



An  
Bord  
Pleanála

## Inspector's Report PL28. 247984

### Development

The construction of 4 No. dwellings houses (with the option of 2 No. house types on sites 1 and 2) and all associated ancillary development works including landscaping, boundary treatments, drainage, parking and vehicular access.

### Location

Curraheen Road, Bishopstown, Co. Cork.

### Planning Authority

Cork City Council

### Planning Authority Reg. Ref.

16/37148

### Applicant(s)

Dan O'Brien

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

### Type of Appeal

Third Party v. Decision

### Appellant(s)

Ronan Murphy & Paula Kelleher

### Observer(s)

None.

**Date of Site Inspection**

2<sup>nd</sup> May, 2017

**Inspector**

Robert Speer

## 1.0 Site Location and Description

The proposed development site is located within the residential district of Bishopstown in the south-western suburbs of Cork City, approximately 4km southwest of the City Centre and 1km southwest of Cork University Hospital, where it occupies an infill location between a two-storey guesthouse and a detached private residence along the northern side of Curraheen Road. The surrounding area is predominantly characterised by mature and established housing although there are several instances of assorted retail / commercial uses along Curraheen Road such as the offices of the Munster Agricultural Society opposite the site and the aforementioned 'Olde House' Bed and Breakfast. The site itself has a stated site area of 0.12 hectares, is irregularly shaped, and presently comprises a vacant overgrown plot of land which was previously occupied by a dwelling house that has since been demolished. It is bounded by the Curraheen Road to the south, a detached two-storey private dwelling house to the east, a two-storey guesthouse to the west, and by a scheme of three-storey apartment units to the north. The existing site boundaries are largely defined by a combination of boundary walls, fencing and hedgerow / tree planting.

## 2.0 Proposed Development

The proposed development consists of the construction of a series of 4 No. detached dwelling houses in a linear format alongside Curraheen Road and includes for 3 No. house designs as follows:

House Type 'A1': Two-storey, 4-bedroom dwelling house with a gross floor area of 149m<sup>2</sup> and an overall ridge height of 8.65m.

House Type 'B1': Two-and-a-half storey, 5-bedroom dwelling house with a gross floor area of 200.9m<sup>2</sup> and an overall ridge height of 9.205m.

House Type 'B2': Two-storey, 4-bedroom dwelling house with a gross floor area of 154m<sup>2</sup> and an overall ridge height of 8.655m.

In this respect it should be noted that the Drg. No. 16076/P/004 Rev. P1: 'Site Plan' details an option for the proposed development of either House Type 'B1' or 'B2' on Site Nos. 1 & 2 (the westernmost sites) within the overall scheme whilst House Type 'A1' is to be provided on Site Nos. 3 & 4 (the easternmost sites) (*N.B.* This is reflective of the description of the proposed development as set out in the public notices).

The overall site layout is conventional and in keeping with the surrounding pattern of development with off-street car parking provided for each dwelling house in addition to front and rear garden areas whilst the construction will generally follow the established building line along this section of Curraheen Road. The individual house designs are based on a principle rectangular plan with an asymmetrical front elevation incorporating a double-height projecting front gable feature whilst the external finishes include black slate / flat roof tiles, uPVC windows, a smooth plaster render and the feature use of natural stone on the front elevation. Access to the individual housing plots will be obtained via a pair of shared entrances onto Curraheen Road. Water supply and sewerage services are available from the public mains

*N.B.* An application for a Certification of Exemption pursuant to the provisions of Section 97 of the Planning and Development Act, 2000, as amended, accompanied the planning application.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 13<sup>th</sup> January, 2017 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 21 No. conditions. These conditions are generally of a standardised format and relate to issues including external finishes, construction management, infrastructural services and development contributions, however, the following conditions are of note:

Condition No. 2 – Requires the dwelling house proposed on Site No. 4 to comprise House Type 'A1'.

Condition No. 4 – Requires the first floor gable end windows in all of the proposed dwelling houses to be finished in obscured or frosted glazing.

Condition No. 12 – Requires all the proposed vehicular and pedestrian access points to be designed in accordance with the provisions of the ‘Design Manual for Urban Roads and Streets’ with the exact details of same to be agreed with the Planning Authority prior to the commencement of development.

Condition No. 13 – Requires a 1.8m wide footpath to be provided along the site boundary with the details of same to be agreed in writing with the Planning Authority prior to the commencement of development.

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

#### **3.2.1. Planning Reports:**

Notes that the proposed development accords with the applicable land use zoning objective and that permission was previously granted for the development of 4 No. detached dwelling houses on site. The report proceeds to state that the overall design of the subject proposal represents an improvement over the scheme previously approved on site with regard to the allocation of open space, ridge height, the depth of the rear garden areas, and the proposed separation distances.

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

*Environment:* No objection, subject to conditions.

*Roads Design:* No objection, subject to conditions.

*Drainage Division:* No objection, subject to conditions.

### **3.3. Prescribed Bodies**

*Irish Water:* No objection, subject to conditions.

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

A single submission was received from the appellants and the principle grounds of objection contained therein can be summarised as follows:

- Detrimental impact on residential amenity by reason of overshadowing, overbearing influence, sense of enclosure etc.

## 4.0 Planning History

### On Site:

PA Ref. No. 0732366. Was granted on 18<sup>th</sup> February, 2008 permitting Richard & Marian Falvey permission to demolish existing dwelling house and construct 4 No. two and a half storey detached dwelling houses with 4 No. entrance gates and associated site works.

### On Adjacent Sites:

PA Ref. No. 0225983 / ABP Ref. No. PL28.130255. Was refused on appeal on 4<sup>th</sup> November, 2002 refusing O'Flynn Construction Company Limited permission for a development comprising the construction of 65 No. student apartments in five blocks with ancillaries, car parking and landscaping and the demolition of existing dwellings at Curraheen Road, Bishopstown, Cork.

PA Ref. No. 0326856 / ABP Ref. No. PL28.202931. Was granted on appeal on 7<sup>th</sup> November, 2003 permitting O'Flynn Construction Company Limited permission for the demolition of existing dwelling and outbuildings and the construction of 56 number student apartments in five three-storey blocks with ancillaries, 52 number car parking spaces and both private and public landscaped open space; Blocks A, B and C each have a gross floor area of 904 square metres with block C having an 88 square metre management suite within; Blocks D and E have gross floor areas of 1,750 square metres and 1,166 square metres respectively; all located at Curraheen Road, Bishopstown, Cork.

PA Ref. No. 0529501. Was refused on 22<sup>nd</sup> July, 2005 refusing O'Flynn Construction permission to demolish existing dwelling and garage and to construct a new two storey dwelling with associated site works at Curraheen Road, Bishopstown, Cork.

PA Ref. No. 0530086. Was granted on 23<sup>rd</sup> January, 2006 permitting O Flynn Construction Ltd. permission to demolish an existing dwelling & garage and to

construct a new two storey dwelling with associated site works at Curraheen Road, Bishopstown, Cork.

PA Ref. No. 0731802. Was granted on 21<sup>st</sup> June, 2007 permitting Mary Byrne permission for a revised design of two storey dwelling house and associated site works (Previous planning ref. no. 05/30086) at Curraheen Road, Bishopstown, Cork.

PA Ref. No. 1134748. Was granted on 5<sup>th</sup> May, 2011 permitting KPMG permission to retain the as built dwelling house and to complete all associated site works (previously granted planning permission under ref. nos. 05/30086 & 07/31802) at Curraheen Road, Bishopstown, Cork.

## 5.0 Policy Context

### **National and Regional Policy:**

The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

### **Cork City Development Plan, 2015-2021:**

#### **Land Use Zoning:**

The proposed development site is located in an area zoned as '*Residential, Local Services and Institutional Uses*' with the stated land use zoning objective '*To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3*'.

*Explanatory Note: 'Residential, Local Services and Institutional Uses':*

The provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Small scale 'corner shops' and other local services such as local medical services, will be open for consideration. Schools, third level education institutes, and major established health facilities are located within this zone and appropriate expansion of these facilities will be acceptable in principle. The employment policies in Chapter 3 designate particular locations for offices, office based industry, major retailing development and these uses are not generally permitted in this zone (Chapter 3: Enterprise and Employment). New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4.

*Other Relevant Sections / Policies:*

*Volume 1: Written Statement:*

*Chapter 6: Residential Strategy:*

*Objective 6.1: Residential Strategic Objectives:*

- a) To encourage the development of sustainable residential neighbourhoods;
- b) To provide a variety of sites for housing to meet the various needs of different sections of the population;



- c) To continue to work with the Approved Housing Bodies and to actively engage with all key stakeholders in the provision of housing;
- d) To continue to regenerate and maintain existing housing;
- e) To encourage the use of derelict or underused land and buildings to assist in their regeneration;
- f) To promote high standards of design, energy efficiency, estate layout and landscaping in all new housing developments;
- g) To protect and, where necessary, enhance the amenities and the environment of existing residential areas.

*Chapter 16: Development Management:*

*Part C: Residential Development*

*Objective 16.9: Sustainable Residential Development:*

Residential developments shall be sustainable and create high quality places and spaces which:

- a) Deliver a quality of life which residents and visitors are entitled to expect in terms of amenity, safety and convenience;
- b) Provide adequate open space which are practical in terms of scale and layout and naturally supervised by the aspect of the dwellings it serves;
- c) Provide a good range of suitable facilities;
- d) Prioritise walking, cycling and public transport and minimise the need to use cars;
- e) Present an attractive appearance with a distinct sense of place;
- f) Are easy to access and navigate;

- g) Promote the efficient use of land in terms of density and plot ratio;
- h) Promote social integration and provides accommodation for a diverse range of household types and age groups;
- i) Enhance and protect the built and natural heritage

*Section 16.59: Infill Housing:*

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances; the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Has an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

**Natural Heritage Designations**

None.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The proposed development does not accord with the proper planning and sustainable development of the area.
- The overall design, height, layout and density of the proposed development is substandard and inappropriate to the subject site and the surrounding area.

- Having regard to the provisions of Section 16.59: *'Infill Housing'* of the Cork City Development Plan, 2015, it is unclear how the submitted proposal has given consideration to the residential amenity of the appellant's property.
- There are concerns with regard to the proximity of the easternmost dwelling house to the appellant's property boundary in terms of compliance with fire safety and building control requirements, ground stability / subsidence, the provision of adequate separation from utilities, and the potential for nuisance.
- The inclusion of Condition Nos. 12 & 13 in the notification of the decision to grant permission clearly demonstrates the inadequacy of the assessment of the subject proposal. Furthermore, it is unacceptable that the design of the proposed vehicular and pedestrian access points should be permissible as a condition of the grant of permission in the absence of any overview or consultation with interested parties. Any details pertaining to traffic safety issues should have been provided with the application and the Planning Authority has failed in its duty to seek same by way of a request for further information.
- The inclusion of Condition No. 19 demonstrates a complete lack of due process and a basic disregard by the Local Authority for the property of third parties. If the necessary details had been provided with the planning application, these would have allowed for a full and extensive assessment of the proposed development.
- The absence of the aforementioned details and the failure to require the submission of same by way of a request for further information has deprived the appellant of the opportunity to comment on same and has infringed his rights as set out in the Planning and Development Act, 2000, as amended.

## 6.2. Applicant's Response

- The proposed development is located in an area zoned as *'Residential, Local Services and Institutional Uses'* in the Cork City Development Plan, 2015 with the stated land use zoning objective *'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to*

*employment policies outlined in Chapter 3'* and, therefore, the fact that residential development is acceptable in principle on site cannot be disputed.

- The proposed density reflects the surrounding pattern of development and will act as a natural infill development providing a cohesive edge to Curraheen Road.
- The principle of residential development on site has been established under the grant of permission issued in respect of PA Ref. No. 07/32366 which approved the demolition of a dwelling house and the construction of 4 No. detached dwelling houses with individual entrances and associated site works (*N.B.* The only work to be completed under that grant of permission, which has since expired, was the demolition of the existing dwelling house).
- The subject proposal will initiate the process of resolving what is, in essence, a vacant, overgrown site.
- Given the limited availability of developable residential land within the administrative boundary of Cork City, the development of infill sites such as that proposed will play an integral role in providing quality housing without increasing the city's built footprint.
- The proposed development has been carefully designed to ensure that it fulfils the objectives for infill development as set out in Policy 16.59 of the City Development Plan.
- The submitted scheme has been designed to an exceptionally high standard and carefully responds to the exigencies of the site. It makes a positive contribution to the streetscape and responds to the local vernacular with a contemporary design that utilises materials, proportions and features which will serve to respect and enhance the local setting.
- The submitted design accords with the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities'*, *'The Urban Design Manual'*, and the *'Best Practice Guidelines for Delivering Homes, Sustaining Communities'*.
- Whilst the proposed development offers the option of 2 No. house types, the footprint, elevational treatment and external design of both dwellings will be

identical with the only visible difference being the inclusion of a rooflight within the front elevation (House Type 'B1' has been designed to provide for habitable space in the attic should the future occupants of these dwellings require additional space). The provision of this adaptable design will ensure that the development can respond to market demands by catering for households of different needs without impacting on the integrity of the overall scheme.

- In its assessment of the subject application, the Planner's Report states the following:

*'The current proposal appears to be an improvement . . . in terms of design, allocation of open space etc. . . . no objection to the proposed two house types . . . There is adequate separation distances between the dwellings'.*

- The overall scale and height of the proposed scheme is respectful of the surrounding area.
- The subject scheme has been designed to protect the amenities of the area, including the privacy of adjoining properties. There is adequate separation distance between the existing and proposed dwelling houses whilst an existing 1.8m high wall between the subject site and the appellants' property will also be retained in order to provide for privacy and screening of the proposed development at ground floor level. Furthermore, those first floor windows facing towards the appellants' property serve bathroom areas as opposed to habitable accommodation and thus will not result in any overlooking whilst Condition No. 4 of the grant of permission requires these windows to be glazed with opaque / frosted glass thereby further protecting the privacy of the occupants of the adjoining dwelling house.
- Contrary to the grounds of appeal, the subject application has included details of pedestrian and traffic safety. Drg. No. 16165-L02 Rev. B: *'Layout Plan & Elevation of Proposed Gates'* (prepared by OLS Consulting Engineers), which accompanied the application, indicates that vehicular access to the proposed dwellings will be obtained via steel frame timber cladded sliding entrance gates whilst the entrance itself and the front boundary walls will extend to a

height of 1m thereby ensuring there is no obstruction of sightlines and providing for safe access onto the public road.

- The Engineering Services Report that accompanied the application, which outlines the means of servicing the development, details an entrance width of 3m and states that vehicular turning movements will be restricted to within the property with forward exit only onto the public road. In addition, this report states that it is proposed to replace the existing footpath with a dished entrance approach to each dwelling.
- The Planning Authority was under no obligation to request further information as regards the proposed entrance details and it can specify the necessary standards by way of condition.
- Condition Nos. 12 & 13 as attached to the notification of the decision to grant permission are of a standard variety and have been imposed in the interest of pedestrian and traffic safety.
- The proposed development will have to comply with the provisions of the *'Design Manual for Urban Roads and Streets'* as the use of this document is mandatory for all urban roads and streets subject to a speed limit of 60kph or less and thus Condition No. 12 will ensure that the proposed entrance will accord with current best practice.
- The inclusion of Condition No. 13 will ensure that the footpath is constructed in accordance with best practice and to the satisfaction of the Planning Authority.
- The Roads Design Dept. of the Local Authority did not object to the proposed development and it is considered that the inclusion of Condition Nos. 12 & 13 is evidence of a thorough assessment of the proposed development and a commitment to ensuring that the proposed entrance accords with best practice.
- The engineering drawings and Services Report prepared by OLS Consulting Engineers, which accompanied the subject application, include detailed calculations for stormwater attenuation with a greenfield runoff rate specified.

- The Drainage Division of the Local Authority did not object to the proposed development and it is considered that the inclusion of Condition No. 19 is evidence of the Council's thorough assessment of the subject application and its commitment to ensuring that the engineering aspects of the proposal accord with best practice.
- In relation to the appellants' concerns with regard to fire safety, compliance with the Building Regulations and ground stability etc., no explanation has been provided as to how these issues would give rise to 'extreme concern' regarding the impact on their property. Furthermore, several of the issues referenced by the appellants are outside of the remit of the Planning Authority.
- The proposed development complies in full with the requirements of the Building and Fire Regulations. The design allows for adequate separation distances between the proposed easternmost dwelling house and the appellants' property pursuant to Technical Guidance Document B of the Building Regulations (Fire Safety). Furthermore, the proposal complies with Section B4 (External Fire Spread) and Section B5 (Access and Facilities for the Fire Service).
- With regard to the issues of ground stability, health and safety, IS329 and nuisance, the construction of the proposed development will be supervised by a competent professional who will manage and co-ordinate health and safety matters during the construction stage in accordance with the Safety, Health and Welfare at Work (Construction) Regulations, 2013. Furthermore, Condition No. 9 will restrict noise levels and working hours during the construction phase thereby ensuring no nuisance to adjoining residential properties.
- Having regard to the site location, it is considered that the proposed development will facilitate the re-development for an overgrown infill site that will serve to improve housing provision in the area without impacting on the integrity of the existing streetscape or impacting on the amenities of surrounding residential properties.
- The proposed development complies with the policies and objectives of the Cork City Development Plan, 2015.

### 6.3. Planning Authority Response

None.

## 7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact
- Impact on residential amenity
- Traffic implications
- Servicing / infrastructural issues
- Appropriate assessment
- Other issues

These are assessed as follows:

#### **The Principle of the Proposed Development:**

With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located in an area zoned as 'Z04: Residential, Local Services and Institutional Uses' with the stated land use zoning objective 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'. In addition to the foregoing, it should also be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development is dominated by conventional housing construction. In this respect I would suggest that the proposed development can be considered to comprise a potential infill site situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the



amenities of existing properties. Indeed, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the potential for infill development within established residential areas provided that a balance is struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

Therefore, having considered the available information, with particular reference to the site context, and noting that permission has previously been granted for the development of 4 No. dwelling houses on site under PA Ref. No. 0732366, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

**Overall Design and Layout:**

Whilst the overall design and layout of the proposed development is typically conventional with off-street parking and front and rear garden / parking areas, in my opinion, the submitted proposal represents an appropriately designed and scaled response to the site context and is in keeping with the surrounding pattern of development. Accordingly, I am satisfied that the proposal as submitted is generally acceptable.

*N.B.* Whilst it is clear from a review of the site layout plan that House Type 'A1' is proposed on Site No. 4, this conflicts with Drg. No. 16076/P/005: '*Site Section A-A, B-B*' which details the provision of House Type 'B1' at same location. Therefore, in the interests of clarity, a condition should be attached to any grant of permission that only House Type 'A1' is authorised for construction on Site No. 4.

**Impact on Residential Amenity:**

The principle concerns with regard to the potential impact of the proposed development on the residential amenity of the appellants' property would seem to derive from the proximity of the proposed construction to the shared site boundary. In this respect specific reference has been made to the need for compliance with the relevant fire safety and building control regulations, the potential for the proposal to result in ground instability / subsidence, the requirement to ensure that there is

adequate separation from existing utilities, and the possibility of nuisance / disturbance.

In reference to the appellants' concerns as regards adherence to fire safety standards and the Building Regulations etc., it is my opinion that such issues are essentially building control matters which are the subject of other regulatory control / legislative provisions and thus are not pertinent to the consideration of the subject appeal, although I note that the applicant has confirmed that the proposed development will comply in full with the requirements of the Building and Fire Regulations.

With regard to the potential for the proposed development to give rise to subsidence etc. within the appellants' property, in the absence of any evidence to support these concerns I am not of the opinion that a refusal of permission on such grounds would be warranted. It is also of relevance to note that it is proposed to maintain the existing 1.8m high boundary wall between the respective sites whilst any damage to the appellants' property consequent on the proposed development would be a civil matter for resolution between the parties concerned.

With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that building works will likely result in some degree of disturbance / inconvenience to adjacent residents, given that any such constructional impacts will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of an agreed Construction Management Plan as a condition of any grant of permission.

Finally, and in the interests of completeness, having reviewed the overall design, scale, siting and orientation of the proposed development, I am satisfied that the subject proposal will not have a detrimental impact on the residential amenity of neighbouring properties by reason of overlooking (with an associated loss of privacy) or overshadowing. In this regard, I would specifically advise the Board that the first floor windows within the gable end of the dwelling house proposed on Site No. 4 (adjacent to the appellants' property) will only serve bathroom areas and will be required to be finished in obscured glazing. Furthermore, it is of particular relevance to note that the development of the appellant's dwelling house as approved under

PA Ref. No. 1134748 provided for the erection of a 'screen buffer wall' along the western perimeter of the decking area which would seem to have been intended to preserve the amenities of both that property and the occupants of any future development on the subject site, however, that wall would not appear to have been constructed to date.

**Traffic Implications:**

Concerns have been raised in the grounds of appeal as regards the proposed access arrangements, with specific reference being made to the adequacy of the submitted information and the rationale for the inclusion of Condition Nos. 12 & 13 in the notification of the decision to grant permission which require details pertaining to the proposed access points and the provision of a new footpath to be agreed with the Planning Authority prior to the commencement to development.

Having reviewed the available information, in the first instance I would advise the Board that the proposed access arrangements are directly comparable to those previously approved on site under PA Ref. No. 0732366 in that they involve the provision of 2 No. shared entrances onto Curraheen Road and thus the overall principle of the submitted proposal would appear to be acceptable. In this respect it is of further relevance to note that although Curraheen Road is subject to a speed limit of 50kph, this particular section of roadway is heavily trafficked and thus the proposal to limit the overall number of individual entrance openings onto same is to be welcomed. In addition, it should also be noted that the extent of paved area within the confines of each of the individual housing plots has been extended beyond that previously approved under PA Ref. No. 0732366 which serves to increase the space available for on-site turning manoeuvres in an effort to minimise the likelihood of vehicles having to reverse onto the public road.

With regard to the inclusion of Condition Nos. 12 & 13, it would appear that the imposition of same has derived from the recommendations of the Roads Design Section of the Local Authority which noted in its assessment of the proposal that the submitted entrance detail did not comply with the requirements of the '*Design Manual for Urban Roads and Streets*' as regards pedestrian priority and thus a dedicated footpath should be provided along the entirety of the site frontage which would tie into the existing footpath network. In this respect it is apparent from a

review of the site layout plan that the Local Authority is correct in its determination that vehicular access to the individual dwelling houses has seemingly been prioritised over pedestrian movements along the frontage of the site with Curraheen Road and, therefore, I would concur with the Planning Authority that it is appropriate to require a revision of the entrance proposals whereby a continuous and uninterrupted footpath should be provided along the entirety of the site frontage adjacent to the public road with vehicular access to the proposed housing to be achieved by means of a dishing of the said footpath (*N.B.* Section 5.0 of the 'Engineering Services Report' which accompanied the initial application would seem to indicate that it is intended to dish the footpath in order to access the proposed housing sites). This would serve to improve pedestrian safety at the proposed site entrances and would also prioritise pedestrian traffic.

In my opinion, the aforementioned revisions are relatively minor and will simply serve to improve pedestrian safety alongside the application site without compromising the proposed vehicular access arrangements to the individual dwelling houses or infringing on third party considerations. Accordingly, I am satisfied that these matters can be adequately addressed as a condition of any grant of permission.

Accordingly, having regard to the foregoing, and in light of the planning history of the subject site and its overall acceptability in principle for the development of housing, it is my opinion that the subject proposal does not pose a risk to traffic / public safety and is acceptable in terms of its wider traffic impact.

**Servicing / Infrastructural Issues:**

The 'Engineering Services Report' submitted with the application details that it is proposed to provide for the separation of foul and surface waters on site with individual connections to be made to the combined mains sewer along Curraheen Road. More notably, it is proposed to attenuate stormwater runoff from within the individual housing plots to existing greenfield rates and in this respect I would refer the Board to the design calculations included in Appendix 1 of the 'Engineering Services Report'. In my opinion, the information sought by Condition No. 19 of the notification of the decision to grant permission would appear to have already been provided, however, I note that the inclusion of this condition derives from a recommendation made by the Drainage Division which indicated that there was no

objection to the proposed development subject to certain conditions. On balance, I am satisfied with the applicant's proposals as regards the disposal of surface water and that these will not impact on the appellant's property. I would further suggest that any outstanding matters with regard to the specific design of the surface water attenuation system can be satisfactorily addressed by way of condition.

**Appropriate Assessment:**

Having regard to the nature and scale of the proposed development, the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

**Other Issues:**

**Procedural Issues:**

In respect of the assertion in the grounds of appeal that the Planning Authority should have sought additional details from the applicant as regards the proposed access and servicing arrangements by way of a request for further information in order to permit third party observers to comment on same, it would appear that the Planning Authority was satisfied that the information available on file was sufficient to allow for a full assessment of the planning implications of the proposed development and that it would support a decision to grant permission for same.

Having reviewed the available information, including the plans and particulars which accompanied the initial planning application, in my opinion, there is adequate information on file to permit a balanced and reasoned assessment of the proposed development which would in turn supports the decision of the Planning Authority to grant permission. Whilst it would be open to the Board to seek the submission of additional information in respect of any given matter deemed to require further clarification etc., I am inclined to conclude that those outstanding matters pertaining to the design specifics of the proposed access and servicing arrangements are essentially points of detail (as opposed to principle) that will not impact on third party considerations and thus may be addressed by way of condition. Accordingly, I do not propose to comment further on this matter.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

## 9.0 Reasons and Considerations

Having regard to the land use zoning of the site, to the infill nature of the site, to the design and scale of the proposed development, to the nature and character of development in the area and to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The dwelling house on Site No. 4, as identified on Drg. No. 16076/P/004 Rev. P1: 'Site Plan' received by the Planning Authority on 11<sup>th</sup> November, 2016, shall be of House Type 'A1'.

**Reason:** In the interests of clarity and the protection of residential amenity.

3. All windows serving bathroom areas shall have obscure glazing.

**Reason:** In the interest of residential amenity.

4. The proposed site access / egress arrangements shall be designed and finished to prioritise pedestrian movement along a new footpath to be provided alongside the public road in accordance with the Design Manual for Urban Roads and Streets. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic and pedestrian safety.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

8. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, complete details of all boundary treatment within and bounding the proposed development site.

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

9. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of orderly development.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction waste.

**Reason:** In the interests of public safety and residential amenity.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer



or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Robert Speer

Planning Inspector

5<sup>th</sup> May, 2017