



An
Bord
Pleanála

Inspector's Report PL04.247399.

Development

Development of 26 no. residential units and all ancillary car parking, fencing and walls, cycle spaces, bin stores, landscaping and site development works. The proposed development includes the construction of 6 no. 2 storey terraced houses and 20 no. apartments over 3 storeys consisting of 10 no. duplex apartments with first floor terraces over 10 no. ground floor apartments. The proposed site development works includes the demolition of existing walls, the demolition and site clearance of the remnants of 2 former outbuildings, and modifications to the existing vehicular access.

Location

All at Mariner's View, Maulbaun, Passage West, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

16/05285

Applicant(s)

Montip Horizon Ltd.

Type of Application	Planning permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Carol Condon & Others
Observer(s)	None
Date of Site Inspection	07/12/2016
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The subject site is located in Passage West, approximately 10km to the east of Cork City. The site lies on an elevated location approximately 400m to the south of the village and offers views over the River Lee. The site lies between two residential estates, Highlands to the north and Mariner's View to the south and is accessed over Mariner's View Road.
- 1.2. The site itself comprises a stated area of 0.6458ha. The ground slopes steeply in a south – north / north east direction and is currently very overgrown. The site appears to have once comprised part of the curtilage of Water View House, which lies to the west of the site.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, for the development of 26 no. residential units and all ancillary car parking, fencing and walls, cycle spaces, bin stores, landscaping and site development works. The proposed development includes the construction of 6 no. 2 storey terraced houses and 20 no. apartments over 3 storeys consisting of 10 no. duplex apartments with first floor terraces over 10 no. ground floor apartments. The proposed site development works includes the demolition of existing walls, the demolition and site clearance of the remnants of 2 former outbuildings, and modifications to the existing vehicular access at Mariner's View, Maulbaun, Passage West, Co. Cork.
- 2.2. The application is accompanied by a number of documents including as follows:
 - Plans and particulars
 - Part V Costs & Methodology
 - Planning Report & Design Statement
 - Landscaping Plan & Report
 - Engineering Report
 - Hydrological Risk Assessment

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 28 no. conditions, all standard in the main.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Officer initially considered the proposed development in terms of development plan requirements, planning history and the comments submitted by internal departments of Cork County Council as well as third party comments. Further information was sought with regard to a number of issues including issues relating to parking, roads, surface water disposal, foul effluent disposal, watermain layout details, site boundary treatment, public lighting and Part V proposals. Following the response of the applicant, the Planning Officer considered that the proposed development was acceptable and recommended that permission be granted for the proposed development.
- The Senior Executive Planner also considered the proposed development and concurred with the recommendation of the Planning Officer to seek further information. On receipt of the response to the further information request, the SEP recommended that permission be granted.

3.2.2. Other Technical Reports

- Area Engineer: The initial report required that further information be sought in relation to a number of issues (reflected in the FI request that issued). Following receipt of the response, the AE advised no objection to the proposed development subject to conditions.
- Estates Department: The initial report required that further information be sought in relation to a number of issues (reflected in the FI request that issued). Following receipt of the response, the Estates Engineer highlighted a number of areas which required further comment from the Planning officer and presents a number of conditions should planning permission be granted.

- **Public Lighting Section:** The initial report required that further information be sought in relation to a number of issues (reflected in the FI request that issued). Following receipt of the response, the Public Lighting Engineer advises no objection to the proposed development subject to compliance with conditions. The second report notes the following
 - The information submitted is not acceptable
 - No design was submitted
 - There are clashes between PL columns and trees
 - The text on the PI drawings cannot be read
 - Etc

Conditions to be included in grant of permission require agreements with the Local Authority.

- **Part V Officer:** Report notes that the details submitted are acceptable for validation purposes.

3.3. **Prescribed Bodies**

- **Irish Water:** Advises no objection subject to connection agreement.
- **Inland Fisheries Ireland:** No objection subject to Irish Water advising that there is adequate capacity in the existing foul sewer to accommodate the additional loading.

3.4. **Third Party Observations**

There is one objection to the proposed development noted from the Mariners View Residents, with 24 signatories. The objections are summarised as follows:

- Roads and Traffic concerns at Mason's Corner
- Entrance is located opposite house no 1 which will make it dangerous for residents
- Design is not in-keeping with the surrounding area – there are no three storey developments in the vicinity. Mariner's View is a development of 37 bungalows.

- The development is not in-fill as described. It is self-contained and over developed.
- Parking issues raised
- Connections to existing foul sewer will require pumping.
- Inadequate open space provided within the development will mean that the green areas of adjoining residential estates will be used, where the residents pay for the upkeep of same.
- Church Hill is only easily walkable to those who are fit.
- Impact on value of property in Mariner's View.
- There is an oversupply of apartments in Passage West.
- The current proposal has 4 more units than the original proposal.
- Size of accommodation is inadequate for family living.
- There was no consultation with existing residents.

4.0 Planning History

PA ref 05/8074: Permission for the construction of 22 no residential units comprising 1 no. block of 6 no. townhouses and 6 no. duplex apartments and 1 no. block of 6 no. townhouses and 4 no. duplex apartments with vehicular entrance from Mariner's View access roadway, 33 no. car parking spaces and all associated site development works and services.

PA Ref 09/5536: Permission granted for the extension of existing boundary wall, 2750mm high, and the closure of an entrance gate within the existing boundary wall to the rear of Waterview House.

PA ref 11/4970: Permission for extension of duration granted for the completion of 20 no residential units in 2 blocks with vehicular entrance from Mariner's View access roadway, car parking and all associated site development works and services permitted under Planning Reg No. 05/8074.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Cork County Development Plan 2014 – 2020 is the statutory Development Plan for Cork. The subject site is located within the development boundaries of Passage West with specific policy objectives provided in the Carrigaline LAP, 2015 (2nd Edition). Chapter 3 of the County Development Plan deals with housing and the following policy objectives are considered relevant:

- HOU 3-1: Sustainable Residential Communities
- HOU 3-2: Urban Design
- HOU 3-3: Housing Mix

In terms of housing density, the CDP identifies Passage West as having a Settlement Density Guide of Medium A. As such, sections 3.4.18 – 3.4.19 are relevant.

5.1.2. Chapter 5 of the CDP deals with Social and Community and addresses open space provisions as follows:

- Section 5.5.16 – 5.5.17 – Private Open Space
- SC 5-8: Private Open Space Provision

5.1.3. Chapter 14 of the CDP deals with Zoning and Land Use and the following objectives are considered relevant:

- ZU 3-1: Existing Built Up Areas
- ZU 3-2: Appropriate Uses in Residential Areas

5.2. Carrigaline Local Area Plan, 2015 (2nd Edition)

The subject site is located within the development boundaries of Passage West on lands zoned Existing Built Up Area.

5.3. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2008):

These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.4. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2007):

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.5. Natural Heritage Designations

The site is not within any designated site, but lies approximately 2miles to the south east of the Douglas River Estuary pNHA, Site Code 001046 and the Cork Harbour SPA, Site Code 004030. The Great Island Channel, pNHA and SAC, lies approximately 2miles to the north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal against the decision of Cork County Council to grant planning permission, subject to conditions, for the proposed development. The grounds of appeal are the same as those issues raised in the course of the PAs assessment of the proposed development and they are summarised above in section 3.4 of this report.

6.2. Applicant Response

The first party has responded to this third party appeal as follows:

- It is submitted that the only satisfying outcome for the appellants would be a refusal for any development other than a low density development, which would not acknowledge the planning policy context, planning history or current demand for housing on serviced and zoned lands.
- The proposed development, representing a density of 34 houses per hectare, is in accordance with the policies and objectives of the CDP and LAP.
- The units exceed current guidelines in terms of floor area, storage and private open space with 12% of useable open space proposed.
- Adequate car parking is provided.
- The proposed entrance is in accordance with the Council's standards.
- In terms of the design, it is submitted that the development can be achieved without compromising the amenities of existing or future residents.

It is requested that the Board uphold the decision of Cork County Council and grant permission for the proposed development.

6.3. Planning Authority Response

The Planning Authority did not respond to this third party appeal.

6.4. Observations

There are no observations noted in relation to this third party appeal.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the planning history associated with the subject site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the

proposed development, considering the proposal *de novo* can be assessed under the following headings:

1. Compliance with National Guidelines & Standards & County Development Plan.
2. Planning History
3. Roads & Traffic
4. Site Development Works and Water Services
5. Flood Risk Analysis
6. Other Issues:
7. Appropriate Assessment

7.1. Compliance with National Guidelines & Standards & County Development Plan:

- 7.1.1. Given the fact that the subject site is located within the established development boundaries of Passage West, is zoned as 'Existing Built Up Area' and in an area where residential uses is considered appropriate, and can connect to public services, the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The Sustainable Residential Development in Urban Areas (DoEHLG, 2008) guidelines updated the Residential Density Guidelines for Planning Authorities (1999), and continue to support the principles of higher densities on appropriate sites in towns and cities and in this regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines. The development originally proposed the construction of 26 residential units, reduced to 24 following the submission of a response to the further information request. I consider it appropriate to consider the proposed development in this regard and the construction of 24 dwelling units on a site covering approximately 0.67ha. These figures would result in a density of 34 houses per hectare and in terms of the recommendations of the Guidelines, the density might be considered as being at the lower levels permissible on such zoned lands. However, given the nature and

topography of site and its location within the context of the overall area, I have no objection to the proposed density of same in principle.

7.1.2. Access to the subject site is over the Mariner's View Estate Road. Mariner's View is a small residential estate comprising 37 detached single storey houses. The lands to the east and south of the estate are all zoned open space while the current proposed development site, which lies to the north of the access road and houses, is zoned as, 'Existing Built Up Area'. Planning permission has been granted in the past for a residential development on the subject site comprising 20 residential units, which also included apartments and duplex apartments.

7.1.3. The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.3 of this report and I consider it reasonable to address the proposed development against same.

a) Compliance with the policies and standards of public and private open space adopted by development plans;

In terms of private open space, the proposed development provides for small south facing rear patio/gardens associated with the ground floor apartments, a north facing terrace for the duplex apartments and rear gardens for the houses proposed along the western boundary. In terms of the patios for the ground floor apartments, the Board will note that they have a depth of approximately 2.8m and an area of approximately 16.8m², which would appear to be adequate. However, the quality of this open space is questionable give the requirement to provide a 3m high retaining wall to the rear (south) of the block to accommodate the cutting proposed to facilitate the overall development. In addition, the private open space for the duplex apartments is proposed in the form of balconies to the front (north). Again, I would be concerned that the quality of this private open space is unacceptable in terms of the amenity for future residents. The proposed terrace of houses is to be located along the western boundary of the site and the rear gardens will run in an east-west direction. The depth of the gardens

proposed is approximately 8.9m and the middle property gardens will have an approximate area of 40m², which is inadequate, in my opinion.

Overall, I am concerned that the private open space provision across the proposed development is inadequate and not of an appropriate quality. In particular, I have concerns in terms of the apartments/ duplex apartments.

In terms of the provision of public open space, the design provides for a fenced play area of 100m² with the remaining area grassed. The location of the public open space is to the north east area of the overall site and is located in such a position as to be generally overlooked by all of the proposed residential units. The topography of the site requires that the estate road will wind through the site in an easterly and then westerly direction. I also note the level of proposed cutting and filling of the site in order to facilitate the overall development. In principle, I would not accept that adequate public open space is provided for within the overall development, and that the overall design of the site, mainly due to the topography, is very road heavy. The proposed Foul Water Holding Tank and Pumping Station is also located within this open space area. The useable public open space provided is approximately 720m², including 100m² of a fenced play area. The overall site area is 6,700m² and therefore the open space proposed is approximately 10.7% of the overall site. The County Development Plan requires 'at least 12% to 18% of a site for development, excluding areas unsuitable for house construction should be allocated to the provision of public open space.' In terms of compliance with the guidelines, and CDP, the Board will note that the CDP further provides that 'where there is a high standard of private open space and where public open space is designed to a very high quality standard a reduced minimum value of 10% may be applied'.

Overall, I would not be satisfied that the development as proposed provides for adequate private open spaces of an acceptable quality, and that the public open space as proposed is also inadequate.

- b) Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

The subject site is zoned for residential development and as such, the principle of the development is considered acceptable. The potential impact of the proposed development of 24 residential units, notably in terms of traffic generated should permission be granted, is a real and genuine concern which has possible adverse implications on the existing amenities of the residents of Mariner's View. This issue will be further discussed below under the roads and traffic section of this assessment. The inadequacy of the open space proposed might also result in the use of existing open spaces in the area which may impact on the existing residential amenities.

- c) Good internal space standards of development;

Ground floor two bedroom apartments:

	Proposed	Guidelines
Overall floor area	85.4m ²	75m ²
Double bedroom area	12.4m ² & 15.2m ²	11.4m ²
Living room area	31.6m ²	30m ²
Living room width	3.4m	3.6m
Storage area	6.52m ²	6m ²

In terms of above, the following is relevant:

- The Design Standards for New Apartments require 'that general storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms'. The Board will note that the figures provided as part of the application incorrectly include the bedroom furniture of built in wardrobes in the order of 1.43m² and 1.08m². In this regard, the proposed storage provision for the purposes of the standards, is 4.01m², and well below the recommended minimum area.
- The width of the living rooms is below the required standard.

- The width of the bedrooms (02) is 2.8m which is in accordance with the minimum standard.

Duplex three bedroom apartments:

	Proposed	Guidelines
Overall floor area	85.4m ²	90m ²
Double bedroom area	15.09m ² & 12.23m ²	11.4m ²
Single bedroom area	6.95m ²	7.1m ²
Living / kitchen area	34.61m ²	34m ²
Living room width	3.9m	3.8m
Storage area	9.61m ²	9m ²

In terms of above, the following is relevant:

- The overall design of these duplex apartments provide for a separate kitchen / diner, with a floor area of approximately 17.8m² and living room with a floor area of approximately 16m² which I calculate at 33.8m².
- Again, the figures for storage include built in wardrobes in the two double rooms in the order of 1.86m² and 1.86m². In this regard, the proposed storage provision for the purposes of the standards, is 5.44m², and again, well below the recommended minimum area.
- The floor area of the single bedroom is below the minimum standard.

Two bedroomed houses:

The proposed development includes a terrace of 6 two bedroomed houses each with a floor area of 80.5m². The bedrooms proposed are both above the minimum standard requirements and in principle, I have no objection to the houses. The Board will note my concerns in relation to the provision of private open space.

- d) Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;

Given the nature and scale of the proposed development, I am satisfied that the development might reasonably be considered as being acceptable in principle, given the zoning afforded to the subject site. That said, the immediate area in the vicinity of the subject site is primarily low density housing comprising detached houses on sites of varying size including single storey, dormer and two storey houses. To the west of the site is Waterview House. The proposed development provides for apartment type housing which will certainly increase the density of housing in the area and will result in a change of the urban form in this area of Passage West in terms of height and massing.

- e) Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;

This is not immediately relevant in this instance as there is no protected structure in proximity to the subject site. In terms of the adjacent Architectural Conservation Area, the visual impact of the proposed development needs to be considered. The Passage West ACA is located along the coast road area of Passage West and runs from the north west in a south easterly direction and at a lower level to the development proposed. In this regard, it might be considered that the visual impacts associated with the proposed development has not been fully addressed and that impacts on the ACA might be felt in the long range views from Carrigaloe across the water body to the east. That said, having regard to the context of the subject site, together with the existing boundaries and its location, I am generally satisfied that the development, if permitted, will have little or no impact on the ACA.

- f) Compliance with plot ratio and site coverage standards adopted in development plans.

The Cork County Development Plan provides guidance in terms of site coverage and density and having regard to the nature of the subject site, I am

satisfied that the proposed development is acceptable in my opinion, in terms of site coverage and plot ratio.

- 7.1.4. It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surround area and existing residential estates. The development proposes 24 residential units in the form of 2 bedroomed apartments, 3 bedroomed duplex apartments and 2 bedroomed terraced houses. The Board will note the submission from the third party appellant with regard to the proposed house types, and the apparent non-compliance with the development Plan requirements in this regard. The subject site is located within an older residential area of Passage West where the house types are primarily detached family homes of single storey to two storeys in scale, and consideration must be given to this context.
- 7.1.5. The Carrigaline Electoral Area Local Area Plan, at Section 1.5.15, with regard to Main Towns, which includes Passage West, provides that 'Zoned areas in the 2005 Local Area Plan that have now been developed are now shown as part of the 'existing built up area'. This approach has been taken in order to allow a more positive and flexible response to proposals for the re-use or re-development of underused or derelict land or buildings particularly in the older parts of the main towns;' In this regard, the Board will note that the subject site is greenfield and has not been developed. That said, and while I accept that the nature of the residential units proposed differs from the offer currently available in this area of the town, the development might be considered as facilitating a 'cradle to grave' residential offer in this area of Passage West. I consider that in principle the offer of homes for first time buyers or those looking to downsize within the immediate area is not a negative proposal. The quality of the homes proposed however, should meet all required standards.
- 7.1.6. The Board will also note that the site is located within a High Value Landscape Area, and in this regard, it is the objective of the County Development Plan to protect the visual and scenic amenities of County Cork's built and natural environment – objective GI 6-1: Landscape refers. In addition, this objective seeks to protect skylines and ridgelines from development and discourages proposals necessitating

the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments. The site is also located within a Prominent and Strategic Metropolitan Greenbelt Area, and in this regard, Objective GI 8-1 is relevant where it is a stated objective to preserve these areas from development. That said, I do accept that the site is identified as being within the existing built up area of Passage West the that the development, if permitted, is unlikely to break the skyline. However, no real visual impact assessment was carried out by the applicant and given the proposals for extensive removal of existing vegetation on the site, this may be a concern.

- 7.1.7. In addition to the above, I note the Landscaping Planning Report submitted in support of the proposed development. This report refers to a report which was undertaken as part of the 2005 planning application, and which recommended that essentially, the site be cleared to accommodate the development. Conditions of the 2005 planning permission included a number of conditions in terms of landscaping and the protection of certain features on the site. The current report notes that it is the intention of this current plan to retain and protect a select number of the perimeter trees to provide screening and wind shelter.
- 7.1.8. Having regard to the above, I consider that the development as proposed raises a number of issues and concerns in terms of the provision of adequate and quality private and public open space to serve the overall development. In addition, I have concerns in terms of the space provided within the proposed apartments and compliance with the design standards for such developments, as well as the level of cutting and filling, and the landscape impacts associated with same. While the principle of the proposed development is acceptable, given the location of the subject site within the zoned boundary area of Passage West, and given that the proposed land use is compatible with the existing adjacent uses, I have serious reservations in relation to the proposed development in terms of the residential amenity potential for future occupants. I further have concerns regarding the level of cut and fill required to accommodate the development as proposed. These issues will be further addressed below.

7.2. Planning History

- 7.2.1. The Board will note the planning history associated with the subject site where, under PA ref 05/8074, planning permission was granted for the construction of 20 no residential units in two blocks. The duration of this permission was extended under PA ref 11/4970 until the 13th November, 2016. The current proposed development differs from the permitted scheme in terms of layout. I am satisfied that the principle of the proposed residential development is acceptable at this location, but I do have reservations regarding the proposed layout and nature of the development and the implications for the visual amenity of the area, the general residential amenity for future residents and the fact that a number of the residential units fail to comply with minimum standards in terms of internal space, storage and private open spaces, the impact of the proposed estate road and the inadequate public open space provision.

7.3. Roads & Traffic

- 7.3.1. The issue of access and traffic has been raised by the third parties in the course of the Planning Authority's assessment of the proposed development, and it is again repeated in this appeal. The Board will note that the location of the proposed entrance to the subject site corresponds to that previously permitted for the site. I also note the comments of the Area Engineer of Cork County Council who raised no real objections to the proposed development but noted a number of areas to be addressed including parking, road edges and cross sections. The Estates Engineer however raised initial concerns in relation to the proposed turning areas as well as public lighting, amongst other servicing issues. Following the submission of a response to the further information requests, the Board will note that Cork County Council engineering departments provided conditions to be included in the event of a grant of planning permission.
- 7.3.2. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides radically new design principles and standards from DMRB.

The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

7.3.3. DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, place-based, self-regulating streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent on site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
 - Greater levels of connectivity;
 - Higher quality design solutions that highlight place;
 - Catering for and promotion of higher levels of pedestrian movement;
 - A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

- 7.3.4. In terms of the above requirements of DMURS, I consider that the proposed development has not adequately applied the design standards with particular regard to the priority hierarchy. In particular, the Board will note that in order to access the public open space area, pedestrians will have to navigate crossing the estate road. There is no continuous footpath and the PA in their decision to grant included condition 4 which states that 'Final details pertaining to the proposed means of access to the main public open space area shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. Reason: in the interests of orderly development and residential amenity.' In this regard, it is clear that the layout as proposed does not have regard to the priority hierarchy of road users to ensure compliance with DMURS and this issue should not be addressed by way of compliance with conditions. While I am satisfied that vehicular access and car parking has been addressed by the applicant, I consider that the development as proposed, does not adequately comply with DMURS.
- 7.3.5. In terms of the construction phase of the proposed development, I accept that there will be some impacts to existing users. However, I am satisfied that these impacts are generally temporary in nature. The Board will note that the zoning of the subject site, together with the planning history associated with the site, affords potential for a residential development. In terms of general roads and traffic issues, I am satisfied, based on the information submitted to date, the details of the reports of the County Councils roads engineer, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the proposed development would not result in a significant traffic hazard for existing residents in the area, would not contribute to traffic congestion within the local road network and would not adversely affect the existing residential amenities of Mariner's View and the carrying capacity of local road network by reason of the additional traffic resulting from the proposed development. I have raised concerns in terms of the proposed internal layout of the development and the lack of adherence to the general requirements of the Design Manual for Urban Roads and Streets.
- 7.3.6. In terms of parking, the Board will note the initial concerns of the Planning Authority in relation to same within the proposed development. The revised proposed development provides for 45 car parking spaces in accordance with the

requirements of the County Development Plan. I am satisfied that the development provides for adequate car parking.

7.4. Site Development Works and Water Services

7.4.1. The Board will note that the subject site presents certain difficulties in terms of its development by reason of its topography and the applicant has presented details in terms of the proposed level of cutting and fill that will be required to support the proposed development on the plans. The information suggests that the site is to be filled in the order of 3.6m in the eastern area of the site and excavated in the order of 3m to the western area. The development will require the construction of extensive retaining walls to facilitate the development and the finished floor level of the proposed apartment block is indicated at +64.0m while the houses will be between +61.5m and +62.375m. The road level adjacent to the site is +68.48m at the proposed entrance to the site to +70.75m to the south east area. While the works proposed are extensive, I am satisfied that the works are necessary to accommodate the development as proposed.

7.4.2. It is intended that the proposed development will connect to existing services which serve Passage West. The applicant, through the Planning Authority's assessment of the application, have presented clear details as to their intentions in this regard.

- **Water Supply:**

It is proposed that the residential units will connect to the public water supply via the existing pipework serving Mariner's View. The Board will note no objection from Irish Water in this regard. I also note no objections to the proposed development in terms of the capacity of the public system to accommodate the proposed development. I have no objections to the proposed development in relation to the provision and supply of potable water.

- **Foul Sewer:**

The applicant proposes to pump sewerage arising from the proposed development to the public sewer. Initially, the Area Engineer raised concerns in terms of the location of a rising main on public roads as well as the location of the pumping station, which might give rise to odour or noise nuisance. The pumping station is located to the north of the site within the public open space area and

there is no objection in terms of the capacity of the public system to accommodate the waste water generated by the proposed development. I have no objections to the proposed development in relation to the management of foul water.

- **Storm Water:**

Surface waters arising from the proposed development will be discharged via a soakway to be constructed within the development site. The applicant advises that the system will be constructed to cater for the 1 in 100 year event. In response to the FI request, updated information in relation to the soakway was presented and included site assessments and testing with regard to soil infiltration. All discharges from the site will pass through a silt trap prior to entering the soakaway. The Board will note that Irish Water and the Area Engineer of Cork County Council have advised conditions to be attached to any grant of planning permission for the proposed development. I am satisfied that the development can be appropriately accommodated on the site in terms of surface water disposal.

7.5. Flood Risk Analysis

It is a reasonable requirement that all development applications proposed in an area where there is a potential Flood Risk, shall submit a number of things in order to satisfy the Planning Authority that any flood risk arising from the proposal will be successfully managed with the minimum environmental effect, that finished floor level requirements can be met throughout the proposed development, that mitigation measures are provided for and that the Planning Requirements of the Office of Public Works (OPW) as indicated on the website www.flooding.ie can be met on the proposed site. The Board will note that there have been two cited flood incidents in Passage West, as per www.floods.ie, but that the subject site has never flooded and given its elevated nature, is not located within an identified flood risk area. I consider that there is no significant issue arising in relation to flooding associated with the subject site and having regard to the zoning afforded to the overall site as well as the planning history of the site, I am satisfied that the proposed development is acceptable in this regard.

7.6. Other Issues

- a) Part V
- b) Development Contributions
- c) Other Third Party issues

7.6.1. Part V

In terms of compliance with Part V, the applicant proposes to transfer two two bedroomed apartments in order to satisfy their obligations with regard to Part V under Section 96(3)(b)(iv) of the Planning & Development Act, 2000 as amended. The Urban Regeneration and Housing Act 2015, provides that the payment of monies in lieu of units is no longer an option. In addition, the Act requires that 10% of the units be provided. I have no objections in this regard, and an appropriate condition should be attached to any grant of planning permission.

7.6.2. Development Contributions

The Development Contribution Scheme is prepared in order to comply with the requirements of the Planning & Development Act, 2000 (as amended). Cork County Council, by resolution, made a scheme and the proposed development is a development which will utilise public services and to which the Development Contribution Scheme is applicable. A condition should be attached to a grant of planning permission requiring the payment of the general development contribution for the proposed development.

7.6.3. Other Third Party issues

- The Board will note the appellant has raised a number of other issues in relation to the proposed development. Notably, it is submitted that Church Hill is only easily walkable to those who are fit. I am satisfied that while this may be the case, the subject site is identified within the Local Area Plan for development and as such, I consider that the proposed development should not fail for this reason.
- It is further submitted that the proposed development will impact on the value of existing property in Mariner's View and that there is an oversupply of apartments in Passage West. There is no evidence submitted to support this and while I accept that the nature of the development proposed differs from the existing

residential offer in the immediate area, it might reasonably be considered that a grant of permission will offer an alternative / starter property which in the long term, will contribute to an integrated neighbourhood providing for 'cradle to grave' living. I am satisfied that the proposed development should not fail on this issue.

- It is submitted that the size of the proposed units is not suitable for family living. I have raised concerns in this assessment in terms of the apartments not achieving the minimum standards for such residential units.
- With regard to the lack of consultation, the Board will note that the applicant is not legally required to undertake such consultations.

7.7. **Appropriate Assessment:**

- 7.7.1. The subject site is located at a distance of approximately 2km from the nearest SAC, Great Island Channel SAC and pNHA, Site Code 001058 to the north east of the site, 2km from the Cork Harbour, Site Code 004030 and the Douglas River Estuary pNHA, Site Code 001046 to the north west of the site. The site itself, is not located within a Natura 2000 site.
- 7.7.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. It is recommended that permission be **Refused** for the proposed development for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the elevated location of the site, together with the topography of the site and the layout of the overall development as proposed, it is considered that the proposed scheme would:
 - be out of character with the pattern of development in the area,
 - be inappropriate in the context of adjoining development,
 - would
 - provide for a road layout which would not be conducive to pedestrian safety therefore not complying with the requirements of Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013,
 - conflict with the provisions of the current Development Plan for the area and with the minimum standards recommended in the "Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities" published by the Department of the Environment, Heritage and Local Government in December, 2008,
 - result in an inadequate amount of quality public and private open space to serve the proposed development, and
 - give rise to substandard residential amenity for future occupiers.

The proposed development would thereby constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the zoning objective afforded to the subject site, it is located within an area which is described as having a High Value Landscape Area. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its height and scale, the resulting extensive road and the extensive cutting and filling required to accommodate

the proposed development, and in the absence of appropriate visual aids, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine

Planning Inspector

23rd January, 2017