bedroom dwelling with off street parking and vehicular access from the adjacent Gate Lodge Estate.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Notification of the Decision to Grant Permission was issued by Cork City Council on the 21<sup>st</sup> March 2024, subject to 16 conditions as follows:

1. Plans and particulars.
2. External finishes (compliance).
3. Drainage (separate systems).
4. Compliance with Water Services Act 2007.
5. Compliance with Uisce Éireann requirements.
6. Surface water.
7. Non-obstruction of existing road drainage.
8. Requirement for new storm water connection.
9. CCTV survey of public sewage system.
10. Connection Agreement with Uisce Éireann.
11. Road Opening Licence.
12. Orderly development and construction waste.
13. Noise.
14. Environmental impacts.
15. Development contributions.
16. Supplementary development contributions (Cork Suburban Rail).

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

3.2.1. The Planner's Report contains the following points of note:

- The report notes that the proposed development is the same as that previously granted permission by the City Council and the Board.

- Residential is an acceptable use and the design of the dwelling is considered acceptable.
- The building line of Gate Lodge is maintained, there would be no overlooking/privacy impacts and no significant overshadowing/loss of light beyond that expected for urban areas.
- It is noted that a document titled "Response to Cork City Council Request for Further Information in respect to Planning Ref. 22/41634" was submitted along with the planning documents. This document responds to Further Information points relating to a withdrawn planning application in 2023. It is noted that while this document responds to queries raised in the RFI, these changes and alterations are not reflected in the current planning application drawings. In this regard, further information should be requested to ensure consistency across all the documents submitted.
- Further Information was requested to secure:
  - A full set of drawings and maps, ensuring consistency between all documents with particular reference to the position/size of the vehicle access, pedestrian provision tie in to the existing pedestrian network and all drainage proposals.
  - Drawings demonstrating vehicular access width no wider than 3 metres.
  - Details of pedestrian network tie-ins.
- The report concludes that the Further Information submitted was acceptable and ultimately, planning permission was granted.

### 3.2.2. **Other Technical Reports**

3.2.3. **Conservation:** No details of the response is on file, however, the Planner's Report states that there was no objection.

3.2.4. **Contributions:** Grant.

3.2.5. **Drainage:** No objections, subject to conditions. (Condition Nos. 3-11 in Section 3.1.1 above).

3.2.6. **Environment:** No objection, subject to conditions. (Condition Nos. 12-14 in Section 3.1.1 above).

3.2.7. **Urban Roads and Street Design:** Further Information was requested regarding drawings demonstrating a vehicular access width no wider than 3 metres in addition to details of pedestrian network tie-ins. This information was provided by the Applicant and considered acceptable by the Urban Roads and Street Design Section.

### 3.3. **Prescribed Bodies**

3.3.1. **Health and Safety Authority:** Does not advise against the granting of planning permission in the context of Major Accident Hazards.

3.3.2. **Uisce Éireann:** No objection. Standard provisions recommended regarding connection agreements, infrastructure capacity, and compliance with the Code of Practice.

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

3.4.1. One observation was received by John McCarthy and Partners of 16 Mary Street Cork, for and on behalf of Paul and Kathleen O' Sullivan of Marguerites, Castle Road, Blackrock, Cork (the Appellants). The observation is on file for the Board's information and the issues raised therein are similar to the grounds of appeal, which are set out in detail in Section 6.4 below.

## 4.0 **Planning History**

4.1.1. **ABP Ref. 248318/Planning Authority Ref. 16/37049:** Permission was granted by Cork City Council and upheld by the Board on appeal in September 2017 for the construction of a two storey dwelling to the rear of existing dwelling at No. 9 Castle Avenue with access from the Gate Lodge Estate. The proposed development is identical to this previously permitted scheme.

## **5.0 Policy Context**

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

- 5.1.1. The site is zoned ZO 1- Sustainable Residential Neighbourhoods, the stated objective of which is 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. The zoning objective states that the provision and protection of residential uses and residential amenity is a central objective of this zoning and that 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. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.
- 5.1.2. The site is located within the Blackrock Architectural Conservation Area.
- 5.1.3. Chapter 2: Core Strategy seeks to deliver Strategic Objective 1 of the CDP, Compact Liveable Growth, with the aim of improving quality of the life in the city. The relevant objectives of this chapter are:
- Objective 2.31: Compact Growth
  - Objective 2.32: Housing Supply
- 5.1.4. Chapter 3 of the CDP sets out the policies for achieving Strategic Objective 2, Delivering Homes and Communities, with the aim of delivering housing and creating and maintaining sustainable neighbourhoods and the community infrastructure needed to ensure that diverse communities all benefit from a good quality of life. Relevant objectives of this chapter include:
- Objective 3.4: Compact Growth
  - Objective 3.3: New Housing Supply
  - Objective 3.9: Adaptation of Existing Homes, Infill Development, and Conversion of Upper Floors
- 5.1.5. Chapter 8 of the CDP aims to deliver Strategic Objective 7, Heritage, Arts and Culture, by protecting and reinforcing the unique character and built fabric of the city, towns, villages, suburbs, neighbourhoods and places that make up the fabric of Cork City,

both the character derived from the natural environment and the man-made character created by the built form. This will be achieved by protecting Protected Structures, archaeological monuments, and archaeological heritage and Architectural Conservation Areas, while providing opportunities for new development that respects the rich, historic built heritage of the city.

- Objective 8.23: Development in Architectural Conservation Areas

5.1.6. Chapter 11 includes the policies aimed at delivering Strategic Objective 9, Placemaking and Managing Development. This chapter sets out the Council's guidance and priorities for development proposals. Of primary importance is securing development of the highest architectural and urban design quality that is people-centric and resilient to climate change and other challenges. Relevant objectives and sections of this chapter include:

- Objective 11.1 Sustainable Residential Development
- Objective 11.3: Housing Quality and Standards
- Objective 11.4: Daylight, Sunlight and Overshadowing
- Objective 11.5: Private Amenity Space
- Section 11.66: Placemaking and Quality Design
- Section 11.67: Design Quality
- Section 11.69: Residential Density
- Section 11.100: Separation, Overlooking and Overbearance
- Section 11.106: Quantitative Standards for Houses
- Section 11.139: Infill Development
- Section 11.234: Car and Bicycle Parking

## 5.2. Regional Policy

### **Regional Spatial and Economic Strategy for the Southern Region**

5.2.1. This strategy provides a framework for development at regional level. The RSES promotes the regeneration of our cities, towns, and villages by making better use of under-used land and buildings within the existing built-up urban footprint.

## 5.3. National Policy

### **National Planning Framework – Project Ireland 2040**

5.3.1. The government published the National Planning Framework (NPF) in February 2018. Objective 3a is to deliver 40% of all new homes nationally, within the built-up footprint of existing settlements. Objective 11 is to prioritise development that can encourage more people to live or work in existing settlements whilst Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 is to increase residential density in settlements through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### **5.4. Ministerial Guidelines**

- Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The guidelines allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances.

#### **5.5. Natural Heritage Designations**

5.5.1. The site is not located in or immediately adjacent to any European sites. The nearest European Site is the Cork Harbour SPA which is located approximately 235 metres to the north east of the site. The Douglas River Estuary pNHA lies approximately 100 metres to the north.

#### **5.6. EIA Screening**

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



## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been submitted by John McCarthy and Partners of 16 Mary Street, Cork, for and on behalf of Paul and Kathleen O' Sullivan of Marguerites, Castle Road, Blackrock, Cork. The Appellant's home shares a boundary with the appeal site, which sits to the south. The grounds of appeal can be summarised as follows:

#### Procedural Matters

- Errors were made in the assessment of the earlier application regarding the pattern of development on the Appellant's site, including the orientation of their dwelling, location of rooms and amenity spaces, all of which were designed to maximise their amenity and enjoyment.
- The Planning Authority have failed to address the issues raised in the submission leading to a flawed assessment.
- There is no record of any on site assessment and the report was completed prior to the closing date for observations. There are procedural issues.
- The Board are requested to have regard to every submission made on both the current application and the previous permission.
- Acknowledge the previous permission granted by the Board but note that the Inspector did not visit the Appellant's property, did not understand the pattern and nature of development and as such the assessments was unreliable and flawed. It is requested that a site visit is undertaken on this occasion.
- The Planner's Assessment is flawed due to the lack of a site visit and failure to consider matters raised in the submissions, and failure to address policy/CDP requirements. The current application assessment repeats previous errors and misrepresentations.

#### Design and Amenity

- A site appraisal and design strategy should be prepared having regard to the context, setting, and character of the area as well as the development plan. These documents were not submitted nor have other specialist reports been

provided (landscape, biodiversity, heritage). Information submitted with the application is inadequate.

- The development would lead to amenity impacts in terms of overbearance and overshadowing. The living rooms and patio of the Appellant's home are orientated south, not east as erroneously concluded in the previous permission.
- The loss of residential amenity will devalue the appellant's property.
- The siting, mass, bulk, scale, and alteration to hardstanding areas will have negative impacts.
- The development as proposed does not have adequate regard to the interests of public safety and residential amenity.
- Development should have full regard to the Sustainable Residential Development Guidelines regarding context, amenity and detailed design. The current proposal does not comply.
- The proposal fails to comply with various aspects of the CDP, including in terms of heritage/historic environment, environmental infrastructure/drainage, SUDS, protection of amenities, zoning, biodiversity, and trees.
- There are errors on the application form, the site is in an ACA, yet the Applicant has stated that it isn't, this is misleading.

#### Biodiversity

- The layout plan is illegible and unreliable, no regard for the biodiversity status of the site, unclear what is happening to the hedgerows. The development fails to address the long established flora and fauna on the site including birds, insects, foxes, and bats.
- Large trees are to be planted. A previous tree on site fell on the Appellant's home, requiring partial demolition. The suggestion to plant large trees without expert or site specific advice is inexplicable and there are concerns that the tree fall event could be repeated.
- The Board are requested to have regard to application TP23/42211 where FI was requested mentioning Legal Ownership, landscaping and removal of

trees/biodiversity impacts, and a natural heritage/bat survey. The failure of the Applicant to submit the relevant information is inexcusable.

#### Title

- The proposal includes development of lands outside of the Applicant's ownership. No letter of consent has been provided by the owner of the lands outlined in red which permits the development opening onto Castle Road.
- The Planning Authority have noted that the development cannot proceed without the permission of others, as stated in Points 8 and 9 of the Order referencing Section 34 (13) of the Planning and Development Act. It is unconscionable that the Planning Authority made a decision where this conflict exists.

#### Miscellaneous

- The proposal will dramatically alter the drainage of the site.
- The application is motivated by profiting from the proposed development.
- It is unclear why alternative options were not considered that fully assessed the site context, had full regard to the CDP and government guidance and might not give rise to injurious impacts.
- The proposed development would be contrary to the proper and orderly planning and sustainable development of the area.
- Further information was considered not significant, and this prevented the Appellant's from making a further submission, including pointing out the failure to address the CDP requirements that SUDS would be pursued.
- The previous permission was granted subject to conditions. The current application makes no reference to these conditions and directly contravenes and contradicts some of them. Particularly Conditions 4, 7, 8, and 9.

## **6.2. Applicant Response**

### **6.2.1. No response.**

### **6.3. Planning Authority Response**

6.3.1. No response on file.

### **6.4. Observations**

6.4.1. None.

### **6.5. Further Responses**

6.5.1. None.

## **7.0 Assessment**

7.1.1. At the outset I would acknowledge that the grounds of appeal raise several procedural matters, including perceived errors being made on the assessment of the earlier application by both the Planning Authority and the Board with regards to the pattern of development on the Appellant's site, the lack of a site visit to the Appellant's property, errors on the application form, and failure to address CDP/Policy issues. Concerns are also raised that Further Information was not considered significant and as such was not advertised, meaning that the Appellant was not able to comment on the submission.

7.1.2. It is not a matter for the Board to regularise any perceived or actual deficiencies or errors made in the assessment of planning applications by the Planning Authority, including the decision whether or not to advertise Further Information. The following report represents my De Novo assessment of the proposed development, having examined the application details and all other documentation on file, including the reports of the Planning Authority and all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Design and Amenity
- Biodiversity
- Title

### **7.2. Design and Amenity**

- 7.2.1. Various design matters are raised in the appeal, notably that a site appraisal and design strategy should be prepared having regard to the context, setting and character of the area as well as the development plan. In my opinion, such an appraisal would not explicitly be required for a development of such limited size.
- 7.2.2. I note the location of the site within the Blackrock Architectural Conservation Area, however it is located to the rear of the main street facing parts of the Conservation Area and as such its contribution to the special architectural character is limited. Surrounding dwellings are largely two storey or one and a half storey in size. The Appellant's property sits to the north west and is single storey in nature. The proposed development is for a two storey dwelling, albeit more akin to a one and a half storey dwellinghouse.
- 7.2.3. I note that the Appellant's property is shown on the contextual elevation. From my site visit, it appears that the Appellant's property has been drawn taller than it actually is. I am unable to verify the accuracy of the drafted height. It is of course open to the Board to request clarity on this matter if required, however, I have conducted my assessment on the basis that the Appellant's property is single storey in nature and lower in height than shown on the contextual elevation. Furthermore, I am satisfied that the position of the dwellings shown on plan is accurate.
- 7.2.4. I am of the view that the height and massing of the proposed dwelling would be acceptable on this backland site, having regard to the surrounding built form. Whilst I consider that it would be taller than the Appellant's property, I do not consider that this would be particularly harmful in townscape or amenity terms, given the positioning of the dwellings and the separation distances involved. The relationship between the proposed dwelling and the Appellant's property is not uncommon in urban areas.
- 7.2.5. Overall, the proposed height successfully integrates into this backland site, which is surrounded by a range of heights, from the Appellant's single storey property to the majority one and a half and two storey properties which surround the remainder of the site. In my opinion the proposed development effectively manages the transition and variance in heights in the surrounding area.
- 7.2.6. Given the backland and largely concealed nature of the site, in addition to the proposed scale of the dwelling, I am fully satisfied that there would be no injurious impact on the Blackrock Architectural Conservation Area.

- 7.2.7. In design terms I am satisfied that the proposed dwelling would be acceptable, and I consider the site layout to be appropriate, maintaining the building line from the Gate Lodge Estate and ensuring sufficient separation distances between the Appellant's property as well as the rear garden ground of the dwellings on Coach House Avenue. The form, detailed design, and materials for the proposed development would be acceptable in my view.

*Residential Amenity*

- 7.2.8. In my opinion the proposed dwelling would not be overbearing on the Appellant's property given the offset positioning of the two dwellings, the separation distance between them, and the detailed design of the proposed dwelling with the pitched roof stepping away from the boundary. With the exception of small rooflights, no windows would be positioned on upper levels directly facing the Appellant's dwelling and as such I am satisfied that there would be no overlooking impacts.
- 7.2.9. Additionally, I am satisfied that there would be no significant loss of daylight or sunlight. Whilst I note the presence of windows on the southern elevation of the Appellant's property, one of these windows would retain generally unobstructed views to the south whilst the other window, which would look onto the northern façade of the proposed dwelling, appears to serve a room that also benefits from an unobstructed window on the eastern façade. In any event, taking into account the urban nature of the site, the positioning of the proposed dwelling, its limited scale, the separation distance involved as well as the existing the boundary treatment and dense vegetation/planting, I am satisfied that there would be no significant overshadowing of any windows or amenity spaces beyond that typical of urban areas.

*Property Value*

- 7.2.10. The Appellant's state that the development would lead to a devaluation of their property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

*Public safety and Access*

- 7.2.11. In my opinion, the Appellant's claims that the development does not have adequate regard for public safety are unfounded. The proposed entrance from Gate Lodge is acceptable in terms of its width, layout and detailed design, following amendments made at Further Information stage, and I do not consider that pedestrian or vehicular safety would be compromised.

#### *Drainage*

- 7.2.12. Various points are raised by the Appellant with regards to drainage and the apparent lack of SUDS. The Planning Authority have recommended a suite of drainage conditions which suitably address surface water. I am also of the view that permeable surfaces could be conditioned, and overall, I am of the view that the development would be acceptable in terms of drainage, making use of the existing municipal system. Despite being raised in the appeal, it is my view that further environmental infrastructure would not be warranted for a single dwelling on a serviced urban site.

### **7.3. Biodiversity and Trees**

- 7.3.1. The Appellant raises concerns that the development fails to have regard for the biodiversity status of the site and fails to address the long established flora and fauna on the site including birds, insects, foxes, and bats. Further concerns are raised that large trees are to be planted give the fact that a previous tree on the site fell onto the Appellant's home, requiring partial demolition.
- 7.3.2. I have no objections to the removal of some vegetation and trees on the site in order to enable development, subject to conditions to ensure that removal takes place outside of the nesting season and also subject to a pre-commencement condition to undertake a bat survey. A landscaping scheme should also be secured by condition to ensure that the boundary planting would be appropriate and suitable to the context. Whilst I note the Appellant's view that these details should have been provided as part of the application, I am satisfied that they can be adequately addressed by condition and refusal of the application on these grounds is not warranted.

### **7.4. Title**

- 7.4.1. The Appellant states that the proposal includes development of lands outside the Applicant's ownership. No letter of consent has been provided by the owner of the lands outlined in red which permit the development to open onto the Gate Lodge

Estate. The Appellant further states that the Planning Authority have noted that the development cannot proceed without the permission of others, as stated in Points 8 and 9 of the Order referencing Section 34 (13) of the Planning and Development Act. It should be noted that the Appellant does not own any of the land forming the application.

- 7.4.2. With regard to the proposal to open a new access through the shared boundary wall onto the Gate Lodge estate, the Board is advised that the previous application was accompanied by a letter of consent dated 17th May 2013 and signed by a representative of the relevant landowner (i.e. O'Brien & O'Flynn Builders) which indicated that it had no objection to the proposed entrance arrangement or use of adjacent services. However, as set out in ABP-248318, after the issuing of that correspondence the firm involved went into liquidation. The same letter has been submitted as part of this application, but this would not be valid given that this is a new application and the fact that the ownership has since changed hands
- 7.4.3. The Gate Lodge Estate has been taken in charge by Cork City Council, as has the strip of land in front of the boundary wall on the estate side. The Council previously gave consent to crossing this strip of land and whilst a new letter of consent has not been submitted by the Applicant, the Planning Authority have not raised any objections to the development on title/consent grounds. As with the previous application however, the Council do not appear own the boundary wall, which is partially within the Appellant's ownership, and it is not clear who the owner of the remainder of the boundary wall is. I am satisfied that the remaining title issue is essentially a party wall issue.
- 7.4.4. As set out in the Development Management Guidelines, the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. I am therefore satisfied that any concerns pertaining to title and the boundary wall would amount to a civil matter for resolution between the parties concerned. I would also draw the Board's attention to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.



## **8.0 AA Screening**

- 8.1.1. I have considered the appeal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on Little Cross Street in Cork City Centre, approximately 235 metres from the Cork Harbour SPA (Site Code 004030), which is the nearest European Site.
- 8.1.2. The proposed development comprises a new detached dwellinghouse. No nature conservation concerns were raised with regards to European Sites 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:
- The small scale nature of the works.
  - The distance of the development from the nearest European Site and the lack of any direct hydrological connections and the use of the municipal water/sewage system.
  - The screening determination of the Planning Authority, who concluded that Appropriate Assessment is not required.
- 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**

- 9.1.1. I recommend that the Board uphold the decision of Cork City Council and grant planning permission for the proposed development for the reasons and considerations set out below:

## 10.0 Reasons and Considerations

- 10.1.1. Having regard to the zoning objective of the site, the site locational characteristics, the appropriate scale, design and form of the proposed development, and the overall lack of any significant impacts on visual, residential or heritage amenity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would offer a satisfactory level of residential amenity to future occupants, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of 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 received by the planning authority on the 26th day of February 2024, 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. All drainage matters, including the attenuation and disposal of surface water, the use of permeable surfaces for all vehicular hardstanding, and provision of a new stormwater connection, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.

3. The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

4. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. **Reason:** In the interest of public safety and amenity.

5. 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.

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

6. Prior to the commencement of any development works on the site, the Applicant shall undertake a bat survey by a competent qualified person or consultancy to ascertain the presence of any bat activity on the site in relation to roosting and foraging and an assessment of any potential impact on the species arising from the proposed development. The nature and methodology of this survey shall be agreed with the planning authority prior to the commencement of the survey. No building, feature or vegetation shall be altered or removed prior to this survey and assessment. Full details of the survey and assessment shall be submitted to the planning authority in advance of any development works on the site. Such the presence of bats be established on the site no development

shall occur until the necessary permission/ derogation licence has been obtained from the appropriate statutory body.

**Reason:** In the interest of bat protection and to provide for the preservation and conservation of this species

7. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

8. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, complete details of all proposed boundary treatment within and bounding the proposed development site.

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

9. There shall be no felling or scrub clearance within the bird nesting season (1st March to 31st August). The site shall then be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. **Reason:** In the interest of residential and visual amenity.

10. 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.

11. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 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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Terence McLellan  
Senior Planning Inspector

30<sup>th</sup> August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-319511-24		
<b>Proposed Development Summary</b>	Construction of two-storey dwelling to rear of existing dwelling and all associated site works.		
<b>Development Address</b>	9 Castle Avenue, Castle Road, Blackrock, 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>	No further action required
<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>	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>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>		Class 10 (b) (i), threshold >500 dwellings.	Proceed to Q.4

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

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

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



## Appendix 2

### Form 2

#### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-319511-24	
<b>Proposed Development Summary</b>	Construction of two-storey dwelling to rear of existing dwelling and all associated site works.	
<b>Development Address</b>	Construction of two-storey dwelling to rear of existing dwelling and all associated site works.	
<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?	<p>The proposed development is for residential, in an area that is largely characterised by residential use. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<b>Size of the Development</b> Is the size of the proposed development exceptional in the	<p>The size of the development would not be exceptional in the context of the existing environment.</p>	No.

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The development would be located in a serviced residential area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impacts on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and whilst within an Architectural Conservation Area, no significant impacts or effects are anticipated.</p>	<p>No.</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

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

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