

Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Kieran Rodgers,
73 Mile Stream,
Shanakiel,
Cork

8th February, 2019

RE: R498/19: Section 5 at 73 Mile Street

Dear Mr. Rodgers,

I wish to acknowledge receipt of your withdrawal of the above Section 5 application. I am returning herein your application.

Yours faithfully,

Senior Staff Officer,
Strategic Planning & Economic
Development Directorate



We are Cork.

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

Comhairle Cathra
Cork City Cou.

10 JAN 2019

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021 4922661/4911

Líonra/Web: www.corkcity.ie

Strategic Planning & Economic
Development Director:

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

73 MILE STREAM SHANARIEL CORK. T23H6CD

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question:

Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

Note: only works listed and described under this section will be assessed under the section 5 declaration.

IS THE RELOCATION OF DRIVEWAY ENTRANCE
3/4 FEET TO THE RIGHT (AS SHOWN IN DRAWING)
AT 73 MILE STREAM SHANARIEL
IS IT EXEMPTED DEVELOPMENT?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

3. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s		
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:		
Existing/ previous use (please circle)	Proposed/existing use (please circle)	
-----	-----	
-----	-----	
-----	-----	

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		KIERAN RODGERS	
Applicants Address	73 MILE STREAM SHANAKIEL CORK.		
Person/Agent acting on behalf of the Applicant (if any):	Name:		
	Address:		
	Telephone:		
	Fax:		
	E-mail address:		
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

 We confirm that the information contained in the application is true and accurate:

Signature: Kieran RODGERS

Date: 3-1-2018

Surveyed 1975
 Revised 2016
 Levelled 1983

Urban PLACE Map



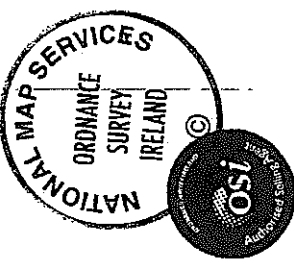
164929

ITM CENTRE POINTS
 564770, 572115

DESCRIPTION

MAP SHEETS

1:1000
 6382-06 6382-07



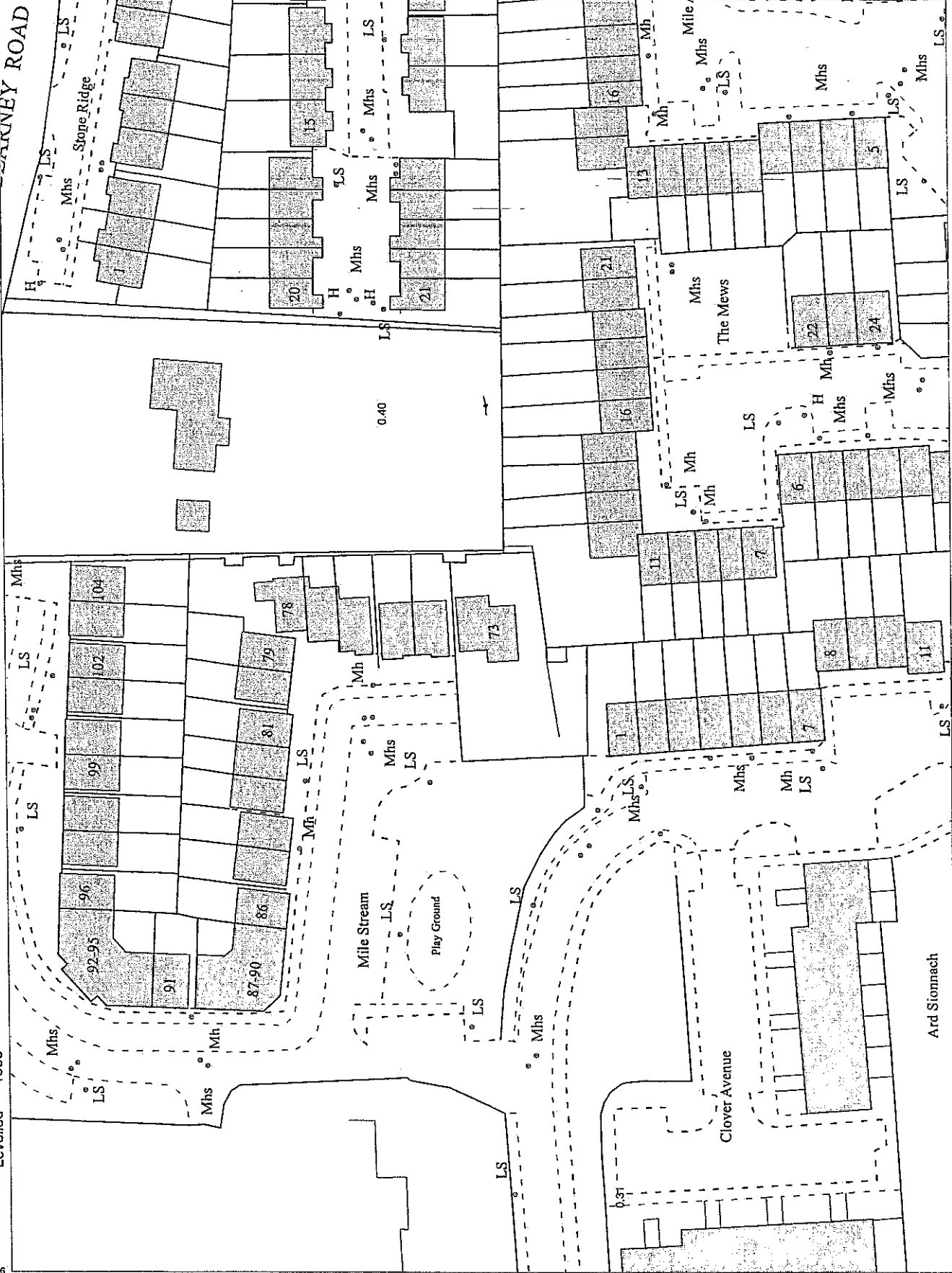
Produced by National Map Services,
 Unit 7, South Ring Business Park,
 Kinsale Road,
 Co. Cork
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8.

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 cead nó seirbhís roimh nó ón ádhúil an chéile.
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164929



Plot Ref. No. 25316479_1_1
 Plot Date 03-JAN-2018

Scale:- 1:1,000
 Scála:- 1:1,000

164696

164696

To: Louise-aherne@corkcity.ie

Subject: DRIVEWAY ?

<https://www.google.ie/maps/place/Mile+Stream,+Blarney+Rd,+Sunday's+Well,+Cork/@51.8998225,-8.5120549,41a,35y,39.56t/data=!3m1!1e3!4m8!1m2!2m1!1sMile+Stream,+Cork,+County+Cork!3m4!1s0x484491cb0fbcd2ab:0x4a0ab63bcb128baf!8m2!3d51.9010018!4d-8.516285?hl=en>

Hi Louise,

Please find attached link to google map of 73 Mile Stream Shanakiel. we spoke on the phone last week and you asked me to send on this, it is in connection with moving my entrance, as you can see from the images to enter or leave driveway we have to drive or reverse along the backs of our neighbours parking spaces which has caused a few near misses lately.

We are looking at moving the entrance (if standing in driveway)about 2 meters to the left away from our neighbours parking spaces as we feel this is becoming a bit of a safety issue, the new entrance will be where my van is in the images, as this is normally parked down the side of our house we feel this is where the entrance should have been first day.

As we are the last house in a Cul-De-Sac we will not cause any obstruction by moving entrance. Should you require any more information please contact me.

Regards Kieran Rodgers
086 8758485

73 Mile Stream - Google Maps

Page 1 of 2

Google Maps 73 Mile Stream



DRIVEWAY ?

Louise Ahern <louise_ahern@corkcity.ie>

Tue 14/11/2017 09:54

To: 'Kieran Rodgers' <rodgerskieran@hotmail.com>;

Kieran,

If the proposed works were to an access to a public road then they would not be exempted development and would require planning permission. Because the entrance is located within an existing housing development and because this road has not been taken in charge by the City Council, I would be of the view that the works would be exempted development. This is a general opinion. If you would like confirmation in writing whether the proposed works would require planning permission or not I would advise you to apply for a Section 5 declaration. (S.5 Application Form) Generally, the width of driveway entrances are restricted to 3metres in width.

Should you require any further information please do not hesitate to contact me.

Regards
Louise

Louise Ahern | Assistant Planner | Strategic Planning & Economic Development Directorate
Cork City Council | Comhairle Cathrach Chorcaí
Eircode: T12 T997

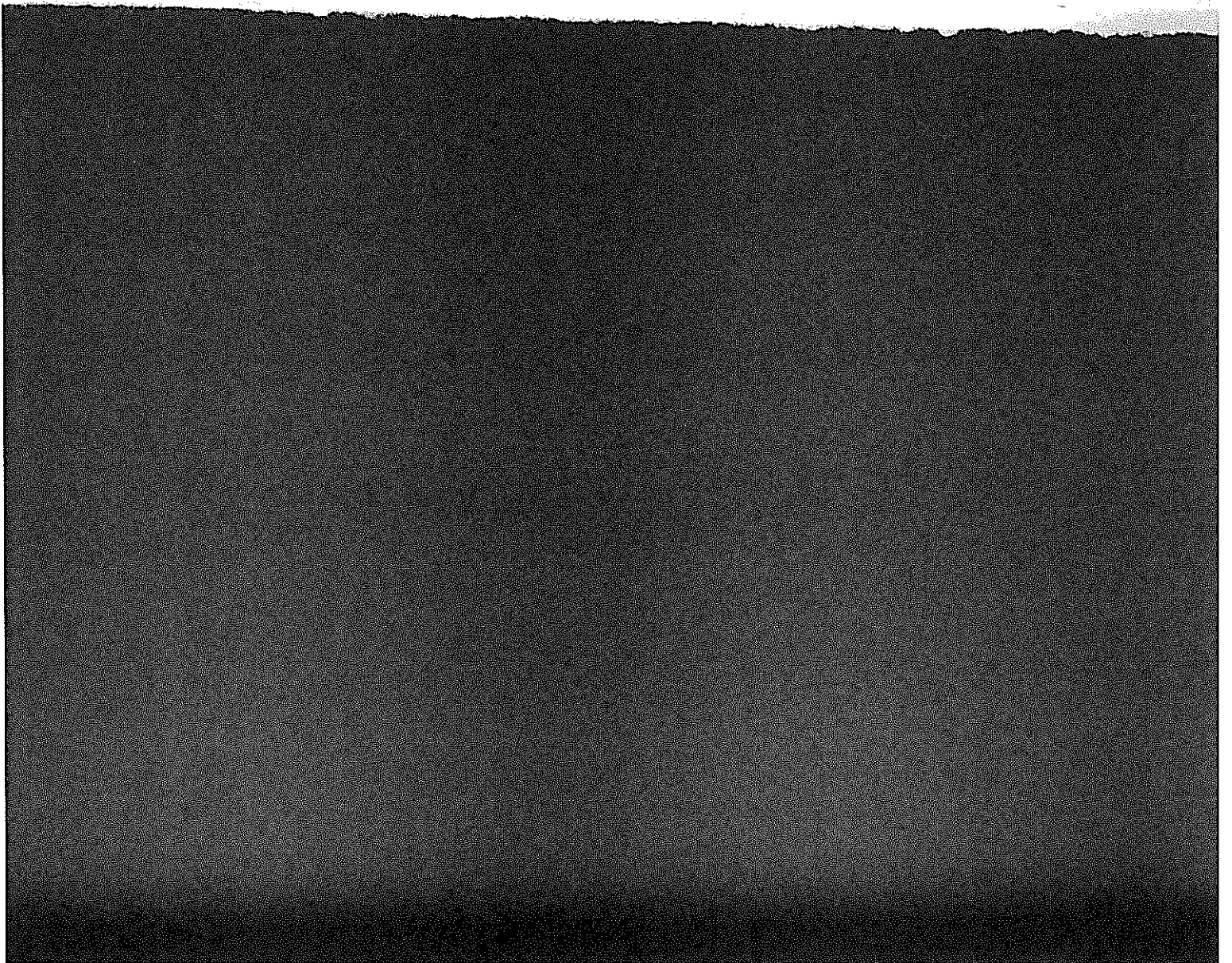
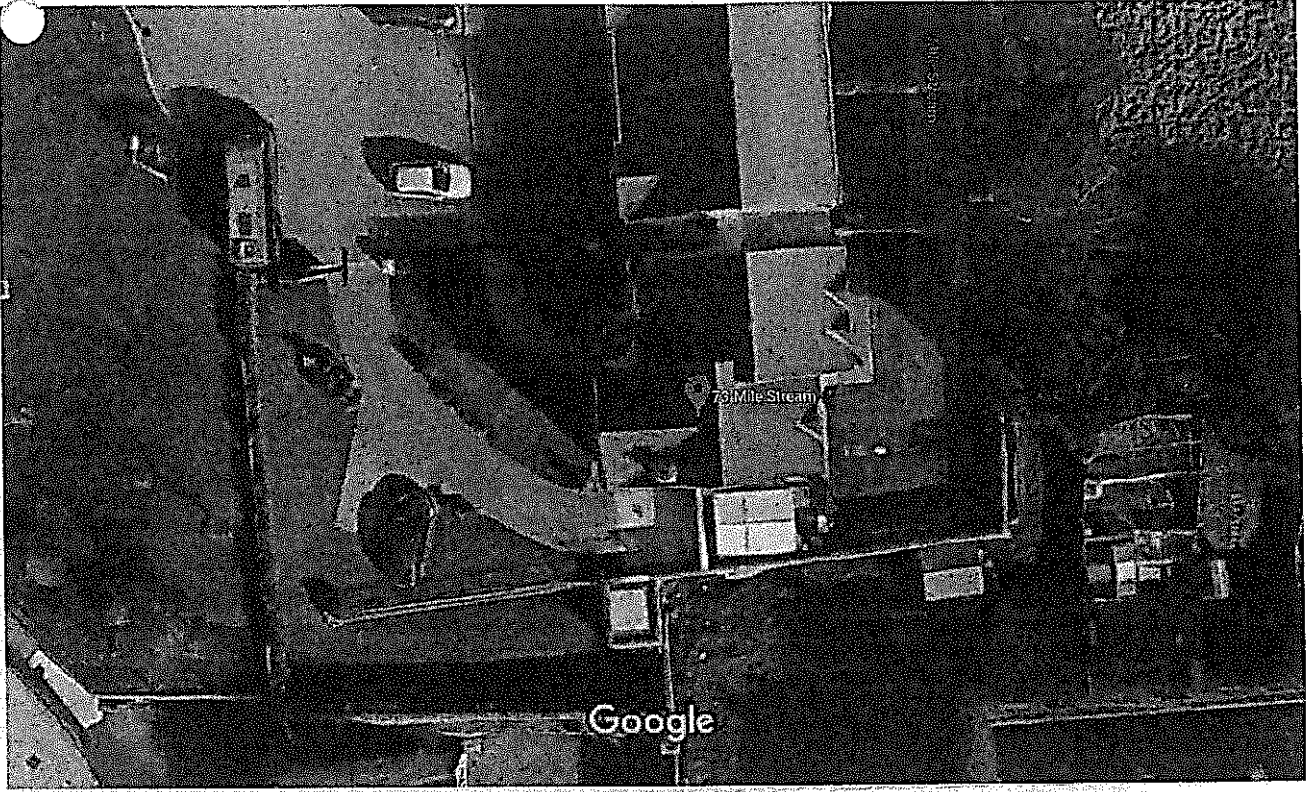
☎: +353 (0) 21 4924763

▲

From: Kieran Rodgers [mailto:rodgerskieran@hotmail.com]
Sent: 13 November 2017 17:09
To: Louise Ahern
Subject: Fw: DRIVEWAY ?

From: Kieran Rodgers <rodgerskieran@hotmail.com>
Sent: 13 November 2017 13:22
To: louise-ahern@corkcity.ie
Subject: Fw: DRIVEWAY ?

From: Kieran Rodgers <rodgerskieran@hotmail.com>
Sent: 13 November 2017 13:16



DRIVEWAY ?

Louise Ahern <louise_ahern@corkcity.ie>

Tue 14/11/2017 09:54

To: 'Kieran Rodgers' <rogerskieran@hotmail.com>;

Kieran,

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Should you require any further information please do not hesitate to contact me.

Regards

Louise

Louise Ahern | Assistant Planner | Strategic Planning & Economic Development Directorate
Cork City Council | Comhairle Cathrach Chorcaí
Eircode: T12 T997

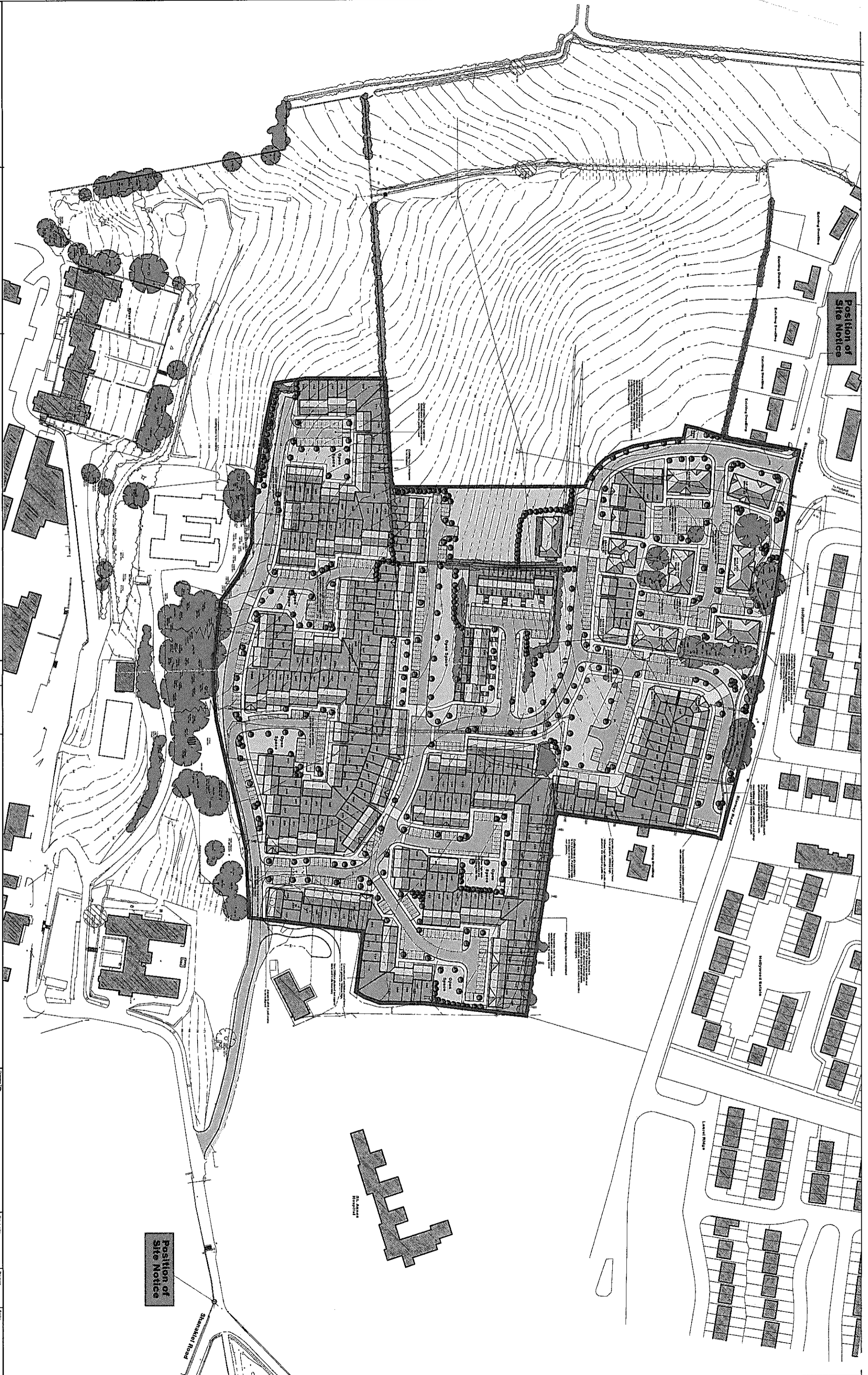
☎: +353 (0) 21 4924763

▲

From: Kieran Rodgers [mailto:rogerskieran@hotmail.com]
Sent: 13 November 2017 17:09
To: Louise Ahern
Subject: Fw: DRIVEWAY ?

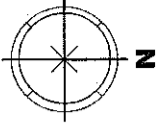
From: Kieran Rodgers <rogerskieran@hotmail.com>
Sent: 13 November 2017 13:22
To: louise-ahern@corkcity.ie
Subject: Fw: DRIVEWAY ?

From: Kieran Rodgers <rogerskieran@hotmail.com>
Sent: 13 November 2017 13:16



Position of Site Notice

Position of Site Notice

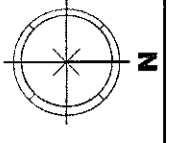
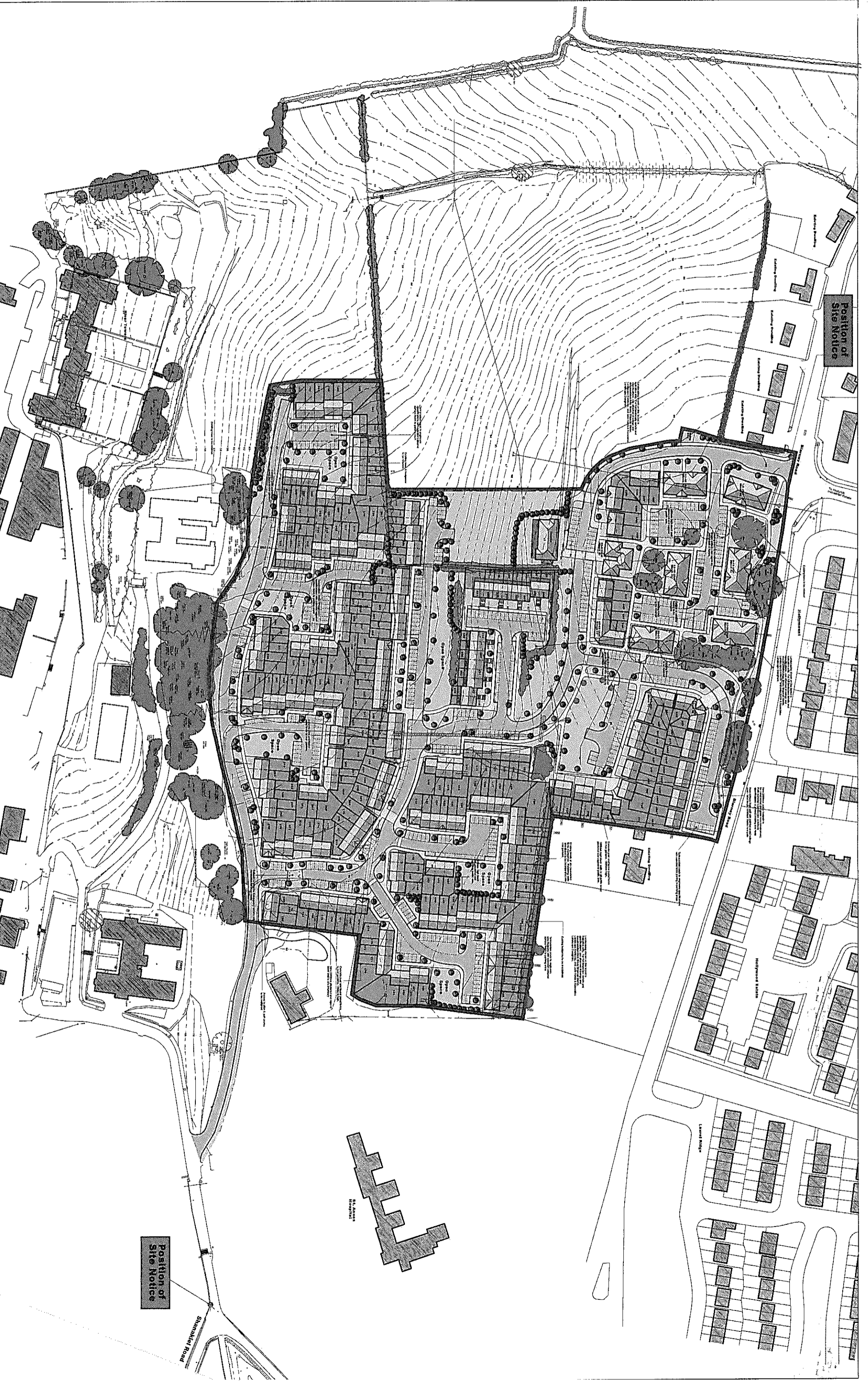


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Revision	Date	Description
A	30-08-2004	Criteria Added
B	30-08-2004	General revisions to layout - see dwg. 709-PL-05
C	29-06-2005	Site Notices Indicated
D	30-11-2005	Site boundary modified, house numbers reduced, private garden sizes increased.
E	12-12-05	Modifications to south-west corner

Overall Site Layout Plan	709-PL-107	Sheet No. E	Scale 1:1,000
Client	Coak City Council	Project	Housing at Shanakiel
Author	Hogan Associates	Project	Housing at Shanakiel
Checked	Planning	Sheet	A1
Approved	Planning	Date	December 2005

HOGAN
ARCHITECTURE
URBAN DESIGN



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Revision	Date	Description
A	30-06-2004	Checks added
B	30-09-2004	General revisions to layout - see s/wg, 709-PL-08
C	29-09-2005	Site Notices indicated
D	30-11-2005	Site boundary modified; house numbers reduced; private garden sizes increased.
E	12-1-2005	Modifications to south-west corner

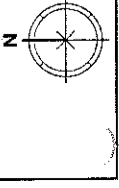
Overall Site Layout Plan	709-PL-107
Cork City Council	Planning
Housing at Shanakiel	Hogan Associates The North Circular Road, Dublin 15 Tel: 01-856 2222



Project No.	709 PL 106	Scale	1:500
Client	Planning	Date	November 2007
City Council	AD	Project	Planning
Prepared by	Hogan Associates	Checked by	Hogan Associates
Drawn by	Hogan Associates	Reviewed by	Hogan Associates
Project Name	Housing at Shanakiel		
Designer	HOGAN ASSOCIATES URBAN DESIGN		
Project Description	Site Layout Plan		
Project Address	Beech Tree Avenue		
Project Location	Housing at Shanakiel		
Project Status	Planning		
Project Date	November 2007		

The contours are original and have not been altered or modified in any way.

Figures shown are only to be used as a guide.



Helen O'Sullivan

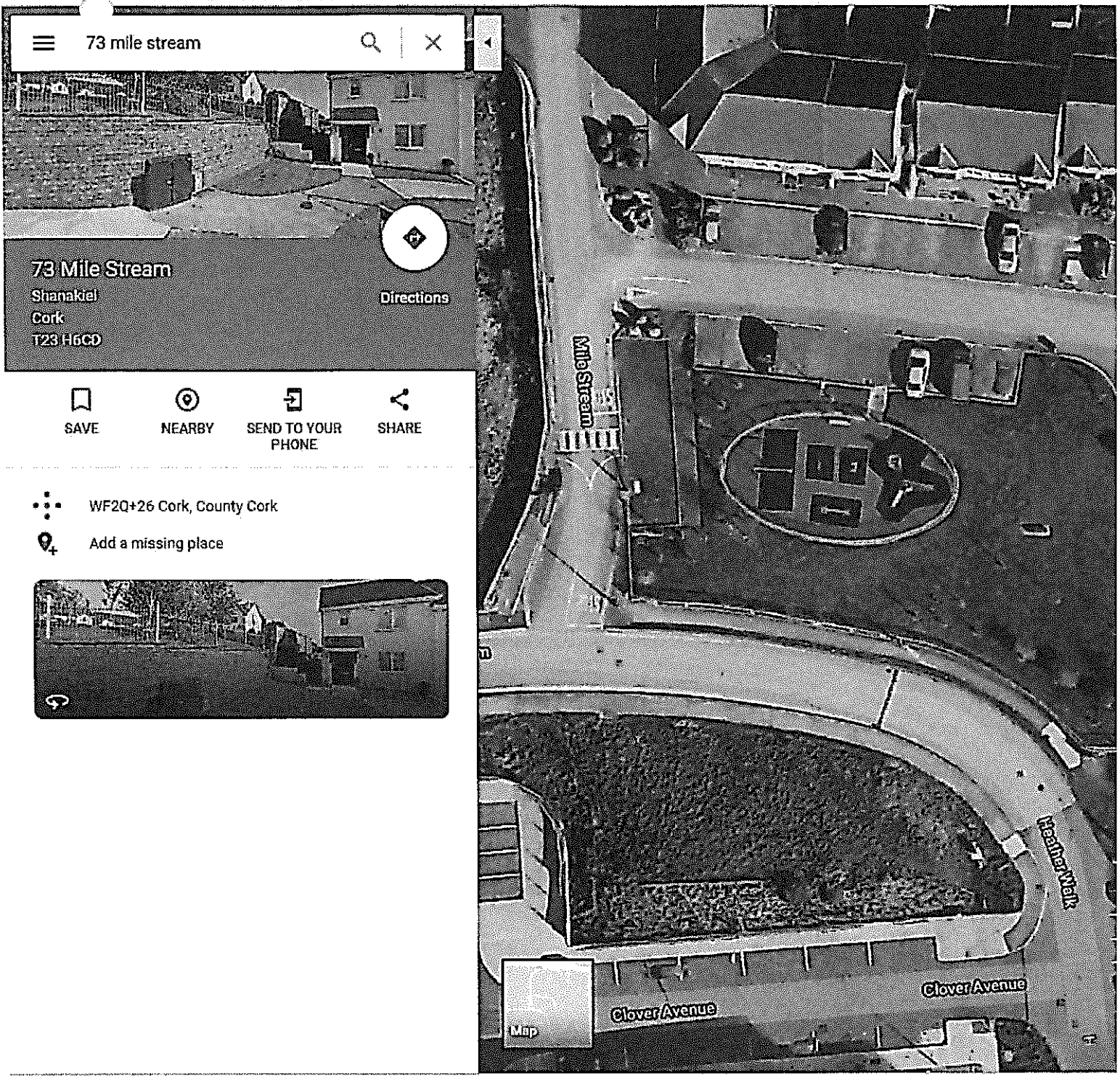
From: Gillian O'Sullivan
Sent: 21 January 2019 16:40
To: Helen O'Sullivan
Cc: Mark Quinn
Subject: RE: 73 Mile Stream

Hi Helen,

See attached below from the mapping portal (which is available on the intranet by the way of interest for future reference <https://arcgisportal.corkcity.local/arcportal/home/index.html>).

It shows the road as not taken in charge. Does this mean it's exempt though?

Gillian



Hi Gillian / Mark, hope all well,
Wondering if ye could take a look at this for me over the next couple of days if possible please, as it is coming due as a Section 5 shortly.

The owner is looking to move the entrance by 2m (not widen), and he had been in touch with Louise Ahern in the past, who advised it may be exempted development as it is located within an existing housing estate and because

Helen O'Sullivan

From: Kevin O'Connor
Sent: 06 February 2019 15:17
To: Helen O'Sullivan
Subject: RE: R498/19 - No. 73 Mile Stream - Section 5

Hi Helen,

Thanks for this. Just one or two notes: your conclusion is correct however you need to modify your route in arriving at that conclusion.

- **Article 6(1)** of the Regulations sets out that development set out in the 'Classes' in Part 1 of Schedule 2 of the Regulations is exempted development.
- The construction of a gate within or bounding the curtilage of a house is exempted development under **Class 5** of Pt 1 of Sch. 2.
- **Article 9** sets out where development under article 6 (i.e. all the 'Classes') would not be exempted development, and that's where **article 9(1)(ii)** comes into play (not 9(a)(ii)). So, for article 9 to come into play, there must first be an applicable exemption set out under article 6 (i.e. in the 'Classes' in Sch. 2).

So the route to your conclusion is:

1. "is development" because it falls under the definition of 'works' and 'development' in the Act (as per your report),
2. "is not exempted development" because it falls under art. 6 and Class 5 in Pt 1 of Sch. 2 but a restriction on this exemption applies under art. 9(1)(ii) (because we consider the road to be a public road with a surfaced carriageway wider than 4 metres).

As a suggestion, I recommend that in the body of your report you concentrate on the above path. You will of course need to mention that as the road was built pursuant to a Part VIII local authority own development it is considered to be a 'public road' by definition of section 11(7) of the Roads Act 1993 as amended. However, I would not think that it is relevant to refer to the taking in charge status of the road in your report, or to necessarily refer to section 11(1) of the Roads Act (not section 7(1)).

Kevin

From: Helen O'Sullivan
Sent: 05 February 2019 15:02
To: Kevin O'Connor
Subject: R498/19 - No. 73 Mile Stream - Section 5

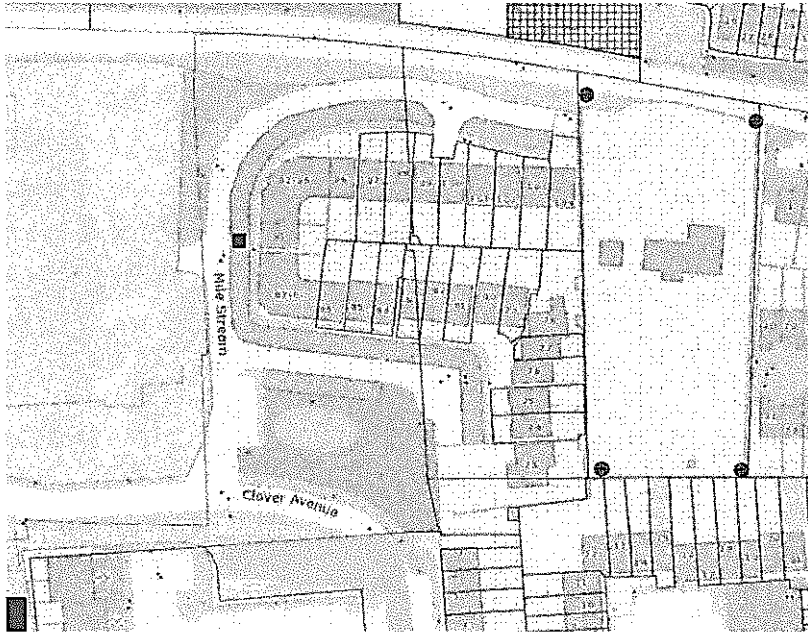
Hi Kevin,

Please find attached my draft Section 5 report for 73 Mile Stream, as discussed.

I just checked due dates with John W on this again. We received it January 10ththerefore 4 weeks technically would mean that this Report needs to be dated 6th of February latest or before he advises – which it is. He is ok to send it out next Monday latest once the Report is dated correctly.

Regards,
Helen.

*Helen O Sullivan,
Planner,
Strategic Planning & Economic Development Directorate
Cork City Council,
City Hall,*



> Back

Folio Number	CK665
Title Level	Subsidiary
Plan Number	CZ52
Property Number	3
Area of selected plans	Not available.
Number of Plans on this folio:	51
Address	Kearney's Cross, Ballinacurra, Midleton, Co. Cork, P25.HH42

[View Folio PDF](#) [Request Certified Copy](#)

The following Applications are Pending on this Folio

D2014LR086165E	Queried
D2015LR066200M	Mapped
D2015LR096886E	Mapped
D2015LR097879M	Queried
D2016LR070113B	Queried
D2016LR149230Q	Mapping
D2017LR027812R	Queried
D2017LR073037J	Mapping

*PRA Boundaries and Plan Area **are not conclusive**. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#)

Land Registry

County Cork

Folio 152215F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

No.	For parts transferred see Part 1(B) Description	Official Notes
1	The property shown coloured Red as plan(s) C42A6 on the Registry Map, situate in the Parish of St. Mary's-Shandon, in the Electoral Division of SHANAKIEL. The Registration does not extend to the mines and minerals	From Folio CK78581F

Land Registry

County Cork

Folio 152215F

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	14-AUG-2009 * COLEMAN BROTHERS (DEVELOPMENTS) of Coolflugh, Tower Bridge, D2009LR147396C Blarney, County Cork is full owner.

Land Registry

County Cork

Folio 152215F

Note: This charge is registered also on folio
CK128129F, CK128132F, CK128130F, CK127580F, CK111060F

Note: This charge does not affect the following:

Beech Tree Avenue:

8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32,
33, 34, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 5
6, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 75, 76, 78, 79
, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90.

River View: 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15,

The Mews: 2, 10, 16, 21

Mile

Avenue: 1, 3, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26
, 28, 29, 30, 31

Heather Walk: 12, 13, 14, 15, 16

Instrument No. D2008CK007750E, 4th March 2008.

Note: This charge does not affect the following:

Beech Tree Avenue: 1, 2, 3, 4, 5, 7, 4

River View: 17, 24

Heather Walk: 1-10, 18-21, 23-26, 28-36

Note: This charge does not affect the following:

Beech Tree Avenue: Nos 69, 82, 90.

River View: Nos 9, 16, 18, 19, 20, 21, 22, 23

The Mews: Nos 3, 5, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 23

Mile Avenue: Nos 2, 7, 19

16th April 2008 Instrument No. D2008CK013162Y, 16th September
2010, D2010LR115169Y

Note: This charge does not affect the following:

Beech Tree Avenue: nos 69, 82, 90.

River View: nos. 9, 16, 18, 19, 20, 21, 22, 23

The Mews: nos. 3, 5, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 23

Mile Avenue: nos. 2, 7, 19

16th April 2008, Instrument no. D2008CK013162Y

December 9th, 2005

A Ardmheara agus Comhairleoiri,

Re: Report under Section 179(3) of the Planning and Development Act, 2000

LOCATION:

Site, measuring approx. 24.586 acres, situated at Shanakiel to the east of the St. Anne's Pitch and Putt Course.

PROPOSED DEVELOPMENT:

The proposed development scheme, as advertised, consists of a total of 405 no. dwellings, 287 of which are to be built as Affordable Housing units for sale under the Sustaining Progress Affordable Housing Initiative, with the balance of 118 no. dwellings proposed for private sale. The proposal also includes for the development of a crèche (measuring approximately 677.37 sq. metres) and the carrying out of associated site development works.

Two signalised vehicular accesses are proposed to serve the development, as follows:

- Onto the Blarney Road at it's junction with Harbour View Road, and
- Onto the Shanakiel Road, via the existing service road to St. Anne's Hospital. This service road is to be widened as part of the proposed development.

Details of the house types proposed in the advertised scheme are given as follows:

Affordable Housing: 287 Dwellings:

8 no. 2 storey 4-bedroom terraced houses
195 no. 2 storey 3-bedroom terraced houses
52 no. 2 storey 2-bedroom terraced houses
16 no. 2 storey 3-bedroom duplex units, over
16 no. ground floor 2-bedroom apartments

Private Housing: 118 Dwellings:

1 no. 2 storey 5-bedroom detached house
3 no. 2 storey 4-bedroom detached houses
1 no. 2 storey 4-bedroom detached house
6 no. 2 storey 3-bedroom detached houses
36 no. 2 storey 3-bedroom semi-detached / terraced houses
5 no. 2-bedroom bungalows
66 no. apartments (in 10 no. two storey apartment blocks)

The apartment blocks are configured as follows:

- 6 no. 2-storey blocks of 8 no. 2-bedroom apartments
 - 1 no. 2-storey blocks of 6 no. 2-bedroom apartments
 - 3 no. 2-storey blocks of 4 no. 2-bedroom apartments
-

The development described above was advertised as a development proposed to be carried out by John Fleming Construction Limited and Coleman Brothers Developments Limited, pursuant to a contract to be entered into with Cork City Council in accordance with the provisions of Section 179 of the Planning and Development Act, 2000. Plans and particulars of the proposed development were available for public inspection for the prescribed period. The period within which any submissions or observations were to be made ended on August 19th, 2005. The relevant prescribed bodies were also notified of the proposal.

The site of the proposed development is shown on the accompanying map and a plan showing the advertised project is also attached.

A total of 23 no. submissions/observations were received within the specified period in relation to the proposed development. The signatories of these submissions / observations are listed in the attached Appendix.

A number of amendments to the advertised scheme are now being proposed in response to concerns raised. These amendments will first be detailed before the issues raised in the various submissions are subsequently dealt with.

PROPOSED AMENDMENTS:

Following the public consultation process a number of amendments are now proposed to the advertised scheme. Reference is made in a number of the submissions to the Ridge Protection Zone and the visual significance of the site. Having considered the points made in this regard the following amendments to the advertised scheme are now proposed:

OMISSION OF UNIT NOS. 108-117:

To reduce any negative visual impact, House Unit nos. 108-117 on the upper western part of the site are now proposed to be omitted.

OMISSION OF UNITS IN THE SOUTH-WEST CORNER:

To reduce any negative impact on the setting of Our Lady's Hospital, House Unit nos. 231-318 on the lower western part of the site are now proposed to be re-designed – the revised layout will provide for the omission of the western-most units and reduces the number of units in this section from 88 dwellings to 37.

SHIFTING OF INTERNAL ACCESS ROADWAY:

The internal access road is proposed to be re-located so as to reduce it's visibility as it runs downwards through the site. The road is being re-located to turn eastwards at a higher level along a less visually prominent line. The re-routing of the road will also entail the re-design of the block of units numbered 118-157. The revised design for this area will also include for the incorporation of a new row of 8 dwellings below and supervising the area to the rear of the crèche. The overall number of units resulting from the re-routing of the road increases from 40 to 47.

Also, having regard to the provisions of the City Development Plan, the layout of the scheme has been reviewed and garden sizes amended to take account of the Plan Guideline for private open space provision. This amendment has resulted in the omission of a further four units from the advertised scheme.

The overall effect of the above proposed amendments is to change the total number of dwelling units being proposed to 347(from 405). The number of affordable dwellings now proposed is 240 (from 287) with 107 (from 118) units proposed for private sale.

The submissions/observations made in relation to the proposed development have been considered and the issues raised are summarised below, with responses to these issues given:

The issues raised in the submissions are listed below with a response given to each:

1. USE OF THE PART 8 PLANNING PROCESS:

Issues raised:

It is stated that the Part 8 Planning Process should only be used for housing projects where the local authority is building social or affordable housing on land which it owns and that this process should not apply to projects which include private housing that is intended for sale on the open market. It is suggested that the developers have incorporated affordable housing to side-step planning application and that the Part 8 Process is a contrivance to circumvent appeal to An Bord Pleanala and is tantamount to a denial of citizens' democratic rights. The legality of using the Part 8 Process in the case of the current proposal is questioned.

Response to issues raised:

The proposed development represents a three-way partnership between Cork City Council, John Fleming Construction Limited and Coleman Brothers Developments Limited for the integrated development of lands owned by those companies. The proper planning and development of the area would require that there would be integration of the different parcels of ground involved. The development of the different parcels are intrinsically linked with strong inter-dependence between both the sites and the partners in terms of access and drainage. With control over drainage and access onto Shanakiel Road, and procuring dwelling-houses for sale to eligible persons under the Affordable Housing Initiative, Cork City Council is satisfied that it's partnership in the proposed development scheme is crucial to the overall project and ensures that the Part 8 Planning Process is the correct process in this case.

2. ROADS AND TRAFFIC

Issues raised:

- (a) It is stated that the local road network is already over-burdened and carries large volumes of traffic, a large proportion of which is comprised of heavy vehicles serving the industrial estates on the city's north-side. It is suggested that the proposed scheme will create for the generation of more than 600 additional cars and that the resultant

increase in traffic will further worsen the situation and increase the risk of accidents especially for children walking to school or to Fitzgerald Park. It is suggested that the traffic surveys undertaken were carried out in July and do not reflect the congestion difficulties experienced between the months of September and June.

- (b) It is stated that the Shanakiel Road has an unacceptable gradient which has resulted in a large number of accidents including trucks being unable to stop at the junction with Sunday's Well.
- (c) It is stated that the proposed development will generate traffic which will increase bottle necks on Sunday's Well Road.
- (d) It is suggested that the existing difficulties being experienced should be tackled before considering this development and that measures to be applied should include a Park and Ride facility, the banning of large vehicles from Shanakiel Road, the use of speed bumps and an integrated approach to the extension of disc parking into the area.
- (e) Comment is made in the submissions in relation to the difficulties being experienced by residents of estates and houses on Shanakiel Road in gaining access onto this road, especially during school term when traffic is often backed up to Mount Prospect and beyond, and it is stated that these difficulties will increase as a result of the proposed development.
- (f) It is stated that the two access / exit routes for the proposed development are both located at very bad locations (the first onto a bad bend on Shanakiel Road, the second onto Blarney Road opposite the entrance to Hollyhill Industrial Estate) and will create for traffic chaos unless there are significant changes planned to the Shanakiel and Blarney Roads.
- (g) It is stated that any increase in traffic will worsen the situation for pedestrians. This is particularly relevant to Shanakiel Road where pedestrians are required to cross the road as there is a foot-path on one side of the road only which alternates from one side of the road to the other.
- (h) It is stated that the access onto the Shanakiel Road should be shelved until the North West ring road is completed relieving the area of heavy traffic, or alternatively that the development be phased until the Ring Road is in place.
- (i) Concern is expressed because of inadequate public transport access and infrastructure as required under the Cork Area Strategic Plan.
- (j) It is stated that the noise pollution resulting from additional traffic should necessitate the carrying out of an Environmental Impact Study.
- (k) Concern is expressed, in the context of the current traffic situation, in relation to access by the emergency services in the event of an emergency occurring in the area.
- (l) The two bus services in the area, the Orbital Route and the No. 14 which passes Sunday's Well twice daily, are inadequate to cater for extra population and it is stated that these services cannot be expanded. It is suggested also that Sunday's Well Road is not suitable to cater for any improved public transport.
- (m) It is stated that the No. 2 bus route is remote from the proposed development.
- (n) Concerns are expressed in relation to the number of parking spaces being provided.

Response to issues raised:

A detailed assessment was undertaken to review the impacts of the traffic likely to be generated by the proposed development. This Traffic Impact Assessment included a detailed assessment of the road network in the area, analysis of traffic volumes and traffic flows and a projection of the impacts of the proposed development. The Traffic Impact Assessment detailed measures to mitigate the effects of traffic likely to be generated by the proposed

development and to improve the carrying capacity of the road network as well as general traffic management. Notwithstanding the reduction in the overall number of dwellings being constructed, as outlined above, the Assessment concluded that the scale of the development originally advertised could be adequately catered for by the existing road network and its impacts satisfactorily managed.

The principle measures identified in the Traffic Impact Assessment as being desirable to manage the traffic impacts of the proposed development and which will be carried out as part of the development, are detailed as follows:

- To control and regulate traffic, a four arm signalised junction is to be provided at the Harbour View Road/ Blarney Road junction.
- A new signalised junction is to be provided at the junction of the existing service road to St Ann's Hospital / Shanakiel Road, which will serve to improve safety at the junction especially for right turning traffic from the Shanakiel Road. A pedestrian crossing is also proposed here.
- The reassignment of the priority at the junction of Blarney Road/Shanakiel Road from Blarney Road (East) to Shanakiel Road.
- The commissioning of traffic signals at the Shanakiel Road/Sunday's Well Road Junction.
- The commissioning of traffic signals at the Lee Road/Thomas Davis Bridge/Sunday's Well Road junction.

In addition to the above measures identified in the Traffic Impact Assessment, and in consideration of the concerns expressed in submissions, it is now proposed to construct a continuous pedestrian footpath along the entire length of Shanakiel Road on its northern side. The section of existing pathway on the southern side of the Road is to be removed and replaced with a new pathway on the opposite side of the road removing the need for pedestrians having to cross the road.

The individual issues raised are now dealt with as follows:

- (a), (b), (c) It is acknowledged that the existing local road network carries large volumes of traffic and that the proposed development will generate additional traffic. The Traffic Impact Study confirms that the network has the capacity to cater for the proposed development and that the ameliorative measures provided for in the Study will offer improvements in terms of traffic flows and traffic management / control. The situation with regard to pedestrian safety will also be improved by the provision of a continuous foot-path for the length of Shanakiel Road. The traffic surveys undertaken were carried out in May 2004 and reflect traffic flows in the busier school-term period. It is acknowledged also, that in the longer term, the construction of the Northern Ring Road will bring benefits in taking traffic (and especially larger trucks) off the local roads in this area.
- (d) The Traffic Impact Study confirms that the existing road network is capable of dealing with the proposed development. Traffic control and traffic management measures, as well as other initiatives such as Park and Ride facilities and Disc Parking regulation, are constantly kept under review on a City-wide basis in terms of the benefits they may bring generally in the implementation of road and transportation policies.
- (e) The problems referred to are acknowledged and are common in an urban context. The installation of signalised control on Shanakiel Road (at the access to St. Anne's) will have the effect of providing breaks in the traffic flow improving opportunity for egress from existing estates.

- (f) The proposed access points onto the existing public roads will, as outlined above, be by means of controlled signalised junctions which will serve to regulate traffic movements in a safe manner.
- (g) As outlined above, a continuous foot-path is to be provided along Shanakiel Road which will improve the situation greatly for pedestrians.
- (h) Having considered the Traffic Impact Study, the City Council is satisfied that the existing road network has the capacity to serve the proposed development and that the deferral of the development until construction of the North West ring road is not necessary.
- (i) There are already accessible public transport options available in the area. An increase in the local population will itself create further capacity and opportunity for expansion and improvement in public transport.
- (j) It is not considered that any noise pollution resulting from additional traffic would require the carrying out of an Environmental Impact Study.
- (k) The issue of access by emergency services is one which is managed by the services and is done so in the context of an urban living environment.
- (l), (m) Refer to (i) above.
- (n) The proposed development includes for the provision of parking spaces in accordance with Development Plan standards.

3. DESIGN/DENSITY ISSUES:

Issues raised:

- (a) It is stated that there should be a large area devoted specifically for open space and recreational purposes and it is suggested that there are little or no recreational facilities or areas of open space provided for in the plans to cater for the large number of children who will live in the proposed houses. It is suggested further that the proposed development will result in three holes being lost to the St. Anne's Pitch and Putt Club were the development to proceed.
- (b) It is stated that the land was initially sold in 1988/1989 at a very reduced price on the basis that the site was not suitable for development or would be limited to low density development. Other submissions suggest that the land was sold for agricultural use only and at agricultural values.
- (c) Concerns are expressed in relation to the proposed removal of hedgerows on Blarney Road and that such removal would be contrary to the Ridge Protection designation.

Response to issues raised:

- (a) The proposed development has been designed having regard to specific site conditions and to the needs of the end users of the site. The site is located on sloping land on which the options for the layout of development are not the same as those which would be presented by a level green field site. The focus on the over-all design has been to distribute development throughout the site and thereby take advantage of existing vegetation, which will be further augmented. This layout will assist in retaining the 'green appearance of the ridge' and integrating physical development into the landscape.

It is not appropriate in this instance to provide a single large open space/recreation area. To provide such a facility would require considerable excavation over an extended area to provide a level, useable area. This would be in stark contrast to the over-all aim of the design, which is to retain, as far as possible, the natural topographic features of the upward sloping ridge. The provision of such a space would impact unduly on the landscape and break the distribution of physical development throughout the site.

The proposed scheme has therefore been designed having regard to the site requirements and also to the end users of the site. In this regard a number of localised play areas have been provided. These are over-looked by individual courtyards of housing and easily accessible.

These open space areas will contribute to a hierarchy of open space in the area. Alternative facilities in the immediate area include St. Anne's Pitch & Putt, St. Vincent's Hurling and Football Club and Castle View Soccer Club. A further tier of municipal facilities is provided at the nearby Mardyke. These include the Lee Fields amenity walk, the Mardyke sporting facilities and Fitzgerald Park.

It is considered that an appropriate level and scale of amenities are therefore provided on site to serve the needs of residents.

(b) The site of the proposed development must be viewed in the context of circumstances now pertaining. There is huge need for housing in Cork City to meet a range of existing demands. Given the scarcity of development land in the city and its environs, it is appropriate in the context of the demands that exist to consider the potential of any available land to contribute towards meeting housing needs. There are no service constraints that would militate against the site being used for housing purposes and the development of the land for housing is therefore considered appropriate.

(c) The site is to be landscaped in accordance with a comprehensive landscaping scheme reflecting the visual importance of the site. The removal of hedgerows on Blarney Road does not contravene the designation nor detract from the visual significance of the site.

4. PROPOSED 10 NO. DWELLINGS :

Objection is raised specifically to the proposed 10 no. dwellings on the north-western edge of the development site.

- (a) It is suggested that these dwellings lack coherence with the overall development, that their orientation is out of synchronisation with what is proposed to the east and that there is no intrinsic and necessary connection between these 10 dwellings and the overall proposal.
- (b) It is suggested that Cork City Council would appear to be facilitating private developers in bypassing normal planning procedures and that this could be legally challenged.
- (c) It is suggested that the construction of these 10 dwellings would breach the ridge protection designation for this section of the ridge and would create a precedent for further development of the ridge to the south and west of these houses.
- (d) It is suggested that the creation of a spur road from Blarney Road opening onto lands to the south and west could create for anti-social behaviour on the remaining lands on the ridge.
- (e) It is suggested that the proposed houses would impinge seriously on the privacy and aspect of existing houses to the north.
- (f) It is stated that the construction of apartment blocks at the top of the ridge would not be in keeping with the nature of the existing dwellings on the south side of Blarney Road.
- (g) It is suggested that the septic tanks of the existing dwellings to the north could constitute a health hazard for the proposed houses due to their proximity.

Response to issues raised:

The 10 no. dwelling-houses referred to are those numbered 108 – 117 in the advertised scheme and, as outlined earlier in this report, are proposed to be omitted from the development.

5. PLANNING ISSUES:

Issues raised:

- (a) It is stated that the proposal affects a visually sensitive ridge at Shanakiel and the setting of Our Lady's Hospital, which is a protected structure. It is stated that a previous application by Coleman Brothers Developments Ltd. for 54 houses was refused on location impact grounds (T.P. Reference: 98/22388).
- (b) It is stated that the site for the proposed development is located in an area that has been designated in the Development Plan as part of the City's Ridge Protection Zone. Concern is expressed that some of the housing proposed, particularly on the road spurs on the south-western and north-western areas of the site, would have a negative impact on the setting of the hospital which is a protected structure, and it is sought that the local authority would seek modifications and reconfigurations to obviate such impact.
- (c) It is suggested that the proposed development will increase the social imbalance within the North West Ward and between the North West Ward and other wards in the city. It is suggested that the North West Sector already has high levels of Social and Affordable Housing which has created this social imbalance.
- (d) Reference is made to the previous refusals of planning permission on sites within the Green Belt stretching from Shanakiel to Clogheen including the 21 acres originally sold by the Southern Health Board and it is stated that the current proposal should similarly be refused..

Response to issues raised:

(a), (b) The site of the proposed development is located to the north of the former Our Lady's Hospital which is a Protected Structure, the site forming part of the backdrop to this building. Built development surrounds much of the site - individual dwellings as well as housing estates (including Laurel Ridge and Hollymount) are located on higher grounds to the north and a new apartment complex (River Towers) is also located to the west of Our Lady's. There is therefore a considerable precedent for built development around the structure and these buildings have been incorporated into the surrounding landscape without detriment to the setting of Our Lady's.

The subject site forms part of the land to the rear of Our Lady's. The scale of the building, together with the gradient of the surrounding area, ensures that much of the proposed development would not be visible from outside the site. The predominant feature in the view from key vantage points such as the Carrigrohane Road will continue to be Our Lady's Hospital.

The proposed development has been designed specifically for this site, working with the site contours and providing for a comprehensive planting scheme. Development is as far as possible proposed on the gentler gradients and follows the contours of the site, allowing the over-riding topography to dominate. The proposed landscaping scheme will further augment this.

As outlined at the beginning of this report (Page 2), the western-most dwellings are now proposed to be omitted and other modifications of layout are being made to reduce any negative impacts. It is not anticipated that the proposed development as now being recommended will have an adverse impact on Our Lady's. (It should be noted that the impact of the proposed development on Our Lady's was not cited in the refusal reason set out for T.P. 98/22388.)

(c) Contrary to the assertions made in relation to the social imbalance within the North West Ward, the proposed development will provide the opportunity for the purchase of private and affordable housing in this area and will serve to provide a meaningful counter-balance to the relatively high level of social housing in the locality.

(d) As outlined above, it is considered appropriate that the development of this site would be considered on its merits in the context of the demands that currently exist in the city for all forms of new housing.

6. OTHER ISSUES:

Issues raised:

- (a) It is stated that, although the proposal is under the mandatory threshold for an Environmental Impact Statement, the cumulative impact on adjacent development needs to be considered.
- (b) It is stated that there have been difficulties with the existing surface water drainage system in the area in periods of heavy rainfall and that the system will require expansion and improvement if the proposed development is to go ahead.
- (c) Solicitors for Gleann na Laoi GAA Club have outlined the club's opposition to the proposed development. In their submission, Don Ryan & Co, Solicitors, state that the club has used the pitch contained within the development lands since 1966 for training and to play matches, and that the club has held sole responsibility for this pitch and have been solely responsible for the upkeep and high level of maintenance of same. It is suggested that Gleann na Laoi GAA Club has legal rights vesting in the pitch, and has rights arising at common law and statute. The loss of this playing pitch is also referred to in other submissions.
- (d) It is stated that the proposed development will increase the population in the area by approximately 1600 people. It is stated that there are not adequate facilities to cater for the proposed development and a query is raised as to whether the current infrastructure (ie. Shops, schools, public transport, amenity facilities, etc) is to be upgraded to support the increase in population.
- (e) A query is raised as to where the children who will live in the proposed houses will attend school and whether Strawberry Hill School is to be extended.
- (f) Concerns are expressed that the proposed will create a pressure for development of additional lands at a future date.

Response to issues raised:

(a) The proposed development is below the statutory thresholds at which a mandatory Environmental Impact Statement is required to be prepared. An Environmental Report was prepared in respect of the proposed development and was available for public inspection under the Part 8 process. The report contains similar information to an Environmental Impact Statement and concluded that there would not be significant cumulative impacts on the environment as a result of the proposed development.

It is not anticipated that there will be any problems with regard to surface water drainage. The only phase of the development likely to be problematic is the construction phase where silt could infiltrate surface water chambers. Mitigation measures will be put in place to address this.

(b) The surface water for the proposed development will not affect the existing surface water system in the Shanakiel Road and Strawberry Hill. The surface water from the proposed site is to be attenuated and discharged through the surface water system for Our

Lady's Hospital to the River Lee. The existing surface water system on Shanakiel road is to be upgraded with extra gullies and some new pipe work.

(c) The site for the proposed development is owned by the development partners in this case and there is sufficient legal interest in the lands to carry out the proposed development.

(d), (e) It is considered that the local infrastructure is adequate to cater for the proposed development. Indeed, an increase in the population will serve to strengthen and improve many of the existing services and facilities.

(f) Any future development of additional lands will be subject to a formal planning process.

Members will be aware of continuing and growing difficulties with the Shanakiel lands in terms of anti-social behaviour, illegal dumping, abandoned burnt-out cars, etc. The rehabilitation of the lands by its development for housing purposes, as is being proposed, is considered desirable and in the interests of the proper planning and development of the area. A number of the submissions acknowledge the existing difficulties associated with the lands and give a qualified welcome for the development. The carrying out of the development accords with stated Government policy of providing affordable dwellings for persons unable to acquire houses in open market situation.

The proposal has been considered by the Planning and Development Directorate, the Roads and Transportation Directorate, the Environment Directorate and the Recreation, Amenity and Culture Directorate and the inputs of the various Directorates have been considered in the advancement of the project. Members will appreciate the great need for housing which exists in the City. The proposed development will deliver housing accommodation on Cork's North-side for 347 no. households.

I recommend that the proposed development of 347 no. dwelling-houses should be proceeded with in accordance with the amendments outlined above.

Mise Le Meas,

**J. Gavin,
City Manager**

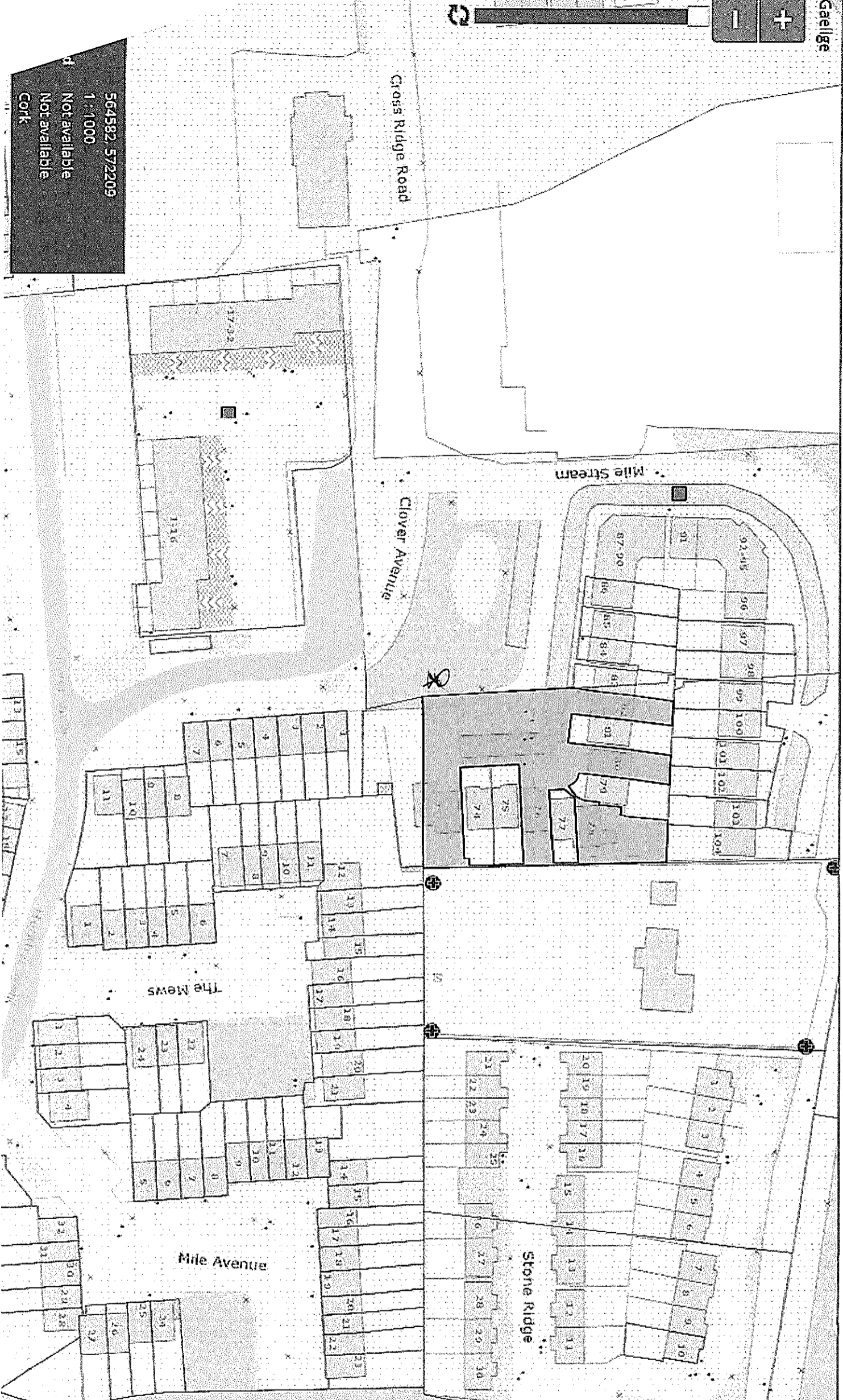
Appendix 1

Report under Section 179(3) of the Planning and Development Act, 2000.

Proposed development at Shanakiel.

LISTING OF PERSONS MAKING SUBMISSIONS.

1. Oliver O'Mahony, 14 Ashboro, Shanakiel, Cork.
2. Dairmuid Fitzgibbon & Timmy Singleton, 50 Laurel Ridge, Shanakiel
3. Jerry White, Doire Rua, Shanakiel Road, Cork
4. Eamonn Carey, 10 Ashbore, Shanakiel Road, Cork
5. Tom Feighan, Ardan, The Grove, Shanakiel Road, Cork
6. Katherine Barry, 2 Shanakiel Terrace, Strawberry Hill, Cork
7. Patrick V O'Driscoll, 3 Ashboro, Shanakiel, Cork
8. Nancy Ginnane, The Bungalow, Shanakiel Road, Sunday's Well, Cork
9. Margaret & John O'Donovan, 16 Ashboro, Shanakiel, Cork
10. Joe O'Shea, 2 Ashboro, Shanakiel, Cork
11. Louis Murphy, (Former Land Stewart Southern Health Board), City View, Clogheen, Blarney Road, Cork.
12. J. Dineen, 11 Ashboro, Shanakiel, Sunday's Well, Cork
13. Michael Sexton, An Charraig Aonair, 18 Ashbore, Shanakiel, Cork
14. John Roche, (C/o Residents Blarney Road), Shalom, Blarney Road, Clogheen, Cork.
15. Frank Sheehan, "Uplands House", Shanakiel, Cork
16. J Daly, 56 Hollywood Estate, Blarney Road, Cork
17. Don Ryan & Co., Solicitors on behalf of Gleann na Laoi GAA Club
18. Tom Bogue, 3 Buxton Terrace, Sunday's Well Road, Cork.
19. Fionola McDonald, Development Applications Unit, Department of the Environment, Heritage and Local Government
20. Ian Lumley, Heritage Officer, An Taisc
21. Joe & Helena Dunne, 7 Ashboro, Shanakiel, Cork.
22. John Neville, Westerley, Shanakiel, Cork.
23. Maurice Laphorne, 4 Mount Prospect, Shanakiel, Cork.



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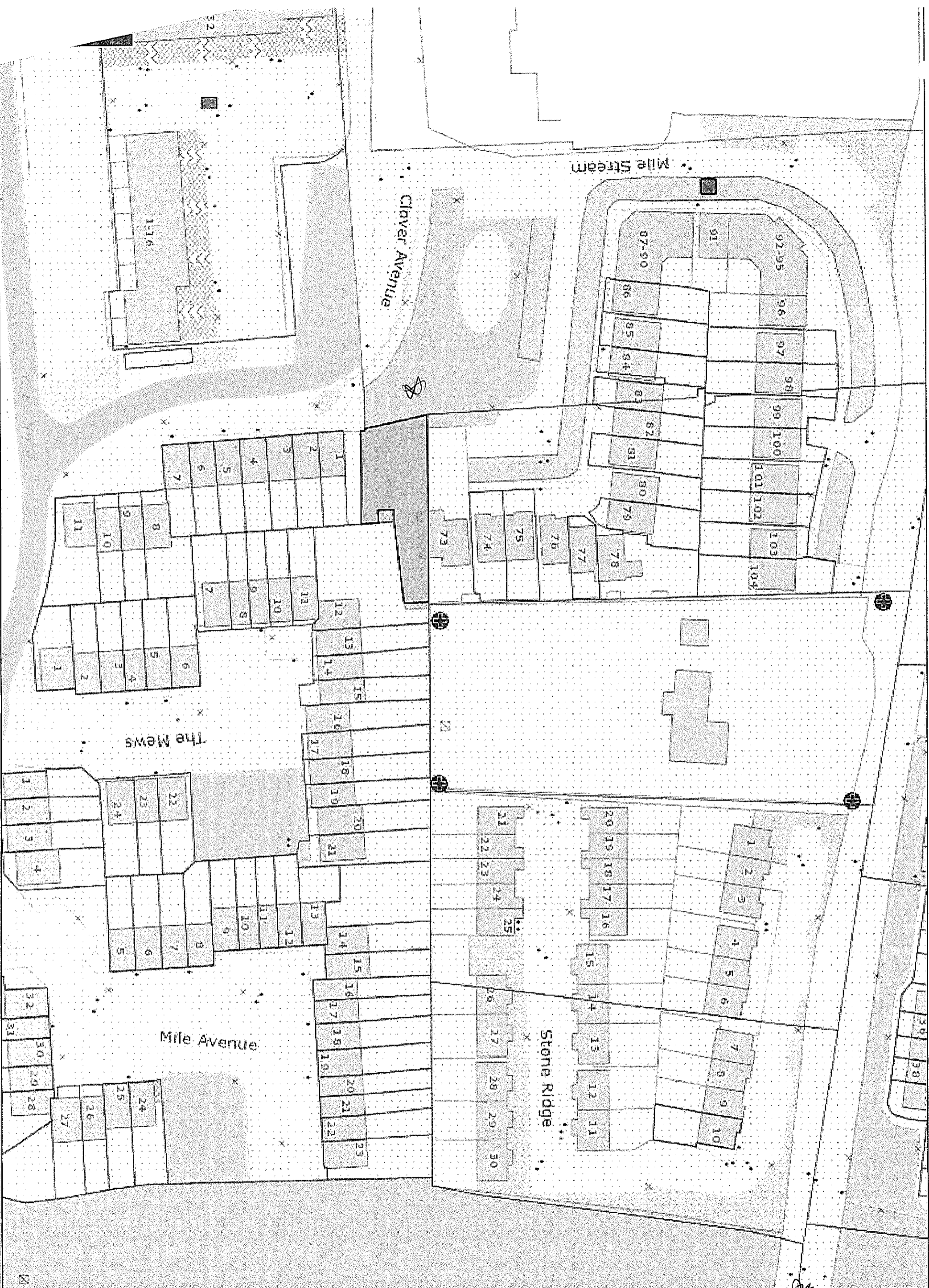
Property Details

> Back

Folio Number	CK57492F
Title Level	Freehold
Plan Number	1231
Property Number	1
Area of selected plans	0.16 hectares.
Number of Plans on this folio:	2
Address	Not Available
Highlight All Plans	
Add to Basket	Create Alert
The following Applications are Pending on this Folio	
D2016LR157855V	Mapping
D2016LR157857A	Mapping
D2016LR157872W	Mapping
D2016LR157874Y	Mapping
D2016LR157878D	Mapping
D2016LR157883A	Mapping
D2019LR050311R	Mapping
D2019LR007925M	Queried

*PPA Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012

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 Print Current View



[Back](#)

Folio Number
 Title Level
 Plan Number
 Property Number
 Area of selection
 Number of
 this folio:
 Address

The following
 Folio
 D2018LR184

*PRA BOUND...
conclusive.
 Section 62
 2006
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 Rule 8(3) O
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