



An
Bord
Pleanála

Inspector's Report ABP-319948-24

Development	Construction of two no. semi-detached dwellings and all associated site works.		
Location	St. Theresa's Place, Greenane, Kanturk, Co. Cork		
Planning Authority Ref.	244265		
Applicant(s)	J.D Buckley Developments Ltd.		
Type of Application	Permission	PA Decision	Grant
Type of Appeal	Third Party	Appellant	Gerard & Evelyn Lehane Tadhg Browne
Observer(s)	None		
Date of Site Inspection	04/09/2024	Inspector	Lorraine Dockery

Site Location/ and Description. The subject site, which has a stated area of 0.04 hectares and is roughly rectangular in shape, is located within the settlement boundary of Kanturk, Co. Cork. The site originally formed part of the rear garden areas of No. 1 and 2 Greenane Street Lower but now has access from St. Theresa's Place. A laneway is located along the southern boundary of the site. The area comprises a mix of residential dwellings and other uses.

2. Proposed development. Construction of two no. semi-detached, two-storey, two-bedroom dwellings and all associated site works. Each proposed dwelling has a stated floor area of 88m². Proposed source of water supply is a new connection to the public mains.

3. PA's Decision- Grant permission, subject to 23 conditions.

Further Information was requested by the planning authority in relation to (i) car parking and rear garden area (ii) residential amenity (iii) boundary treatments (iv) utility pole.

Internal Reports

Public Lighting- No objection, subject to conditions (dated 05/06/2024)

Conservation Officer- No objections

Engineering Section- No objection, subject to conditions (dated 04/06/2024)

Prescribed Bodies

Uisce Eireann- No report received

4. Planning History.

None

5.1. National/Regional/Local Planning Policy

- Cork County Development Plan 2022-2028 applies
- Zoning: Established Residential/Mixed Residential and Other Uses
- Greenane Architectural Conservation Area is located to the west- HE 16-18 Architectural Conservation Areas noted
- There are numerous policies and objectives in the operative Plan that support residential development within existing settlement boundaries on brownfield/infill site; which seek the protection of built heritage and ACAs
- Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, 2024- SPPR 2 and 3 noted

5.2 Natural Heritage Designations

- 80m west of the Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

6. The Appeal

6.1 Third Party Appeals (2 no.). Grounds:

- Over-development of site; notes planning history; site suitable for one unit only; notes extent of conditions attached by PA and compliance with same
- Traffic concerns- narrow width of roadway; existing volume of traffic; impacts on residents and potential for accidents with reversing onto roadway; construction traffic concerns; concerns for visibility when backing out of their driveway
- Residential amenity concerns- invasion of privacy; impacts on existing hedging; overlooking albeit at an angle; tree removal and subsequent impacts from anti-social behaviour; possible velux rooflights and windows on gable elevation
- Photographs submitted in support of appeal

6.2 P.A. Response

- Conditional permission was recommended, having regard to the nature and scale of development, policy context, location and characteristics of site and the recommendations of Area Engineer, Conservation Architect and Public Lighting Engineer.

6.3 Further Responses (First Party)

- Ample space to reverse onto the public road similar to other dwellings within estate; appellant alludes to doing likewise; Area Engineer agreed with proposal
- Infill site within town curtilage with convenient access to services and local amenities

6.4 Observations

- None

7. EIA Screening:

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the

Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

8. AA Screening:

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

The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Blackwater River (Cork/Waterford) SAC, approximately 80 m from the proposed development.

The proposed development is located within a zoned, urban area (primarily residential in nature) and comprises the construction of two no. dwellings and associated site works on an infill, serviced site.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced area, distance from European Sites, together with absence of ecological pathways to any European Site.
- The report of the planning authority

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Assessment

- 9.1 I have read all the documentation attached to this file including the appeal submissions, the report of the Planning Authority, in addition to having visited the site. The proposed works involve a relatively minor development of two no. two-

storey, semi-detached dwellings and all associated site works on an infill site that previously formed the rear garden areas of dwellings fronting onto Greenane Street Lower. The site has direct vehicular access onto Saint Theresa's Place, similar to other dwellings constructed in the immediate vicinity.

- 9.2 The primary issues, as I consider them, are overdevelopment of the site, traffic concerns and impacts on residential amenity.
- 9.3 In terms of overdevelopment of the site, I note that the site is zoned 'Established Residential/Mixed Residential and Other Uses. I consider the proposed development to be in accordance with the zoning objective for the site and the principle of a development such as that proposed is acceptable and appropriate at this location. Sections 3.5.13-3.5.15 of the operative County Development Plan relate to infill development and sets a generally favourable policy towards such development, subject to compliance with normal planning criteria. I consider the proposal to be substantially in compliance with these sections of the operative County Development Plan. The proposal is also considered to be in accordance with national policy with regards the densification of appropriate urban infill sites. In terms of concerns regarding overdevelopment, I am satisfied that the site has capacity to accommodate a development of the nature and scale proposed, without detriment to the amenities of the area. I do not consider it to represent overdevelopment of the site. The design and layout proposed reflect the pattern of development in the immediate area, which is comprised primarily of two-storey, semi-detached dwellings although I do note a single storey, detached dwelling immediately opposite..
- 9.4 In terms of traffic concerns, I note the concerns raised in the appeal with regards to this matter. I am not unduly concerned in this regard. One of the appellants raise concerns regarding the proposal to reverse onto the roadway in terms of traffic safety, but somewhat contradictorily state that they themselves do the same from their property. Given the limited scale of the proposed development (two single dwellings), I would not anticipate it to lead to the generation of significant volumes of traffic. In-curtilage parking is proposed. No turning area is proposed within the curtilage of the proposed dwellings but this is similar to other properties in the vicinity and reflects the current pattern of development. The existing roadway appeared quite lightly trafficked at the time of my site visit. Issues of unauthorised parking/anti-

social behaviour are a matter for An Garda Síochána. The planning authority, including Engineering Division have not raised concerns in this regard. I am generally satisfied in this regard and have no information before me to believe the proposal would lead to the creation of a traffic hazard or obstruction of road users.

- 9.5 In terms of concerns regarding construction impacts, a Construction Management Plan should be submitted by the applicants, prior to the commencement of any works on site which would deal with matters relating to construction practices, noise, hours of operation and the like. I recommend that this matter be dealt with by means of condition, if the Board is disposed towards a grant of permission.
- 9.6 In terms of impacts on residential amenity, I note the contents of the appeals received. I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the information before me and noting the limited scale of development proposed and separation distances proposed, I consider any potential impacts to be reasonable. I consider that the potential impact on neighbouring residents is not significantly adverse and is mitigated insofar as is reasonable and practical. Separation distances typical of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. Given the height and design of the proposed dwelling, I am of the opinion that the proposed house would not unduly overbear, overlook or overshadow adjoining properties, and would not seriously injure the amenities of property in the vicinity of the site. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. There are no windows proposed in the gable elevations. I am of the opinion that the proposed works are of a use, scale, height and design appropriate to its location and context. There is an acknowledged housing crisis and this is a serviceable site, in an established area, where there are adequate services and facilities in close proximity.
- 9.7 In terms of residential amenity for future occupiers and the improvement of same, I am of the opinion that a window, permanently comprised of obscure glazing, should be provided to the bathroom at first floor level in both proposed dwellings. This matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

- 9.8 The site is located to the east of the Greenane Architectural Conservation Area- the original dwellings fronting onto Greenane Street Lower, (of which this site once formed the back garden area), are located therein. I note Objective HE 16-18 in relation to Architectural Conservation Areas, in particular (b) which seeks to promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development. I consider the proposal to be an appropriate infill development and would not impacts on the character of the ACA. The Conservation Officer of the planning authority has not raised concerns in this regard.
- 9.9 With regards to other matters, I note that Reg. Ref. 21/4739 is referenced on one of the appeal submissions. I highlight to the Board that no decision was made on this application by the planning authority as a FI request was not responded to by the applicants. It is noted that a new County Development Plan has been adopted in the interim.
- 9.10 The matter of tree protection could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.
- 9.11 I concur with the opinion of the planning authority in relation to the rear garden layout of Dwelling No. 1 and consider that if the Board is disposed towards a grant of permission, that a similarly worded condition be attached to any such grant.
- 9.12 Compliance with conditions/unauthorised development is a matter for the enforcement section of the planning authority. Possible future development on this site is outside the remit of this planning appeal.
- 9.13 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

10. Recommendation

I recommend that permission for the development be GRANTED.

11. Reasons & Considerations

Having regard to the location of the site; the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not endanger public safety by reason of a traffic hazard and would not seriously injure the visual or residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12. Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of May 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of any development on site, the applicants shall submit the following for the written agreement of the planning authority:</p> <p>(i) revised site layout plan, at an appropriate scale, showing the walled courtyard area to the rear of Dwelling No. 1 solely forming part of the private open space associated with that dwelling in its entirety. The walls and gates to the north and east of this courtyard area shall be omitted.</p> <p>(ii) Details of proposed boundary treatments. All walls shall be suitably capped and rendered</p>

	<p>(iii) Details of trees/planting proposed for removal and where necessary, measures to ensure the protection of trees/planting to be retained</p> <p>(iv) Revised plans and elevations, at an appropriate scale, showing a window, permanently comprised of obscure glazing to be provided to the bathroom at first floor level</p> <p>(v) A detailed construction traffic management plan which shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interests of residential amenity, traffic safety and convenience and ecology</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
5.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.</p> <p>Reason: In the interest of traffic safety and convenience.</p>
6.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p>

	<p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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</p>

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.

Lorraine Dockery
Senior Planning Inspector
02nd October 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319948-24		
Proposed Development Summary	Construction of two no. semi-detached dwellings and all associated site works.		
Development Address	St. Theresa's Place, Greenane, Kanturk, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	x		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	x	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

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

Inspector: Lorraine Dockery

Date: 02nd October 2024