



An  
Bord  
Pleanála

## Inspector's Report

### PL04.248279

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<b>Development</b>	Permission to construct a new vehicular entrance onto Radharc Na Bhaile (housing estate) and close up the existing vehicular entrance onto Cork Road
<b>Location</b>	Janemount, Knockbrogan, Cork Road, Bandon, Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	16/06484
<b>Applicant(s)</b>	Ruairi Loughlin McCann
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Radharc an Bhaile Residents
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	06/06/2017.
<b>Inspector</b>	A. Considine

## 1.0 Site Location and Description

- 1.1. The subject site is located in the northern area of the town of Bandon and to the north of the River Bandon on Cork Road. The site fronts onto the Cork Road and Radharc an Bhaile housing estate lies to the immediate north and east of the site. Access to the housing estate lies to the north of the subject site.
- 1.2. The site is occupied by a large two story detached house and attendant grounds. As currently laid out, the entrance to the site runs along the western boundary of the site with the front door of the house located along the southern elevation. The site rises from the south to the north of the site and the existing front garden area is elevated above the level of the existing access road. The timber sliding gates identified on the submitted site layout plan has already been removed and was not evident on the date of my inspection. The proposed new entrance is to be located approximately 25m from the junction of the estate road and Cork Road.
- 1.3. Radharc an Bhaile is a residential estate which comprises 98 houses in the form of terraced, semi-detached and detached houses, with pockets of open space located to the eastern area of the estate. The estate road as constructed, provides for a wide access road with grass verges and footpaths on either side. The boundary walls as constructed, including the northern boundary of the subject site, are capped stone walls with an overall height of approximately 2m in height. Trees have been planted in the grass verges and the estate has a very leafy and well maintained appearance. There are three existing utility boxes located on the boundary wall of the subject site, towards the western end of the site.
- 1.4. The site has a stated area of 0.151ha and the existing house on the site has a stated floor area of 275m<sup>2</sup>. The house is connected to public services.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, to construct a new vehicular entrance onto Radharc Na Bhaile and close up the existing vehicular entrance onto Cork Road, all at Janemount, Knockbrogan, Cork Road, Bandon, Co. Cork.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 4 standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer considered the proposed development in terms of development plan requirements, planning history of the site, the comments submitted by internal departments of Cork County Council and third party submissions. The planning assessment focused on the potential conflicts with the permitted development of two houses on the subject site where it was advised that clarification would be required, given that the wider estate had not been taken in charge by the Local Authority, permission from the current owners would be required, and further information would be required in relation to sightlines, gradients and storm water issues as well as potential impacts on landscaping and trees. The report concluded that further information is required.

Following the submission of the response to the FI request, the applicant confirmed that the property is to be occupied as a single family residence and that the two permitted houses would not be constructed and that the estate has been taken in charge by the County Council. All other issues raised in the FI request were also addressed. The Planning Officer concluded that the proposed development was acceptable and in accordance with the proper planning and sustainable development of the area and recommended the permission be granted subject to conditions.

#### 3.2.2. Other Technical Reports

- Area Engineer: The report submitted by the Area Engineer requires that further information be submitted with regard to site access, sight lines, gradient and surface water drainage.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

One objection to the proposed development was submitted from the Secretary of the Radharc an Bhaile Residents Association. The issues raised are summarised as follows:

- The development would introduce additional traffic to the entrance of the estate and cause the possibility of an accident as the estate entrance cannot be seen by approaching traffic.
- The demolition of the nice stone wall and trees from the estate entrance.
- Dangerous corner of the estate where children play.

## 4.0 Planning History

4.1.1. The following is the planning history associated with the subject site:

**PA ref 04/9645:** Permission granted for alterations and extension to existing house.

**PA ref 06/13451:** Permission granted for the construction of two houses on the western area of the site.

**PA ref 12/4308:** Permission granted to extend the duration of permission as granted under planning ref 06/13451 up to 06/09/2017.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Cork County Development Plan, 2014 is the relevant policy document and the subject site is located within the town of Bandon.

5.1.2. The Bandon Electoral Area Local Area Plan, Second Edition, issued in January 2015 and covers the subject site. The site is identified as being zoned 'existing built up area'. The predominant use in the immediate vicinity of the site is residential.

## 5.2. Natural Heritage Designations

The site is located within the urban area of the town of Bandon and at a significant distance to any Natura 2000 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 for the proposed development. The grounds of appeal are similar to those issues raised in the course of the PAs assessment of the proposed development and are summarised as follows:

- The main footpath is now going to be crossed over by an entrance which is a major safety concern. Children gather at the entrance to the estate each morning for the school bus.
- Sight distances of 50m would not be achievable with the current height of the wall and any exiting vehicle would have to move out onto the footpath which would be dangerous for pedestrians.
- While the Planning Officers report notes that the entrance will serve only 1 house, planning permission exists for two further houses on the site. It is a concern that these two houses will be constructed and will use the proposed entrance which will cause additional traffic using the proposed entrance.
- There will be inadequate parking spaces within the new development so inevitably there will be cars parking on the entrance into the estate.
- Why is the existing entrance to the existing house considered unsatisfactory? It has been in place for 50 years.
- The Fire Brigade has raised concerns gaining access to the estate if cars are parked on both sides of the road.

- When houses in the estate were purchased, the layout and entrance were based on one entrance. The wall to be removed to accommodate the proposed entrance is a pleasing focal point and adds value to the existing properties.
- The address on the application was incorrect. It is Radharc an Bhaile and not Radharc na Bhaile. Issues are raised regarding the public notices.
- If permitted, the development of a new entrance and two dwellings will cause major disruption to the estate.

There are enclosures included with the appeal document including photographs.

## 6.2. **Planning Authority Response**

The Planning Authority has not responded to this appeal.

## 6.3. **Observations**

There are no observers noted in relation to this appeal.

## 7.0 **Assessment**

7.1. Having considered all of the information submitted with the planning application and technical reports, together with the appeal documentation and responses, and having undertaken a site visit, I consider it appropriate to assess the proposed development application under the following headings:

1. The principle of the development
2. Visual & Residential Amenity Issues
- 3: Roads & Traffic Issues
- 4: Other Issues
- 5: Appropriate Assessment

### 7.2. **Principle of development**

7.2.1. The subject site is located within the town of Bandon on zoned land. The proposal is for the construction of a new vehicular entrance to serve an existing house from the

estate road of Radharc an Bhaile. The proposal will also include the closing up of the existing entrance to the house which is located on Cork Road. In terms of compliance with the Cork County Council Development Plan and the Bandon Electoral Area Local Area Plan, I am satisfied that there is no specific policy in either plan which would preclude the granting on planning permission in principle. The proposed development is therefore, considered acceptable in principle. All relevant site suitability issues in terms of the provision of a safe access however are to be addressed.

7.2.2. Further to the above, the Board will note that the PA sought further information seeking that permission from the current owners of the Radharc an Bhaile estate be submitted for the proposed development. In response, the applicant advised that the estate has been taken in charge by the County Council. I have sought confirmation of this on the Cork County Council website and could not find confirmation that the estate has been taken in charge on line. The most up to date information I can locate is that in February, 2016, Radharc an Bhaile was listed as having not been taken in charge by Cork County Council. I contacted Cork County Council to clarify the matter and was advised that the estate has been taken in charge.

### **7.3. Visual & Residential Amenity Issues**

7.3.1. In terms of the proposed development there will be a visual impact associated with the removal of part of the stone boundary wall. In addition, the Board will note that the information is unclear as to whether a tree will have to be removed to accommodate the proposed entrance. The drawings as submitted do not identify the trees which have been planted in the grass verge and the response to the FI request did not clarify the issue. The existing entrance into the Radharc an Bhaile estate presents a well maintained and leafy development and the beautiful stone walls which flank the road, grass verge and footpath contribute visually to the overall amenity. The proposed removal of a section of the wall to facilitate the proposed new entrance will have a visual impact, and the lack of clarity regarding the tree/s potentially affected compound this visual impact. That said, I would not consider that the impact would be so significant to be considered negative.

7.3.2. In terms of the potential impact on residential amenity, the Board will note the submission from the third party during the PAs assessment of the proposed

development regarding the use of this area of the estate by the children who live in the estate. While I acknowledge the concerns of the residents, I would consider that the overall estate provides more appropriate areas for children to play / use. The area in the vicinity of the subject site is an estate road which provides access not only for the wider estate, but also a concentrated vehicular access for the rear of 24 houses. The area is not overlooked and I am satisfied that the area could not reasonably be considered as an active amenity area serving the estate. impact is acceptable in terms of visual amenity.

#### **7.4. Roads & Traffic Issues:**

- 7.4.1. Access to the site is via the local road network and off the Radharc an Bhaile estate road. The proposed access to the site is to be located in proximity to the existing access across the road which serves the rear of 24 houses in the estate. The third party appellants have raised concerns in terms of the proposed development and the traffic hazard potential arising from the additional traffic generated. I also note the concerns regarding the fact that there is a live planning permission affecting the subject site for the construction of two further houses on the existing garden area. The appellants are concerned that should these houses be built, the proposed entrance will serve three houses and not just the existing one. In response, the applicant has advised that the property has been purchased for occupation as a single family home and that the permitted dwellings will not be constructed. While this response seeks to address the concerns, given that the site is located on zoned and serviced lands, there is nothing to prevent the future development of the site.
- 7.4.2. I also note the indication that the existing entrance to the house is considered 'substandard'. I would not agree. While the layouts and details of the permitted two house development has not been submitted, it would appear that the grant of permission provided for two additional households using the existing entrance onto the Cork Road. Work has been carried out on the landscaping of the site which includes the construction of a retaining wall along the existing entrance to the house with the garden elevated above the existing access level.
- 7.4.3. Overall, and notwithstanding the above, I am satisfied that there are no roads and traffic issues arising with regard to the proposed development.



## 7.5. **Other Issues:**

### 7.5.1. Public notices:

The Board will note the submission of the third party in relation to the public notice. The third party submits that the notice was only in place for one week and was not attached in accordance with the planning requirements. I am satisfied that the public notices were adequately positioned to advise the public of the proposed development in accordance with the legislative requirements.

### 7.5.2. Development Contributions:

Development contributions, in accordance with the Cork County Council's Development Contribution Scheme, apply in this instance.

## 7.6. **Appropriate Assessment:**

Having considered the nature of the proposed development, together with the separation distance to the nearest Natura 2000 site and the scale of the proposed development, 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**

I recommend that planning permission be granted of the proposed development for the following reasons and considerations and subject to the stated conditions.

## 9.0 **Reasons and Considerations**

Having regard to the provisions of the current Cork County Development Plan, 2014 – 2020, the location of the site within the urban area of the town of Bandon and the Radharc an Bhaile residential estate and the pattern of existing and permitted development in the vicinity, together with the information submitted as part of the planning application, and the appeal, the Board is satisfied that the proposed development is acceptable in terms of design and scale and would not adversely impact the residential amenities of existing adjacent properties, or the visual amenities of the area, and would be acceptable in terms of traffic safety, subject to

compliance with appropriate conditions, and would therefore, 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. No surface water shall be permitted to flow onto the public footpath or public road from the site.

**Reason:** In the interests of pedestrian safety and to prevent flooding of the estate road.

3. The footpath shall be dished at the road junction in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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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A. Considine  
Planning Inspector  
19<sup>th</sup> June, 2017