



An
Bord
Pleanála

Inspector's Report

ABP-321639-25

Development	Construction of 93 residential units and a creche, together with all associated site works.
Location	Site at South Douglas Road, between Rathmore Lawn and Tramore Lawn, Douglas, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2442645
Applicant(s)	Johnson+Perrott Property Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First and Third Party
Appellant(s)	Johnson+Perrott Property Developments Limited (First Party) Peter & Elizabeth O'Donovan David Senior Dympna Murphy & Pierce de Courcy

Derek O'Leary & Annik Twomey
O'Leary
James Sheehan & Karen Hennessy

Observer(s)

Eamonn Augustine O'Duibhgeannain

Date of Site Inspection

20th March 2025

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1.1. The subject site is located in Douglas, a southeastern suburb of Cork City, approximately 2km southeast of Cork City Centre. The subject site is 1.98ha in area and forms the proposed Phase 1 of a two-phase development of the overall 2.66ha site. Phase 2 is the subject of a separate application and appeal (ABP Ref. 321666-25).
- 1.1.2. The subject site is accessed via an existing entrance from South Douglas Road to the south and is currently in agricultural use. Ballincurrig Villa, which is on the National Inventory of Architectural Heritage (NIAH), and Johnson and Perrott Motor Sales are located to the north of the site. To the east and west of the site there is existing semi-detached and detached dwellings at Tramore Lawn, Rathmore Lawn and Rhodaville Estate.
- 1.1.3. The wider area to the site is generally characterised by residential use with some provision of commercial uses including pubs and shops and community facilities such as schools and childcare facilities also in the surrounds.

2.0 Proposed Development

- 2.1.1. The proposed development consists of the construction of 93no. residential units in a mixture of semi-detached (2no.), townhouses (48no.), mews units (11no.) and duplex units (32no.), a creche and all associated site works on this vacant site.
- 2.1.2. The following key details are noted:

Site Area	1.98ha
No. of units	93 no. 6no. 1-bed, 16no. 2-bed 53no. 3-bed apartments 18no. 4-bed
Building Heights	2-3 storeys

Creche	144sqm
Density	47 units/hectare
Car Parking Provision	<p>101 spaces (including visitor spaces, EV Parking, creche and accessible parking)</p> <p>Breakdown:</p> <p>87no. resident spaces (including 6no. creche spaces)</p> <p>14no. adjacent to public realm at S. Douglas Rd.</p>
Vehicular entrance	New entrances (1no.) from South Douglas Road
Usable Open Space	19.3% (stated) – 3,816m ² across the entire masterplan area

3.0 Planning Authority Decision

3.1. Decision

On the 19th December 2024, Cork City Council Granted Permission for the proposed development, subject to 55no. conditions.

Condition 5 requires the applicant to provide updated plans showing the inclusion of additional childcare capacity at the proposed creche.

Condition 7 prohibits the use of PVC/uPVC as a material within view of Ballincurrig Villa.

Condition 20 states that car parking along the South Douglas Road shall not be included in the development and shall not be assigned to privately owned properties.

Condition 17 requires a bat survey to be undertaken by a suitably qualified person.

Condition 39 requires that the final number of car parking spaces for the proposed development should be clarified with the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the locational context of the site, national and local planning policy context, the referral responses received, and any submissions made on the application. Their assessment included the following:

- The concurrent application TP24/42647 is noted in terms of integration with the subject proposal. It was advised at pre-planning that the entire proposal should come under the LRD process.
- Part of the site is within the Landscape Preservation Zone (LPZ) associated with the NIAH listed building to the north. No units are proposed within the LPZ. Having regard to the location of the site, land use zoning and related objectives of the City Development Plan, the principle of the proposed development is supported.
- The proposed density of 47 units per hectare (48dph for entire masterplan area) and heights of 2-3 storeys are acceptable in the context of Table 11.2 and Map 07 of the City Development Plan.
- Concerns raised in relation to the location of the proposed creche at the rear of the scheme. This was presented to the front of the site at pre-planning, which is a better location for the creche.
- Concerns in relation to the layout of units fronting South Douglas Road in the context of defensible space and compliance with DMURS.
- Layout of access path through proposed open space to north is not appropriate as it may be used for vehicular access. Purpose of 5no. car parking spaces to western boundary should be clarified. Total number of car parking spaces should also be clarified.
- Number of cycle parking spaces to be justified. Proposed car parking numbers of 125 spaces is acceptable but should not be reduced any further.

- The Biodiversity Officer has no objection to the proposed landscape plan.
- It is requested that the proposed unit mix is revised to provide an appropriate social mix and age-appropriate dwellings given the elderly population in the area. Each phase of the developments is required to stand on its own merits in terms of unit mix.
- The proposed Part V allocation within the development is considered acceptable.
- Storage areas for Town House Types A, B C and D to be clarified, including attic space. Double dwelling A, B and D should also be clarified in terms of storage proposed.
- Details of private amenity space for dwellings fronting South Douglas Road to be clarified. Double Dwelling D also appears to be below standard requirements for private open space. All detached, semi-detached and Mews Court A and D include acceptable private open space.
- The proposed open space appears to be of good quality incorporating different character areas, level differences, variety of material / textures and tree cover, although there are concerns that having the open space predominantly located to the rear of the site does not provide a visual break between streets and buildings. The buffer between the development and the LPZ to the north is noted, however.
- A realignment of Duplex Unit D adjacent to the open space is required to provide an opening up of the open space and symmetrical alignment of the green.
- The footpath to South Douglas Road is not open space and should not be used in calculations, and the open space along the western boundary is incidental and should not be included in the overall open space provisions.
- The proposed open space is however, generally acceptable subject to the concerns outlined.
- All units are dual or triple aspect which is acceptable. The units and entrance bays fronting South Douglas Road should be revised.

- Overall design and material finishes are considered appropriate.
- Unit 45 and 46 should be amended to reduce overbearing on properties at Tramore Lawn (13 and 14). Revised details of Double dwellings A, B and confirmed details of Dwelling C to be provided by the applicant.
- Further information required in relation to public lighting and storm and foul drainage arrangements.
- The Planning Authority did not have sufficient information to make a decision on the application, which was therefore the subject to a further information request on a number of items.

Further Information Response

3.2.2. The applicant submitted a further information response in September 2024, which included the following:

- Realignment of layout and design of proposal to address Planning authority concerns.
- Increase in number of units from 93no. to 94no. Phase 2 also increased by 5no. units.
- Reduced number of parking spaces to 95no. from 101no.
- Provision of 50no. cycle spaces and 23% gross open space.
- Confirmation that both phases will be developed together and that both phase 1 and 2 of the proposal are compliant with relevant guidelines. The applicant invites a condition to link both applications for development.
- Proposed density is increased to 51dph based on net density of 94 units on a net site area of 1.84ha, excluding the spur to connect to South Douglas Road and the public plaza proposed to South Douglas Road. When the commercial/creche element is considered in the context of the overall development of 119units, a density of 55dph is proposed. This is closer to the higher 60dph target for the outer suburbs. The proposed density is also considerate of the existing context.
- The applicant has amended the proposed dwelling mix to include 15.1% 1-beds, 31.1% 2-beds, 38.7% 3-beds, and 15.1% 4-beds. This is generally

consistent with table 11.8 of the Development Plan and allows for a wide range of occupants that will contribute to a balanced community that can sustain social and community infrastructure in the area.

- Double Dwelling C forms part of the Phase 2 application, where relevant details are submitted.
- Existing access to Ballincurrag Villa, through the proposed open space is proposed to be retained as it is within the applicant's ownership and will be lightly trafficked.
- Revisions to Block B to provide terraces to front, combined entrance bays to enhance daylight access and provide for passive surveillance.
- Confirmed details of 5no. parking spaces to west that will provide for upper floor duplex units adjacent.
- Confirmed 87no. car parking spaces for residential element, 4no. drop off and 2no. staff spaces for creche and 2no. visitor spaces for a total of 95no. spaces. 27 EV parking spaces proposed and 25no. disabled spaces.
- Revised site layout details to resolve access, storage, private amenity spaces and floor to ceiling heights.
- Relocation of creche to front of site to replace units with identified access issues and redefine the layout at the southwest corner of the site.
- Redesign and relocation of units 45 and 46 to provide adequate separation distances and reduced heights.
- Revision to design of Block A and Block B to bring balconies to front/southwest.
- Confirmation that Ballincurrag Villa does not form part of the subject site but will be redeveloped in future as a single family home with access through the proposed open space. This will be done at the same time as the Phase 1 development under a separate process. The land to the north of Ballincurrag Villa is not within the applicant's ownership and therefore direct access to Douglas Road is not feasible.

- Redesign of Block D to relocate to west by 6m allowing views to Ballincurrig Villa and relocation of creche to front of site. Also reduced in height by 2.6m-3m with redesigned mansard roof, referencing the hipped roof of the villa.
- Details of boundary treatment to Ballincurrig Villa confirmed as 1.2m high metal estate railing with a screen hedge. No temporary boundary treatments are proposed.
- Rationale provided for proposed street trees and public realm quality at South Douglas Road.
- Confirmation of design and purpose of mews spaces and material treatments.
- Confirmed details of bin truck and fire tender turning movements.
- Revised, screened bin stores provided for units 45, 46 and 47.
- Enhanced passive surveillance of Mews Court D with an additional unit in Phase 1 and additional units in Phase 2 overlooking this space.
- Swales on eastern boundary to be removed.
- Removal of public footpath at South Douglas Road from public open space calculations and confirmation that all other open space calculations are done in accordance with the Compact Settlement Guidelines. 22.3% of the site is proposed for open space with 23% of gross site (23.9% net) area provided in phase 1.
- Bus Connects infrastructure confirmed to the north at Douglas Road, which does not directly impact the layout of the subject site. A bus stop is proposed at South Douglas Road adjacent to the site and as part of the proposed development.
- Car Parking spaces 7-13 retained as it is DMURS compliant, the RSA raised no issues with this proposal and the raised table adjacent will mitigate any vehicle speed/collision possibilities. Confirmed that all RSA measures have now been incorporated into the scheme.
- Parallel car parking spaces at South Douglas Road retained as sightlines are not impacted as illustrated in submitted drawings.

- Confirmed details of internal crossing points with internal streets typically shared surface.
- Proposed development will be subject to Taking in Charge application at the appropriate stage. This will include roads, footpaths and landscaped areas and exclude private dwellings and car parking spaces.
- Revised trip generation figures for the proposed apartment/duplex units to match the proposed housing units, which increased the trip generation for the development to 109no. vehicles during the AM Peak and 108no. in the PM Peak.
- Junction 6 updated to a signalised junction. Increase in traffic volumes of less than 5% will result at this junction. South Douglas Road and Rathmore Lawn junction also assessed with a 1% increase in traffic flows in the 'with development' scenario, which is not significant.
- A condition survey of Ballincurrig Villa.
- Clarification around proposed surface water management solution, which was being reviewed with the Planning Authority and Uisce Eireann at the time of the FI response.
- Confirmation of surface water management and attenuation details, which are to be combined with Phase 2. Hydrobrake details confirmed to be located at the last manhole within the site to ensure surface water is captured and attenuated. Climate change factor of 20% also accounted for within the proposed development. Attenuation tanks to be concrete to allow for taking in charge.
- Revised outdoor lighting proposal provided to address issues raised.
- Response to third party observations also provided including a mesh fence and evergreen planting at the Rathmore Lawn/Rhodaville Estate boundary.

Planning Authority Response

- 3.2.3. The RFI response was considered significant and was readvertised. The Local Authority Planner was satisfied with the information submitted by the applicant at further information stage in relation to Double Dwelling C being within the Phase 2

application as lodged under Ref. 2442647, the design of ground floor units to South Douglas Road, the proposed use of parking spaces at the western corner of the site, proposed overall car parking numbers, access to Duplex units Block D, attic storage in townhouses and double dwelling A & B, replacement of Unit 11 in Mews Court D to be replaced with a 1-bed apartment with a flexible living space which was assessed as a 2-bed unit, revised location of creche to replace identified units with access issues and private amenity space for Double Dwelling D/unit 80.

- 3.2.4. Clarification in relation to plans for Ballincurrig Villa are welcomed. Relocation of Duplex Block D to facilitate benefits to views to Villa and village green also accepted. Re-design of South Douglas Road frontage accepted, including relocation of proposed creche to this frontage.
- 3.2.5. Specifics around surface treatment at Mews Court A accepted including reduced height of Unit 46 and relocation of units 45-47 away from boundary and inclusion of bin storage to front of dwellings.
- 3.2.6. The Planning Authority assessment has identified that a number of items may be addressed by way of condition including phasing, use of proposed laneway to Ballincurrig Villa, landscaping and public lighting.
- 3.2.7. Clarification of further information was sought in relation to proposed unit mix, noting the inappropriateness of the use of flexible rooms in defining housing mix, urban road and street design, parallel parking along South Douglas Road, drainage details.

Clarification of Further Information Response

- 3.2.8. The applicant submitted clarification details including:
 - The proposed dwelling mix is fully compliant with the requirements of Table 11.8 of the City Development Plan and does not rely on 'flexible rooms' to achieve this compliance. Nevertheless, 6no. 3-bed units have been redesigned as 2-bed units to comply with unit mix requirements.
 - Details of proposed connections to surface and sewer water connections to South Douglas Road. 215m storm sewer connection required at South Douglas Road. Red line boundary does not need to be amended to provide for the proposed sewer connections as they will be Uisce Eireann infrastructure which is exempted development.

- Green strip planting and groundcover along South Douglas Road frontage. Parking space numbers retained. Updated public open space calculations result in 22% for the Phase 1 site.
- Revised AA screening assessment that concludes the subject proposal, alone or in-combination with other plans/projects is not likely to have a significant impact on European sites.

Planning Authority Response

3.2.9. The proposed housing mix including revision of 6no. 3-bed units to 6-no. 2-bed units is considered sufficient.

3.2.10. Drainage details submitted are considered satisfactory.

3.2.11. Urban street and road design is considered acceptable. The Planning Authority therefore recommended a grant of permission, subject to conditions.

3.2.12. Other Technical Reports

- PA Drainage Division – Require confirmation of design from Uisce Eireann. Additional surface water details also required including location of hydro brake. Further details required clarification including stormwater sewers that require Uisce Eireann agreement. The applicant provided a response to all RFI and CFI items and the Drainage section recommended a grant of permission subject to conditions.
- Urban Roads and Street Design (Community, Culture and Placemaking) – South Douglas Road frontage should be revised to provide footpath, verge and private open space ‘strips’ to be in compliance with DMURS. Car Parking spaces that require a reversing movement close to a junction should be removed, spaces 7-13 at the South Douglas Road frontage should also be removed due to pedestrian conflicts. Confirm if RSA recommendations have been incorporated. Dropped kerbs and other details to be confirmed in further information from the applicant. Following a request for clarification of FI, the applicant was considered to have addressed the concerns in relation to urban road and street design.
- Contributions – No objection to the proposed development subject to payment of relevant contributions of €338,184.54.

- Housing – Part V proposal is deemed acceptable in principle and subject to final agreement. Number of units were increased from 9 to 10 at FI stage. No objection to grant of permission subject to appropriate condition.
- Traffic – Sought further information in relation to trip generation rates, analysis of adjoining junctions, incorporation of RSA recommendations, breakdown of EV and disabled parking spaces, cycling parking and direct access to Douglas Road to north to avail of Public Transport services. Following submission of further information, the Traffic and Transport Section had no objection to the proposed development subject to condition.
- City Architect – Further information requested in relation to the layout of blocks, open spaces, materials proposed for paving, mews court details, intentions for Ballincurrig Villa and street formation. The City Architect considered the FI response to largely take their comments on board and had no objection to the permission being granted.
- ITS Section – Requested some alterations to lighting layout through Further Information. Additional details were provided by the applicant at FI stage. The ITS section had no objection to the subject proposal subject to conditions.
- Parks/Biodiversity Officer – Requested further information in relation to SuDs provision and relocation of duplex unit at open space. The Parks Department were satisfied with the FI response and had no objection to permission being granted, subject to conditions.
- Planning Policy – Recommended Further Information in relation to proposed density, housing mix and social mix. The applicant provided a response to this information request and a further clarification in relation to mix. The planning policy report were satisfied on balance with the unit mix proposed.
- Conservation – Requested revisions to Block D, to open up views of Ballincurrig Villa. Further amendments were requested to block design, materials used, boundary treatments and condition survey of Ballincurrig Villa. The applicant provided a FI response that addressed the issues raised. The conservation officer was satisfied with the response provided and had no objection to a grant of permission.

3.3. Prescribed Bodies

- 3.3.1. Uisce Eireann (UE) – No Objection to the proposal, subject to conditions. Water and Waste water connections are feasible without upgrades.
- 3.3.2. Inland Fisheries Ireland (IFI) – Requested that Uisce Eireann/Cork City Council confirm there is sufficient capacity, so it does not overload existing facilities and to be notified when further information is submitted, and a decision is reached on this application. No objection to the subject proposal.

3.4. Third Party Observations

- 3.4.1. A number of submissions were made in relation to this application during the initial submission period and at Significant FI stage. Many of the submissions also covered the concurrent application Ref. 2442647. The main issues raised can be summarised as follows:

- Application should have been done as one and not two separate applications as the additional case Ref. 2442647 applies to the same site. Submitted that this was an attempt to circumvent planning regulations.
- No pedestrian, vehicle or parking access should be allowed to rear of 12 Rathmore Lawn, particularly car parking bays 76-80.
- No access should be provided from the back of 1 Rathmore Lawn along the back of houses at Rathmore Lawn as this will lead to noise, lack of privacy and anti social behaviour. Proposed open space along this boundary would lead to a breach of privacy. Minimum separation to proposed development of any kind should be 50m to protect privacy.
- Existing mature trees to the rear of Rathmore Lawn should be added to. Proposed boundary treatment of post and panel fence along this boundary is inadequate. Block wall should be provided at a minimum.
- Proposed development is too dense and too high for the area. Height should be maximum two storeys.
- The layout of the proposed development will give rise to anti-social behaviour.

- The lack of parking will give rise to parking on streets surrounding the site.
- Terrace/balconies will lead to loss of privacy and overlooking.
- Ownership of strip of land at property boundary with South Douglas Road is questioned.
- The proposed site layout is unsafe due to road layout, widths and parking arrangements. This will be further exacerbated by bus connects.
- Access via the main Douglas Road is not provided and would benefit accessibility to new public transport in this corridor.
- Vehicular traffic at South Douglas Road is already challenging with regard to access from Rathmore Lawn/Tramore Lawn, particularly turning right towards the city.
- The traffic assessment undertaken is not a true reflection of regular conditions in this vicinity.
- Traffic conditions will deteriorate as a result of bus connects at Douglas Road.
- Proposed swale treatment could worsen subsidence issues in the area and it is not an appropriate location due to ground water that already exists at this location. This area should also not contribute to open space provisions percentages. Soakaways in rear gardens are also inappropriate and prone to blockage.
- Extent of Tree survey work questioned and if further trees will be removed during construction works. Details of tree retention process should be provided.
- Location of proposed creche and associated parking arrangement is not appropriate.
- No reference to existing foxes in the Ecological Impact Assessment. Bat mitigation measures should be followed through in any development of the site.

- Inaccuracies on existing roof profiles leads to a misrepresentation of building heights within the subject proposal.
- Proposed open space should be located more centrally within the development. The open space area is not large enough for this development. Tree lined boulevards are shown will not be possible due to space constraints.
- Existing pressures on public mains at South Douglas Road a concern for residents.
- Proposed working hours are unacceptable with 7.30am start times and until 4pm on Saturdays very disruptive to existing residents.
- A number of submissions have no objection in principle to the development of the subject site.
- Objection to use of public road (South Douglas Road) as part of the proposed development.
- No precedent for units opening directly on to South Douglas Road. This is contrary to objective 2.15 of the City Development Plan that requires responsive design.
- Phase 2 will impact on noise, privacy and access to light for properties at Tramore Lawn.

Submissions on FI

- A number of issues have not been addressed in the response to FI including South Douglas Road frontage design, car and cycle parking and issues with layout of the proposal.
- No contiguous elevation of South Douglas Road provided despite being requested.
- Car parking spaces at entrance and parallel to South Douglas Road were not amended/removed as requested by the Planning Authority.
- The proposed relocation of the creche is inappropriate as it will lead to traffic conflicts at South Douglas Road.

- Traffic assessment is inadequate and still does not reflect existing traffic conditions. Bus connects to the north will redirect additional traffic to South Douglas Road making traffic delays worse.
- Inadequate parking will result in parking issues in the area. This is caused by the proposed density of the development.
- No proposal for direct access to Douglas Road have been provided.
- Boundary treatment to the western boundary remains inappropriate as a post and panel fence and mesh fencing. A concrete block wall is requested.
- The application should be reduced in dwelling numbers, not increased as has now been done through FI.
- The subject proposal does not accord with the pattern of development in the area and results in a mixed architectural language.
- Internal road network is inadequate in terms of widths and traffic safety.

4.0 Planning History

Subject Site

Cork City Council Ref. 24/42647 (ABP Ref. 321666-25): Application for phase 2 of the development of the subject site that includes 20 residential units in mews court and duplex format of two storeys in height. This application was amended to propose 25 units at FI stage and is currently at appeal stage.

Adjoining Sites

Cork City Council Ref. 19/38832: Permission for 13no. residential dwellings to include two storey duplex and terraced dwellings.

Recent Planning History in the surrounding area generally relates to small scale developments that are not of specific relevance to the subject proposal.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.
- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:
- NPO 2a includes a target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
 - NPO 3 (b) aims to deliver at least 50% of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
 - NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
 - NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
 - NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.
 - NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.

- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- 5.1.3. It is worth noting the National Planning Framework is currently undergoing a comprehensive review to reflect changing population and demographic projections for Ireland, which will necessitate revised housing targets countrywide. 50,500 new dwellings per annum are required to meet demand, scaling up to 60,000 homes in 2030.
- 5.1.4. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the aim to strengthen the role of the Cork Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.
- 5.1.5. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which supports the more intensive use of sites in locations served by existing facilities and public transport. The Compact Settlement Guidelines supersede the Guidelines on Sustainable Residential Development in Urban Areas and accompanying Urban Design Manual.
- 5.1.6. Section 3.4 of the Compact Settlement Guidelines contains Policy and Objective 3.1 which requires the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further using the criteria set out in Section 3.4. Densities of 40-80dph are recommended in Suburban City locations.
- 5.1.7. Section 5.3 of the Compact guidelines includes SPPRs 1-4 on separation distances, private open space, car and cycle parking, and policy on open space and daylight.
- 5.1.8. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023 (Apartment Guidelines). Applicable to the proposed development includes:

- Section 2.21: SPPR 1 (unit mix)
- Section 3.5: SPPR 3 (minimum floor areas)

5.1.9. Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable to the proposed development include:

- Section 1.9 requires building heights of at least 3 to 4 storeys, coupled with appropriate density, in locations outside city and town centre areas to be supported in principle at development management level.
- SPPR 4 requires: It is a specific planning policy requirement that in planning the future development of ... edge of city...locations for housing purposes, planning authorities must secure:
 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;
 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more

5.2. **Rebuilding Ireland – Action Plan on Housing and Homelessness 2016**

5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

5.3. **National Biodiversity Action Plan (NBAP) 2023-2030**

5.3.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board.

The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.4. Cork City Development Plan 2022-2028

- 5.4.1. The Cork City Development Plan 2022-2028 is the relevant statutory plan that applies to the subject site. The site is located within the southeastern suburbs of Cork City.

Zoning

- 5.4.2. The appeal site has a land use zoning of 'ZO 01 Sustainable Residential Neighbourhoods' which has an objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.
- 5.4.3. Paragraph ZO 1.1 of the plan 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.
- 5.4.4. Paragraph ZO 1.2 states that development in this zone should generally respect the character and scale of the neighbourhood.
- 5.4.5. The subject site is located within the 'Outer Suburbs' as defined in Figure 11.1 of the City development Plan with regard to height and density ranges. 'Outer Suburban' has a density range of 40-60dph and a building height range of 2-4 storeys.
- 5.4.6. The site is located adjacent to Ballincurrig Villa which is recorded on the NIAH. There is a Landscape Preservation Zone (LPZ) (SE1) adjacent to it. The structure is outside the planning application boundary and any works in the LPZ are limited to open space.

- 5.4.7. The subject site is identified as Neighbourhood Development Site 8 in Chapter 10 of the City Development Plan. The Development Plan states that residential use should be provided on the subject site, with a minimum of 70 no. dwellings provided.
- 5.4.8. Paragraph 10.354 of the Development Plan states that “*Neighbourhood Development Sites are sites which are considered to have the potential to provide local benefit to the local neighbourhood and act as catalyst developments, if developed appropriately and to their potential*”.
- 5.4.9. Paragraph 10.356 notes that “*Each of these sites will require careful design consideration to incorporate: 1. place making, 2. easy, safe and welcoming environments to move around, 3. sustainable and active travel, and 4. local services and amenities.*”
- 5.4.10. Other policies of the Development plan of relevance to the subject appeal are summarised as follows:
- SO1 – Compact Liveable Growth - Deliver compact growth that achieves a sustainable 15 minute city of scale providing integrated communities and walkable neighbourhoods, dockland and brownfield regeneration, infill development and strategic greenfield expansion adjacent to the existing city.
 - Objective 3.5 Residential Density – higher densities to be achieved in accordance with the Cork City Density Strategy, Building Height and Tall Building Study whilst ensuring a balance between protecting the established character of the surrounding area and existing residential amenities, creating successful integrated neighbourhoods, and achieving high quality architectural, urban and public realm design.
 - Chapter 10 Key Growth Areas and Neighbourhood Development Sites:
 - o Objective 10.100 Neighbourhood Development Sites – development of these sites will be progressed through active land management, will benefit the local neighbourhood and support compact growth.

- Objective 11.1, Sustainable Residential Development – sets out that new residential development should create high quality places by contributing to the 15-minute city and walkable neighbourhoods.
- Paragraph 11.66, Placemaking and Quality Design: Specifies that a range of issues will be assessed with new residential developments including height, integration with the surrounding environment, residential amenity of the proposal and surrounding areas in terms of overlooking, daylight, sunlight and overshadowing.
- Paragraph 11.100-11.104, Separation, overlooking and overbearance: Relates to privacy and overlooking, which is acknowledged to reduce in level as density of development increases. Overlooking and overbearance should be avoided in design.
- Car and Bicycle Parking, Paragraph 11.234, Table 11.13 and Table 11.14 – site in Zone 2 (area served by BusConnects, most of city suburbs), standards applicable for standard residential include 1 car parking space for 1-2 bed unit and 2 car parking spaces per 3bed + units. These are maximum standards. 0.5 cycle spaces per unit are required for apartments with no definitive requirement for standard house proposals.

5.5. Natural Heritage Designations

- 5.5.1. The site is not located within any designated site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code: 004030) which is located approximately 0.7km to the east of the site.

5.6. EIA Screening

- 5.6.1. I have had regard to the Environmental Impact Assessment Report (EIAR) screening statement submitted by the applicant and the determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of 93 residential units, within a suburban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. In relation to cumulative impacts 20no. units form part of Phase 2 of the subject

development under Reg. Ref. 2442645, which is also at appeal stage (ABP Ref. 321666-25). Both these applications have been amended at FI stage to provide 94no. units in Phase 1 and 25no. in Phase 2. Between these two applications a total of 119 units are proposed which would be significantly below the mandatory threshold of 500 units for EIAR. The need for environmental impact assessment can, therefore, be excluded. The applicant has submitted Schedule 7A information in relation to screening for EIAR and therefore I have undertaken a Screening Determination. See completed Form 1 and 3 at Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal has been submitted against Conditions 5, 7 and 55 of the Cork City Council decision to grant permission for the proposed development.

5no. third party appeals against the decision to grant permission have also been submitted.

The grounds of the first-party appeal can be summarised as follows:

- Appeal against Condition 5 that requires an increased capacity for the Childcare Facility.
- Creche size calculated based on 101 units, excluding 1-bed units from requirements. Proposal will provide capacity for 32no. children, larger than the 28no. children requirement, which is ample capacity for anticipated demand.
- The Cork Childcare Committee submission which requested a larger creche facility, was in relation to the phase 2 application (Ref. 24/42647) where there is no creche proposed.
- Appeal against Condition 7 that prohibits the use of PVC/uPVC windows and/or doors.
- No reason related to conservation to exclude the use of PVC/uPVC. The site is not located within a conservation area and, while the relationship to Ballincurrig Villa is important, this is not a protected structure.

- The applicant is satisfied to agree appropriate materials with the Planning Authority, but PVC/uPVC should not be excluded in a blanket fashion.
- Appeal against Condition 55 in relation to Development Contributions.
- Waivers and reductions apply to Part V housing and new build houses (40%) and apartments (60%).
- The RFI amendments have not been included in the calculation of development contributions and floor areas have not been accurately measured. A total overcharge of the RFI amendments have not been included in the calculation of development contributions. A total overcharge of €19,713.77 is noted by the first-party.

The grounds of the third-party appeals can be summarised as follows:

- Proposed density is too high for this City Neighbourhood with an increase in units worsening the situation. 10-25 dph is the prevailing density which should be maintained.
- Building heights should be 2-storeys in height to be consistent with the surrounding area.
- The proposed creche is not viable and will result in a change of use in the future. Safety concerns with drop off to creche also and usability of creche parking spaces.
- Reduced number of parking spaces within the development will lead to knock on impacts to on-street parking in the surrounding area.
- Loss of public on-street parking at South Douglas Road frontage of the site will lead to unacceptable impacts on parking availability in the area. Transfer of public land to private ownership is not acceptable. Condition 20 of the grant of permission excludes the spaces at South Douglas Road but no replacement car parking has been provided within the development.
- Proposed location of car parking spaces near junction will give rise to traffic conflicts and was not amended at the request of the Planning Authority.
- Proposed design at South Douglas Road frontage is unacceptable and does not provide adequate passive surveillance.

- The proposed mansard roof design of Block D is not appropriate and is not consistent with hipped roof profiles in the area.
- Proposed open spaces are not adequate. Green verges should not be included or counted as open space.
- Proposed access arrangement is unsafe and should be signal controlled.
- Potential impacts on traffic created by Bus Connects at Douglas Road to the north.
- Proposed boundary treatments at Rathmore Lawn/Rhodaville Estate are inadequate and unsafe. Example at Trabeg Lawn of block wall is more appropriate.
- Proximity of roads and parking to Rathmore Lawn will lead to noise and light pollution. Parking spaces 76-80 should be removed from the proposed development.
- Minimum separation distance from any road, parking space or building to Rathmore Lawn, existing properties should be 50m.
- Removal of existing trees and hedgerows is not appropriate and tree protection measures are inadequate to protect these resources. The wooded area to the rear of Rathmore Lawn should be preserved.
- Lack of direct connection to Douglas Road to the north and access to Ballincurrig Villa should also be from the north.
- Issues raised in third party submissions on the application have not been addressed including trip generation rates, western boundary treatment, car parking, design of units, location of creche with associated parking requirements and inadequate transport assessment.

6.2. Applicant Response

The applicant provided 2no. separate responses to the third-party appeals received. The main points of the first-party responses can be summarised as follows:

- The proposed scheme complies with the Cork City Development Plan 2022-2028 and various Section 28 Guidelines. Housing mix, density, creche

provision, proposed parking and public open space are all consistent with standard requirements.

- The proposed development comfortably complies with the compact settlement guidelines in relation to separation distances to properties to the west of the subject site, which are well above the 16m standard requirement.
- Proposed Development will not result in the transfer of public lands into private ownership. Taking in charge drawings clearly show South Douglas Road frontage and public plaza in Local Authority control. The proposed public realm improvements at south Douglas Road are consistent with Objective 10.82b of the City Development Plan. The proposed parking spaces will be in Local Authority control and the applicant has no issue with condition 20 of the Planning Authority grant of permission that requires these spaces to remain publicly owned.
- The proposed western boundary of weldmesh or post and panel fence of 2m height with an associated hedge is considered an appropriate, complementary response to the existing planting along this boundary. Block walls were considered to impact negatively on roots of existing trees and were therefore discounted.
- Density proposed for the overall site is 55 dwellings per hectare. This is in line with the minimum requirement of 35dph for this site identified as Development Site 8 in the City Development Plan, the density range for the area which is 40-60dph and the Compact Settlement Guidelines that allow for a density range of 40-80dph in a suburban setting. The proposed density makes effective use of serviced land in a suburban location and strikes a balance between providing an appropriate level of development, amenity for future residents and protection on existing residential amenity and character.
- The development has had regard to the Cork City Neighbourhood Profile (2021) document in the review of socio-economic data to inform housing mix and childcare provision.
- A certain level of light and noise is to be expected from any urban development. The proposed boundary treatment including weldmesh or post

and panel fence with additional screen planting will mitigate any light impacts from cars which itself will be temporary in nature. Proposed car parking spaces at the western boundary will be appropriately overlooked and located to reduce the potential for anti-social behaviour.

- The reduced number of car parking spaces is justified through the provisions of the City Development Plan and the Compact Settlement Guidelines that allow a reduction in City locations that are well served by public transport. The site will benefit from access to Bus Connects that is aimed at reducing private car trips.
- Forecast impacts on the traffic environment and junctions adjacent to the subject site are expected to be less than 5% which technically would not trigger the requirement for a TTA. The proposal is therefore considered to be designed for reduced vehicular trips that will not impact negatively on the local road network, which is acknowledged as being a heavily trafficked area during peak times. Contrary to the appeal submission, the Bus Connects programme at Douglas Road to the north will be one of the highest frequency services proposed and this is expected to increase the use of Public Transport in the area and not the level of traffic at South Douglas Road. The existing 206 bus service is already one of the highest frequency services to the City in proximity to the subject site. Bus Connects is forecast to enhance this level of public transport connectivity and further reduce vehicular trips.
- The subject proposal will retain and enhance existing boundary treatments as required by condition. The applicant would accept a similar condition on a grant of permission from the Board. Formal Green Spaces will not be removed as a result of the subject proposal and new spaces will be created instead.
- Proposed creche is designed to standard requirements and is of sufficient size to cater for demand arising from the subject proposal, with capacity for 32no. children. Majority of trips are expected to be non-motorised from within the development itself but drop off spaces at South Douglas Road are considered sufficient for vehicle trips. There is no intention to seek a change of use of this creche and an appropriate tenant will be sought.

- Overall open space provision is 22.3% (5,111sqm) of the overall site which is more than standard requirements. Additional open space also exists in the surrounding area. The open space area is adequate for regular use purposes and the classification of open space/plaza at the South Douglas Road frontage was accepted by the Planning Authority.
- Access to Douglas Road directly from the site is not possible as the land is outside the ownership of the applicant.
- The proposed design of the scheme was considered acceptable by the Planning Authority and the City Architect, particularly Block D and Block A and B fronting South Douglas Road. These units do not impact on the amenity of adjoining properties and were considered by the Planning authority to provide an appropriate active frontage, design and character of the proposal.
- Issues raised in relation to failure of the applicant to address layout concerns are unfounded. The proposal was subject to a Road Safety Audit (RSA) and all relevant issues have been addressed and will be further augmented through stage 3 and 4 RSA.

6.3. **Planning Authority Response**

None on file.

6.4. **Observations**

There was 1 no. observation on file which can be summarised as follows:

- Proposal is out of place in the existing environment/character of the area and will negatively impact existing wildlife.
- There is no requirement for the proposed development.
- Inadequate infrastructure to support proposal.
- Proposal will lead to traffic congestion as well as Public Transport requirements.
- Housing in rural 'greenfield' sites more appropriate.
- Concrete/cement used in the proposal must be of high quality.

- Concerns in relation to construction impacts.

7.0 **Assessment**

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Appeal Against Condition 5 - Requirement for enlarged Creche
- Appeal Against Condition 7 - Use of PVC/uPVC
- Appeal Against Condition 55 - Financial Contribution
- Residential Amenity Impacts
- Traffic and Parking
- Green Space/Open Space
- Other Issues

7.2. **Appeal Against Condition 5 – Requirement for enlarged Creche**

- 7.2.1. The First Party has submitted an appeal against Condition 5 of the Planning Authority Grant of Permission, which included the requirement for the applicant to submit revised plans for the proposed creche building to illustrate additional childcare capacity.
- 7.2.2. The creche as originally submitted was 144sqm and was designed to provide for 28no. childcare spaces. The creche was relocated to the South Douglas Road frontage of the proposed development at further information stage and increased in size to 167.1sqm, with a maximum capacity for 32no. children. Calculations for the proposed floor area of the creche were based on 'Childcare Facilities for Planning Authorities' (2001), which require a floor area of 2.32sqm per child.
- 7.2.3. I note standard requirements as set out in the Childcare Guidelines is 1 childcare facility per 75 dwellings. I further note the Apartment Design Guidelines allow the exclusion of 1-bed apartments in the calculation of units that contribute to childcare requirements in a given scheme. The proposed creche will serve both Phase 1 and Phase 2 developments. Given the total number of units in both phases of the

development at 119no. and with 18no. 1-bed units to be omitted, the calculation for childcare requirements in the proposed development can be reasonably based on 101no. units.

7.2.4. I also note the Cork Childcare Committee (CCC) submission on reg. ref. 24/42647, which is the Phase 2 aspect of this development site and which is referenced in the appeal submission by the first party. This CCC submission does not form part of the subject application or appeal, however it is noted that the submission sought the consideration of a larger childcare facility for up to 30/40 children. While I reiterate that this submission does not form part of the subject application or appeal, I am satisfied that the applicant has provided an appropriately sized childcare facility within the proposed development that is within the 30-40 range as specified by Cork Childcare Committee.

7.2.5. I have had regard to the Childcare Audit submitted with the application (contained within the submitted Community Infrastructure Audit), which highlights the demographic profile of the area where approximately a third of families with children, are above school going age. Given the 22% of the population are aged 0-4 years and the number of other facilities in proximity to the subject site as outlined at Figure 4.2 of the Community Infrastructure Audit, I do not consider that there would be any significant additional demand for childcare spaces that would merit an enlarged facility within the proposed development, beyond what is already proposed.

7.2.6. In conclusion, I do not consider there to be a requirement to provide a larger creche facility within the proposed development than what is already proposed at 167.1sqm and which caters for 32no. childcare spaces. I therefore recommend the removal of Condition 5 of the Grant of Permission if the Board are minded to approve the subject proposal.

7.3. Appeal Against Condition 7 – Use of PVC/uPVC

7.3.1. The First Party has submitted an appeal against Condition 7 of the Planning Authority grant of permission that there shall be no PVC/uPVC windows and/or doors for the blocks that are viewed in the context of Ballincurrig Villa.

7.3.2. The applicant submits in their First-Party appeal that they may well end up using materials other than PVC/uPVC, but suitable flexibility should be afforded for different treatments to be put forward. The applicant contends that there is no

conservation or architectural basis to restrict the use of PVC in the proposed development.

- 7.3.3. I note the design intent of the applicant in relation to Ballincurrig Villa with the main entrance avenue leading to views of the building and the provision of a generous portion of open space to the south of the Villa that allows appropriate setbacks and an attractive focal point and setting for the main green space within the proposed development. The closest proposed blocks to Ballincurrig Villa are Townhouse Block D to the south east and Double dwelling Block D to the south west. Townhouse Block D is somewhat removed from the direct view of Ballincurrig Villa and Double Dwelling Block D was relocated at RFI stage and is approximately 36m from the NIAH listed building.
- 7.3.4. Furthermore, I note Ballincurrig Villa is not a protected structure and is not located within an Architectural Conservation Area. As also noted by the applicant, the proposed development is not within an ACA either.
- 7.3.5. I consider there to be significant cost, insulation and energy efficiency benefits to the use of PVC/uPVC in new build developments. I also note there to be considerable range in quality and finish available in modern PVC treatments. I am satisfied that at a considerable remove from Ballincurrig Villa, the use of materials on doors and windows will not detract from the special setting or historical merits of the Villa and that an appropriate quality of material finish can be agreed with the Planning Authority prior to the commencement of development, without excluding the use of PVC/uPVC in totality. I therefore recommend the removal of the reference to PVC/uPVC in the relevant condition related to agreement of materials and finishes, if the Board are minded to grant permission in this instance, with final details to be agreed with the Planning Authority.

7.4. Appeal Against Condition 55 – Financial Contribution

- 7.4.1. The first party appeal includes an appeal against matters related to the specific condition 55 as applied, namely, the application of a condition under Section 48 of the Planning and Development Act 2000 (as amended).
- 7.4.2. Section 48(10)(b) of the Act states that an appeal may be brought to the Board where an applicant considers that the terms of the scheme have not been properly applied.

- 7.4.3. The grounds of appeal relate to the application of the adopted Development Contribution Scheme 2023-2029. Under the terms of the scheme, there are reductions and waivers available for specific categories of development type. The relevant waivers that apply to the subject proposal are as follows:
- Cat. Ref. 5.2 – Part V Housing - 100% reduction
 - Cat. Ref. 5.19 – New Build apartments – 60% reduction
 - Cat. Ref. 5.20 – New Build houses – 40% Reduction
- 7.4.4. The applicant submits that:
- The increase in floor area of Part V units have not been included in the Planning Authority calculations.
 - The 60% reduction for new build apartments has not been applied, and
 - The relevant final floor area for the housing floor area has not taken account of the increased Part V floor area.
- 7.4.5. The applicant submits that the Planning Authority could not have accurately measured the internal floor area without access to CAD or digital PDF drawings, and therefore present a revised figure based on Architectural drawings.
- 7.4.6. I note a number of discrepancies in the submitted 'Comparison of Calculations' Table as submitted under the heading 'Applicant Calculations'. The total figure for Gross Internal Floor Area (GIFA) for apartments and houses (11,070.55sqm) does not provide the total GIFA as provided in the table (11,118.5sqm). The Chargeable Area (10,014.4sqm) less the Exempted Residential (4,161.6sqm) does not give the Net Floor Area for contributions provided (5,852.8sqm actual, instead of 6,019.9sqm provided). I also note from the submitted calculation table that the allowable 40% reduction to houses and 60% reduction to apartments is represented as 40/60% respectively of the total floor area instead of a 40/60% reduction.
- 7.4.7. Notwithstanding the above, and the small discrepancy in total floor area (11,344.5sqm versus 11,118.5sqm), it is clear the increased floor area of the Part V units has not been taken into consideration by the Planning Authority. Furthermore, reductions of 60% and 40% for apartments and houses should be applied to the

overall scheme, when both parties are in agreement with regard to the calculable floor area.

- 7.4.8. I also note there is some variation in applicable percentage reductions depending on when final agreement is made with the apartment reduction reduced to 50% and the house reduction reduced to 25% from the date of three years and one day following adoption of the scheme.
- 7.4.9. As the exact date of determination of agreement cannot be ascertained at this stage, I am therefore satisfied that there is some level of agreement required in relation to the application of the Cork City Council Development Contribution Scheme 2023-2029 with regard to the subject application, and while I propose to remove the stated amount from the Development Contribution Condition, agreement on the final details will still need to be made with the Planning Authority.

7.5. Residential Amenity Impacts

- 7.5.1. The issue of impact on the residential amenities of neighbouring properties has been raised in the third-party appeals. Concern was expressed in relation to potential overlooking and impacts on privacy of properties to the west of the subject site at Rathmore Lawn. Reference was made to the loss of privacy due to the distance between the proposed houses in the scheme, the proposed car parking/road access and neighbouring properties. A separation distance of 50m is sought by the appellants.
- 7.5.2. Reference was also made in third party appeals to the density of the proposed development contributing to the impacts on existing residential properties.
- 7.5.3. Separation distances, to guide the protection of privacy, are set out in the city development plan and the Compact Settlements Guidelines. The Cork City Development Plan 2022-2028 (11.101) refers to a separation distance of 22 metres between directly opposing rear first floor windows, which has evolved to allow lesser separation distances which are often more appropriate in an urban context.
- 7.5.4. The 2009 Guidelines on Sustainable Residential Development in Urban Areas have now been replaced by the recently adopted new guidelines, Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). Section 5 of the Compact Settlement Guidelines refers to Development Standards

for Housing and section 5.3.1. refers to Separation Distances. It is set out in the guidelines that a requirement for a minimum separation of 22 metres between opposing upper floor rear window has formed part of suburban housing design since the early 20th century. The guidelines further advise that through careful massing and positioning of blocks, positioning of windows and the integration of open space at multiple levels it is possible to achieve a high standard of residential amenity and good placemaking with separation distances of less than 22 metres, with a separation distance of at least 16m being noted as acceptable.

- 7.5.5. In relation to potential overlooking and negative residential amenity impacts as a result of the subject proposal, the submitted Site Layout Plan shows the proposed dwellings along the western boundary set back distances of between 20-27m from this boundary. A 2m height, post and panel or weldmesh fence with additional screen planting is proposed to augment the existing planting along this boundary which consists of mature trees. I accept the applicant's contention that provision of a block wall at this boundary would require significant excavation and foundation work that could impact on the existing mature trees that should be retained where possible. The existing properties to the west of the boundary of the site are setback a reasonable distance that impacts of noise and light from cars is not considered to be a significant, regular occurrence that would inappropriately impact residential amenity within this urban setting.
- 7.5.6. The third-party appeals refer to the density of the proposal, presenting as over-development of the site that leads to inappropriate residential amenity impacts. The first party appeal submits that the subject proposal is appropriate in the existing urban centre context where there is a mix of dwelling types, heights and architectural treatments and is supported by current Development Plan and National Planning Policy.
- 7.5.7. The context within which it is proposed to construct this development, is not an Architectural Conservation Area nor in proximity to Protected Structures as discussed under the previous section but is within a vacant site in a City location where there is a mixture of uses and building form in the surrounding area.
- 7.5.8. The Compact Settlement Guidelines 2024, require that 50% of new development is within the existing built-up footprint on infill or brownfield sites and states: "*In order to*

achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport.”

- 7.5.9. In facilitating compact development, the relevant criteria in the City Development Plan and Compact Settlement Guidelines also provide for the reasonable protection of residential amenities and protection of the established built character of the surrounding environment. The prevailing character of development in the surrounding area of the application site includes a range of architectural forms and low-density residential housing of primarily two storey houses.
- 7.5.10. Based on the existing policy context for the redevelopment of infill sites and providing compact growth such as Strategic Goals SO1 and SO2, I consider that the site is appropriate for residential development of a scale similar to the surrounding context. The proposal can be accommodated without undue adverse impact on the character and visual or residential amenities of the area, as it is of an appropriate height of 2-4 storeys as recommended in Table 11.2 of the development plan. Furthermore, the proposed density for the overall site is 51 dwellings per hectare for the Phase 1 lands and 54dph for the overall site. This density is within the recommended range of 40-60dph for outer suburban sites as also provided in Table 11.2 of the Development Plan.
- 7.5.11. Development Site 8 identified a minimum density of 35dph for the subject site and I consider this to be a minimum recommended density for the site that has also been met by the proposed development of 94no. units as submitted at FI stage.
- 7.5.12. The proposed design for this urban infill site, is adequately set back and screened with appropriate mitigation measures to protect private amenity and will not result in undue overbearing impact within this urban context.
- 7.5.13. I consider the proposal shown at Further Information stage is satisfactory in terms of visual impact and is compatible with the surrounding built environment. The proposed boundary treatments, including at the locations raised in the appeal at the western boundary, will prevent overlooking or undue residential amenity impacts to properties to the west.

- 7.5.14. The façade and external elevations of the proposal are appropriately treated with contemporary, high quality design features and I consider this to provide a modern architectural quality to this infill site, which will provide visual interest and enhance the appearance of this site and the area.
- 7.5.15. I conclude therefore that the proposed development is appropriate for this infill site, will provide a modern architectural treatment to an urban site in accordance with Objective 11.1, and the quantitative figures recommended in Table 11.2 of the Cork City Development Plan in relation to building height and density and therefore would not seriously injure the residential amenity of the area.

7.6. Traffic and Parking

- 7.6.1. The grounds of third-party appeal refer to the additional vehicular traffic the scheme would generate and the impact it would have on the existing roads including parking and road safety. The appeal states that the traffic and transport impacts have not been fully assessed by the Planning Authority and insufficient parking is proposed, which will lead to parking in neighbouring streets. They raise the condition and dimensions of the existing road network in the area and the level of existing traffic that will be exacerbated by the proposed development.
- 7.6.2. In response to the matter of traffic generation and impact on the road network, the First Party response to the appeal highlight that the decision to grant permission was based on a comprehensive assessment of supporting planning documents at application stage.
- 7.6.3. The first party also cited the Traffic and Transport Assessment (TTA) and the Stage 1/2 Road Safety Audit submitted with the application. A range of upgrades and improvements were recommended in the submitted audit including revisions to parking layouts, that have all been incorporated in the final submitted site layout plan that was granted permission.
- 7.6.4. In terms of the trips generated by the proposed development it is projected that during the AM peak there would be 108 no. two-way vehicular trips, and during the PM peak there would be 109 no. two-way vehicular trips. As detailed in the TTA a number of junctions in the surrounding area were analysed. For these junctions the analysis demonstrated that for 2040 Future Design Year, the junctions are predicted

to operate with negligible impact on capacity, queuing or delays. Cork CC Roads Section raised no objection to the contents of the TTA.

- 7.6.5. Bus connects is proposed at Douglas Road to the north of the subject site, approximately a 600m walk. It is expected that Bus Connects will further reduce reliance on the private car and when considered with the existing 206 and 219 bus services, and particularly the 206 which is a high frequency route, I consider the public transport accessibility of the site to be of a good quality.
- 7.6.6. Based on the overall low number of forecast vehicle trips from a 94-unit residential development and the forecast 6% expected increase in traffic at minor junctions in the immediate vicinity, I consider the potential for significant traffic impacts from the proposed development as negligible. Accordingly, I am satisfied the proposed development will not adversely impact the operational performance of the local junctions as they relate to the subject proposal based on the information submitted with the application.
- 7.6.7. In relation to car parking the proposal comprises 94no. dwellings with a further 25no. units proposed in Phase 2. Vehicular access is proposed onto the South Douglas Road via a single entry point. A total of 95 no. car parking spaces are proposed in Phase 1 (subject application) between on-curtilage for each unit, 6no. creche spaces at the South Douglas Road frontage and 2no. visitor parking spaces. 20 spaces are proposed in Phase 2 for a total of 115no. spaces across the whole scheme.
- 7.6.8. The recommended maximum number of car parking spaces as provided in the City Development Plan is 220no.
- 7.6.9. Although the parking proposed at the development is less than the maximum allowable for residential development, the Compact Settlement Guidelines allows for a reduction in parking numbers as follows:

“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.”

7.6.10. The City Development Plan also allows for a reduction in car parking numbers in identified circumstances as set out at section 11.240:

“In locations where there is existing and/or planned high frequency public transport accessibility (as per CMATS and Bus Connects Cork) and where the receiving road/street network currently experiences congestion, Cork City Council will require a reduction in parking provision below the maximum standards as presented in table 11.13.”

7.6.11. Given the public transport accessibility of the site existing, and in the future with Bus Connects, the existing peak traffic flows on the adjoining road network, and the range of amenities and services in the surrounding area such as shops, schools etc. I am satisfied that a reduction in car parking numbers is appropriate in this instance.

7.6.12. In conclusion, in relation to the matter of parking and traffic issues, the proposed development will not result in a significant level of additional traffic that will impact existing traffic flows or the surrounding road network. Appropriate footpath and road connections are proposed to assimilate the subject proposal into the existing setting and will allow appropriate connections for pedestrians. The proposal will not result in a significant number of additional vehicular movements during peak times, nor will it impact significantly on the capacity of the surrounding junctions. Adequate car parking is provided within the site to encourage a shift to public transport modes of travel. I am therefore satisfied with the proposed scheme in respect of traffic and parking considerations, and do not consider this to be a reason for refusal in this instance.

7.7. Green Space/Public Open Space

7.7.1. The Third-Party appeals submit that the proposed open space area is too small to serve as a functional recreational space and the classification of the public plaza at South Douglas Road does not contribute to open space provision.

7.7.2. The applicant submits that 4,646sqm of open space is proposed in Phase 1, which is 23.9% of the net site area. This is submitted as being in excess of the 15% requirement at Table 11.11 of the City Development Plan and Policy and Objective 5.1 of the Compact Settlement Guidelines.

7.7.3. The Compact Settlement guidelines allow for a range of spaces to be considered as public open space as follows:

“Public open spaces in residential schemes refers to the open spaces that form part of the public realm within a residential development. This is distinct from a public park. Open spaces provide for active and passive recreation, nature conservation, pedestrian and cycle connection and provide an important visual break between streets and buildings. There is a need to focus on the overall quality, amenity value and biodiversity value of public open spaces. The spaces should integrate and protect natural features of significance and green and blue infrastructure corridors within the site and should support the conservation, restoration and enhancement of biodiversity. The public open spaces should also form an integral part of the design and layout of a development and provide a connected hierarchy of spaces, with suitable landscape features, including seating and provision for children’s play”

7.7.4. The subject proposal includes the following proposed areas of open space:

- 2,579sqm of open space to South of Ballincurrig Villa to include kickabout space, access paths, biodiversity areas, natural play areas and seating.
- 1,302sqm of linear open space along the western boundary to include existing planting, biodiversity area, natural play area and pedestrian paths.
- 221sqm and 204sqm of public plaza fronting South Douglas Road including seating, planting and pedestrian connectivity (public footpath excluded).
- 340sqm of open space within Townhouse Block D to the north eastern corner of the site which is mainly shared surface.

7.7.5. I consider the overall open space strategy for the site to be cohesive and retains a high level of existing landscaping, trees and hedgerows, which will support local biodiversity while also adding visual amenity to the proposed development. The overall quantum of the 5no. spaces referred to above is 4,646sqm of open space in total across the Phase 1 land and includes a variety of green spaces, public plaza and shared surfaces. This is considerably more than the 10% minimum requirement

of Table 11.11 of the City Development Plan and the 10-15% range referred to in the Compact Settlement Guidelines. I therefore consider there to be sufficient open space provided in the proposed development and the classification of the defined open spaces to be appropriate in the context of Section 5.3.3 of the Compact Settlement Guidelines.

7.8. Other Issues

- 7.8.1. Other issues raised in the Third Party Appeal include the design and floor area of the proposed Creche and the potential change of use if the creche becomes unviable, access to Douglas Road to the north and the general design of the proposed scheme in terms of over-development of the site.
- 7.8.2. Issues related to the size and design of the creche have already been addressed under Section 7.2 of this report. I consider the proposed creche to be an adequate size for the scheme as put forward. The use of the building as a creche is taken as read within statutory notices and submitted drawings. Any potential future change of use would be subject to a separate planning application.
- 7.8.3. The Third-Party appeals submit that direct access to Douglas Road should have been provided from the proposed development, through Ballincurrig Villa. The applicants have confirmed that access paths to the north are outside of the applicant's ownership and therefore cannot be provided in the subject proposal. I am satisfied that land ownership issues have been adequately confirmed to clarify that direct access to the north is not feasible in the subject scheme. Access to the north can be achieved via adjoining streets by a c. 600m walk, which is a reasonable walking distance that makes this area readily accessible from the subject site.
- 7.8.4. Third Party Appeals also refer to the design of proposal in terms of the high density of development at this location. National Strategic Outcome No. 1 of the NPF outlines 'Compact Growth' as a top priority. The NPF seeks to make better use of under-utilised land, with higher housing densities and which are better served by existing facilities and public transport. The site is zoned 'ZO 01 Sustainable Residential Neighbourhoods' which allows for residential development. As required under national policy for compact growth, the site is located in a serviced area with associated shops, amenities and facilities for the public. The site is within easy walking distance of a range of supporting infrastructure and services and is close to

a range of employment locations associated with the City Centre and surrounds. Public Transport is easily accessible from the site with existing and future bus transport within walking distance.

- 7.8.5. I am satisfied that the proposed residential development would be consistent with the zoning objective, and I have no objection to the development of the subject site or the construction of a residential development at this location. The proposed 2-3 storey design is not out of context in this suburban location, proposed material choices are consistent with the surrounding area while also adding a modern high quality finish with a combination of buff and red stock bricks, rendered plaster, cladding, simple slate effect concrete tile roofs throughout with some feature metal / zinc dormers, and the proposed density is within Development Plan and National Policy Guidance. I am satisfied the design of the subject proposal is acceptable at this location and do not see this as a reason for refusal in this instance.

8.0 AA Screening

- 8.1. Having reviewed the applicant's Appropriate Assessment Screening Report, and having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the absence of ecological and/ or hydrological connections, and the physical separation distances to European Sites, I consider the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

- 9.1. I recommend that permission be granted based on the following reasons and considerations, and subject to the attached conditions.

10.0 Reasons and Considerations

- 10.1. Having regard to the zoning objective of the site in the Cork City Development Plan 2022-2028, to the design and scale of the proposed development, to the infill nature of the site, and to the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities

of the area or of property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and parking, would not endanger public health, and would comply with the relevant provisions of the Cork City Development Plan 2022-2028, the National Planning Framework, the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information plans and particulars submitted on the 13th day of September 2024, and by clarification of further information plans and particulars submitted on the 21st day of November 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>(a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is</p>

	<p>demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>
3.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
4.	<p>Proposals for an estate/ street name, house numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate/ street signs and house numbers, shall be provided in accordance with the agreed scheme.</p>

	Reason: In the interest of urban legibility.
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed 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 and to ensure an appropriate high standard of development.</p>
6.	<p>Construction and demolition waste from the proposed development shall be managed in accordance with a Construction and Demolition Waste Management Plan, which shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.</p> <p>This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during demolition and site clearance phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
7.	<p>Construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>This plan shall include inter alia: details and location of site offices, staff facilities, site compounds, on-site parking facilities, storage locations (for plant, machinery, materials), intended construction practice for the development including noise and dust management measures, a construction traffic management plan with details on access arrangements, haulage routes, timing and routing details for deliveries and disposal trips,</p>

	<p>staff parking, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and directional signage.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual amenity.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of lighting. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>(a) A site layout plan indicating the areas and/ or infrastructure to be taken in charge by the local authority shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) The management and maintenance of areas and/ or infrastructure not being taken in charge by the local authority shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of same shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest residential amenity and public health.</p>
12.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
13.	<p>The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
14.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with all relevant provisions as outlined in the Design Manual for Urban Roads and Streets.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety</p>
15.	<p>The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on 7th February 2024. The specific measures detailed in Sections 6 & 7 of the MMP to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority on an annual basis and shall submit the results to the planning authority for consideration and placement on the public file.</p> <p>Reason: To achieve a reasonable modal spilt in transport and travel patterns in the interest of sustainable development.</p>
16.	<p>(a) Car parking and bicycle parking provision in accordance with the layout, finishes and quantity of spaces indicated on the drawings and details submitted to the planning authority with the application as amended</p>

	<p>by the further information plans and particulars submitted on the 13th day of September 2024, and by clarification of further information plans and particulars submitted on the 21st day of November 2024, shall be provided upon the first occupation of units. The details of the car parking spaces and bicycle parking spaces shall be subject to the written agreement of the planning authority.</p> <p>Reason: To ensure that there is adequate car parking and bicycle parking spaces to serve the development, and to provide parking facilities for all likely users of the development in order to avoid on-street parking and congestion.</p>
17.	<p>A Stage 3/4 Road Safety Audit shall also be undertaken at the appropriate stage, closed out, signed off and the recommendations incorporated into the development. All costs associated with this condition shall be borne by the applicant.</p> <p>Reason: In the interests of orderly development and traffic safety.</p>
18.	<p>In-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses, and non-curtilage car parking spaces serving the residential units shall be provided with functional electric vehicle charging points to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
19.	<p>The car parking along the South Douglas Road is public car parking as this car parking is taken charge of Cork City Council. Therefore it shall not be included in the proposed development and shall not be assigned to privately owned properties.</p> <p>Reason: In the interests of orderly development and management of public land.</p>

20.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> (a) details of all proposed hard surface finishes including materials for footpaths, kerbing and road surfaces within the development; (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; (c) details of proposed street furniture, including bollards, lighting fixtures and seating; (d) details of proposed boundary treatments at the perimeter of the site, including wall/ fence heights, materials, and finishes. <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity and to safeguard the amenities of properties in the vicinity.</p>
21.	<p>The area of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/ or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until/ in the event that it is taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
22.	<p>(a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the</p>

	<p>species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.</p>
23.	<p>The mitigation and monitoring measures outlined in the plans and particulars including the Ecological Impact Assessment relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Where any mitigation measures set out in the Ecological Impact Assessment or any conditions of approval required further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.</p>
24.	<p>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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
25.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and</p>

	<p>section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
26.	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
27.	<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</p>

	<p>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>
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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.

Matthew McRedmond
Senior Planning Inspector

8th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321639-25		
Proposed Development Summary	Construction of 93no. residential units, a creche and all associated site works.		
Development Address	Site at South Douglas Road, between Rathmore Lawn and Tramore Lawn, Douglas, 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	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class 10 (b)(i) & (iv) – Part 2 of Schedule 5	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	The proposed development of 93no. units and associated creche is below the 500unit threshold. The site is 1.98ha in area and is therefore less than the 10hectare limit in other built-up areas of a city.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	√	Screening Determination required

Inspector: _____ Date: _____