



An  
Bord  
Pleanála

## Inspector's Report PL 04.249376

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<b>Development</b>	Residential development of 153 no. dwellings, crèche and all ancillary site works.
<b>Location</b>	Boherboy Road, Mayfield, Lotamore, Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/07292
<b>Applicant(s)</b>	Cork City Council
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	1 <sup>st</sup> & 3 <sup>rd</sup> Parties
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Cork City Council.</li><li>2. Ashford Heights &amp; City View Mews Residents Assoc.</li><li>3. Cllr. Tim Brosnan.</li><li>4. Alan Cotter &amp; Aisling Considine.</li><li>5. Mayfield East Community Assoc.</li></ol>

**Observer(s)**

None

**Date of Site Inspection**

12<sup>th</sup> January 2018

**Inspector**

Michael Dillon

## 1.0 Site Location and Description

- 1.1. The site, with a stated area of 5.13ha, is located on the northeastern fringe of suburban Cork, somewhat to the south of the Old Youghal Road (R615). The site area includes a sewer run within Ashford Heights housing estate to the north – with the resulting net site area for housing being 4.25ha. The site is an elevated one – between 99 and 118m OD – rising gently from west to east. It is currently a large grass field (now grown rank) with some scrub briars at the eastern end. There is currently an access road through the southeastern corner of the site to connect the top of Boherboy Road with Mayfield United football grounds, located further to the east and northeast again. There are overhead electricity lines running along part of the southern, all of the western and part of the northern site boundaries – supported on single wooden poles. Due to the elevated nature of the site, there are fine views from it to the north and east. There is a stand of Himalayan knotweed hard against the palisade fencing boundary at Dunard housing estate – in the southwest corner of the site. There has been some rubbish dumping at the southwest corner of the site.
- 1.2. Access to the site is from the top of Boherboy Road, at a junction with the access to Dunard. Boherboy Road forms a T-junction with the R635 North Ring Road to the west: this is priority junction with a yellow box on the road. The North Ring Road is two lanes northbound and one lane southbound at this location. The 50kph speed restriction applies on roads in the area – with the exception of Silverheights Road (running parallel to Boherboy Road), on which there is a 30kph speed restriction. There are no signs to indicate where this 30kph restriction ends and where it bleeds into the 50kph restriction on Boherboy road. There is one short section of Boherboy Road which has no footpath on the south side. Bus routes 201 & 208 have their termini on Boherboy Road – opposite Scoil Mhuire & Eoin. There are speed ramps in place on Boherboy Road. There is a corner shop located on a short link road between Boherboy Road and Silverheights Road – a short walk from the southwest corner of the site.
- 1.3. The red line boundary of the site also includes a sewer run within a road in the Ashford Heights/City View housing estate – as far as the R615 Old Youghal Road to the north. This latter road links the North Ring Road with Glanmire village and Riverstown/Sallybrook to the east. There does not appear to be a bus route along

this road. The Cara Junior School is located immediately opposite the entrance to the City View housing estate – although the only entrance to the school appears to be from Banduff Road (off the Old Youghal Road).

- 1.4. To the north, the site abuts single- and two-storey houses in Ashford Heights/City View – the boundary with which is a mixture of old ditch/concrete panel wall/palisade fencing/concrete block wall. To the east, the site abuts single- and two-storey houses within the Lotamore and Liosard housing estates – the boundary with which is a mixture of 2m high concrete wall/chainlink fencing/wire fencing. To the southeast, the site abuts an access road within Dunard – the boundary with which is 2.4m high palisade fencing (an access road within Dunard forming the actual boundary). To the south the site abuts the rear gardens of a row of bungalows and dormer bungalows on Boherboy Road – the boundary with which is a mixture of concrete block walls. There is a small area of the site in the southwest corner which immediately abuts Boherboy Road – the boundary with which is a 2.2m high wall. This wall forms part of the remaining two walls of a single-storey house (site excluded from the appeal site) – although there is, at present, no boundary dividing it from the appeal site. The boundary with the adjoining bungalow in this area is a 1.4m high wall backed by a 3.0m high trimmed Griselinia hedge. Within this row of bungalows on Boherboy Road, an area has been excluded from the site which would appear to have once been intended for the access to the current appeal site. To the west, the site abuts the grounds of Scoil Mhuire & Eoin, an adjoining convent, and the Mayfield Industrial Estate – the boundary with which is 2.5m high concrete block wall and mature Leyland cypress trees with the school and convent, and an hedgerow and palisade fencing with the industrial estate.

## 2.0 Proposed Development

- 2.1. Permission sought on 23<sup>rd</sup> December 2016, for a residential development of 153 units. The units comprise a mixture of houses (116), and duplex apartments (37). Units are single-, two-, two-and-a-half-, and three-storeys. A stand-alone crèche (415.3m<sup>2</sup>) is also proposed. Shared and dedicated parking is provided for 283 cars. Open space provision is stated to be 8,785m<sup>2</sup> – principally in one large chunk which is centrally located, but also providing for one smaller area to the north linking streets between flanking apartment blocks, and a further area to the southeast of the access

road. Water supply is from the public mains in Boherboy Road. A new foul sewer outfall is to be constructed through Ashford Heights – to connect to the Old Youghal Road – via a new 225mm diameter sewer. Surface water is to be discharged the same route – via an existing 300mm diameter sewer. Surface water discharge is attenuated using a new 1,680m<sup>3</sup> holding tank, with outfall throttled via ‘Hydrobrake’ mechanism at 17 l/s. A single vehicular access point is proposed from Boherboy Road. The number and type of units is as follows-

- 6 no. one-bedroom apartments.
- 28 no. two-bedroom apartments.
- 3 no. three-bedroom apartments.
- 24 no. two-bedroom houses.
- 65 no. three-bedroom houses.
- 27 no. three/four-bedroom houses.

2.1.1. The application is accompanied by the following-

- Letter of consent from Cork County Council to the making of the application on lands over which it has control – works within roads.
- Planning & Design Statement – dated December 2016.
- Traffic & Transport Assessment – dated December 2016.
- Landscape Design Report – dated 21 December 2016.
- Engineering Report – dated December 2016.

2.2. Unsolicited additional information was received on 25<sup>th</sup> January 2017, in the form of a Part V Social Housing proposal [notwithstanding that there does not seem to be any letter to indicate receipt of unsolicited additional information on this date].

2.3. Unsolicited additional information was received on 30<sup>th</sup> January 2017, in the form of 3 no. indicative 3D views.

2.4. Following a detailed request for additional information, the following was submitted on 22<sup>nd</sup> August 2017-

- Revised site layout (minor alterations).

- Site section drawings, and detailed sections for housing on northern, eastern and southern boundaries (24 in total). Provides for lowering the floor levels of some houses (no.s 39, 40, 41, 72, 73, 101 & 102) and turning areas on the northern boundary with Ashford Heights.
- Increase in width of road serving units 119-124. Reduction in gradient of road along the southern portion of the site. Parking at turning areas on northern boundary of the site are reconfigured.
- Minor modifications to unit type 10.
- Surface water drainage calculations.
- Revised surface water drainage proposals (to include proposals for units 152 & 153). Includes relocation and splitting of surface water attenuation tanks. Significantly, provides for new 300mm diameter surface water sewer through Ashford Heights and City Mews – to connect to Old Youghal Road.
- Revised foul drainage proposals (to include proposals for units 152 & 153).
- Catchment calculations for surface water drainage.
- Additional topographical surveys of the site boundaries.
- Utility survey of the site.
- Lighting Design Report and public lighting layout proposal.
- Revised landscape masterplan.
- Indication of proposed housing tenure (A3 drawing).
- Revised junction layout at entrance to proposed development.
- Indication that lands on Boherboy Road (to the rear of units 129-130) is in the ownership of the applicant and will be subject to a future application for a single house.
- Wheelie bin storage in front garden of unit 120.

### 3.0 Planning Authority Decision

By Order dated 18<sup>th</sup> September 2017, Cork County Council issued a Notification of decision to grant planning permission subject to 37 no. conditions, the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with plans and particulars lodged on 23<sup>rd</sup> December 2016, as amended by submission of 22<sup>nd</sup> August, 2017, except where otherwise required by succeeding conditions of this permission.
2. Requires omission of units 41, 73 & 102, and submission of a revised layout in the affected area.
3. Requires three pedestrian connections to Ashford Heights – as indicated in drawings submitted with the application.
4. Requires omission of units 119, 120, 121, 122, 123, 152 & 153, and creation of a pedestrian/cycle linkage within the southwestern corner of the development. The condition provides for the submission of a revised planning application in this part of the site to facilitate a housing layout which includes a pedestrian/cycle linkage.
6. Requires bond for completion of development.
16. Requires provision of 2 no. parking spaces for each residential unit.
24. Requires agreement (in writing) of Irish Water, to connection to public foul sewer and public watermain network.
26. Requires a management company for the duplex apartment units.
35. Relates to hours of construction.
36. Relates to compliance with Section 96 housing requirements.
37. Requires payment of a development contribution of €250,091.36.

### 4.0 Planning History

**Ref. 07/11056:** Refers to an application for a housing development on these lands, which was subsequently withdrawn.

## **5.0 Policy Context**

### **5.1. Development Plan**

The western edge of the site is the boundary with Cork City Council. When the application was first lodged with Cork County Council, the Blarney Electoral Area Local Area Plan 2011 was the relevant document. The parent plan is now the Cork County Development Plan 2014- 2020. Within this parent plan, the Cobh Municipal District Local Area Plan 2017, is of relevance. The site is zoned for residential use. Of the Main Settlements within the Cobh LAP, Cork City – North Environs is a major one. The majority of the residential objective for the site, NE-R-02 (3.69ha), is for 'Medium A density development' – with indicative densities of between 20 and 50 units per ha (as per Section 3.4 of the County Development Plan 2014). The eastern portion of the site is zoned 'existing built-up area' – notwithstanding that it is greenfield land. The Plan indicates a cycle route along Boherboy Road (Fig. 3.4.3).

### **5.2. Urban Design Manual**

The "Urban Design Manual: A Best Practice Guide" – issued by the Department of Environment, Heritage and Local Government in May 2009, which accompanies the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & villages)", (May 2009), outlines twelve principles for good neighbourhood and home development on a site; and both are of relevance.

### **5.3. Design Standards for Apartments**

The "Sustainable Urban Housing: design Standards for New Apartments – Guidelines for Planning Authorities" – issued by the Department of Environment, Community and Local Government in December 2015, are of relevance.

### **5.4. Design Manual for Urban Roads and Streets**

This joint departmental Report from 2013, deals with improved road/street design, and is of relevance to this housing application.



## 5.5. **Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016.**

National policy, articulated within this Government document, strongly supports the provision of additional housing, with social housing a key element. The target is to double the annual level of residential construction to 25,000 homes per annum for the years 2017-2021, and to deliver 47,000 social housing units in the period to 2021.

## 5.6. **Natural Heritage Designations**

The closest European site is the Cork Harbour SPA (Site code 004030) – located some 1.2km to the east.

## 6.0 **The Appeal**

### 6.1. **1<sup>st</sup> Party Grounds of Appeal**

6.1.1. The appeal from HW Planning, agent on behalf of Cork City Council, received by the Board on 17<sup>th</sup> October 2017, can be summarised in bullet point format as follows-

- The appeal is against conditions 3 & 4 only, which require creation of three pedestrian linkages and the omission of seven housing units. It is requested that the appeal be dealt with in accordance with section 139 of the Act.
- In light of current housing shortages throughout the country, it is not reasonable to omit these housing units.
- The requirements for three linkages to Ashfield Heights would not maximise connectivity. The applicant is not appealing the omission of units 41, 73 & 102 (by way of condition no. 2).
- A revised scheme in the southwestern corner of the site is submitted which would allow for seven units – albeit different house types.
- There has been a significant level of local objection and opposition to the creation of the three pedestrian linkages to Ashfield Heights. The subject site is in an Electoral District that was considered marginally disadvantaged in 2016. Local realities and social conditions must be taken into consideration.

Cork City Council has taken measures to close off many such linkages with walls or gates because of perceived and worsening problems with anti-social behaviour. Given the considerable mobilisation of public opinion, the delivery of the Boherboy scheme would be best served through the omission of the pedestrian linkages to the north.

- The southwestern link will provide the best desire line in terms of connectivity to the neighbourhood centre at Mayfield.
- The high quality design of the scheme, together with the provision of a crèche, will ensure the development of a sustainable community. The socio-economic mix provided for within the scheme will contrast with the existing trend in the area and introduce a greater level of affluence to this traditionally disadvantaged part of the city.
- From the centre of the proposed development, it would be longer to get to the Mayfield Shopping Centre via Ashford Heights than via Boherboy Road. The link via Ashford Heights is not, therefore, required. [I note that the terminology has been confused by the applicant – in relation to option A & B]. The diagram submitted is necessarily rough, and does not reflect the true walking distances with complete accuracy.
- The applicant agrees, in principle, with the creation of a pedestrian route in the southwest corner of the site. It is proposed to retain units 122 & 123. A terrace of 5 two-bedroom units is introduced, which back onto units on Boherboy unit – providing passive surveillance of the pedestrian link. Parking is provided at either end of the block. This new linkage will provide for optimum connectivity for residents of the scheme. The Board is requested to substitute this new layout and reword condition no. 4 accordingly (revised wording suggested).
- The revised layout makes provision for a 2.7m high boundary wall between the permitted development and the 9 no. houses along Boherboy Road. This has arisen from discussions and agreement with residents, and will ensure that existing amenity is protected. It is proposed to step down this boundary wall at the intersections with Boherboy Road – in the interest of traffic safety and visual amenity.

6.1.2. The appeal is accompanied by a partial site layout plan showing the new housing layout to include the pedestrian link in the southwest corner of the site – Drg. No. 1608-OMP-00-00-M2-A-XX-10006. This layout also indicates proposed 2.7m & 2.0m high boundary wall sections with existing houses on Boherboy Road.

## 6.2. **3<sup>rd</sup> Party Grounds of Appeal**

6.2.1. There are four 3<sup>rd</sup> Party appeals from-

- Cllr. Tim Brosnan – received on 13<sup>th</sup> October 2017.
- Alan Cotter & Aisling Considine, 20 Ashford Heights, received on 12<sup>th</sup> October 2017.
- Mayfield East Community Association, received on 11<sup>th</sup> October 2017.
- Ashford Heights & City View Mews Residents Association, received on 11<sup>th</sup> October 2017.

6.2.2. The issues raised in the four appeals can be summarised in bullet point format as follows-

- Condition 3, which requires the opening up of three pedestrian connections to Ashford Heights will not improve connectivity, but will rather lead to increased anti-social behaviour. Cork City Council has had to close up a large number of such connections, arising from complaints from residents of anti-social behaviour. There are no facilities to the north of the development which future residents would need to access.
- A pedestrian access would impede emergency vehicles using the turning area at the head of the cul de sac in Ashford Heights beside no. 20. Visitors to the new estate would park in Ashford Heights, and it would be used as a drop-off point for the crèche.
- The construction of new foul and surface water sewers through Ashford Heights will result in significant disruption for residents. The sewers could be laid in the southwest corner of the site – where condition 4 requires the creation of a pedestrian access. This would be less invasive than digging up Ashford Heights. Such works would hinder access by emergency vehicles. Cover levels of existing and proposed sewers have not been indicated.

- Drawings for the surface water sewer variously show it at 300mm and 400mm. This does not inspire confidence in the applicant.
- No provision is made for a safe boundary wall with bungalows on Boherboy Road.
- The development will create a flood risk for neighbouring developments. The applicant has not indicated if sufficient road gullies will be provided to prevent such run-off.
- The omission of units 41, 73 & 102 leaves some doubt as to what would happen in the future with this land. Any agreement with Cork County Council would exclude third party comment. This area might be used for parking or for an application for houses, or for extension of the garden of adjoining gardens. Gables of adjoining houses would then be exposed. Condition 2 is too vague and is unworkable. Single-storey type 07 houses would be more appropriate on these sites.
- The application does not clearly indicate how many private units will be contained within this scheme. It is highly likely that Housing Agencies will purchase the houses in this development. This has happened with the Ashmount estate nearby. It is understood by all, after decades of mistakenly creating purely social housing estates, that the correct method is to have a more inclusive approach, and to co-locate private and social housing units.
- The future management of the estate needs to be provided for, lest it fall between two local authorities – the fate of many City Council estates in the County Council area, which are not properly managed.
- Site notices erected were inadequate.
- There should be no apartment units within the scheme.
- Provision should be made within roof spaces for future extension.
- Two-storey house types are inappropriate on the northern boundary – where there are single-storey houses existing in Ashford Heights.
- Only rear gardens should abut house plots to the north – there should be no turning areas abutting existing gardens of houses in Ashford Heights.

- The applicant did not make sufficient effort to gain access to private properties adjoining the site, in order to produce accurate section drawings.
- The applicant did not redesign the scheme to reduce road gradients, as requested by the PA.
- The applicant has failed to show correspondence from Uisce Éireann/Irish Water, which would clearly indicate that there is capacity in the water and foul drainage networks to cater for this development.
- Surrounding developments are at a lower density, and the density of the proposed development is too high – local estates being below 30 units per ha. The NE-R-02 zoning does not cover the entire site – presumably with the idea of maintaining a reasonable boundary of open space between proposed and existing housing developments. The applicant has included lands outside its ownership in relation to statement of site size – 5.13ha. The true area of the site is somewhere between 4.63 and 4.79ha. Lands outside the NE-R-02 area should be developed at a density which reflects the density of adjoining development. The development, as proposed, is closer to 40 units per ha.
- The Urban Design Manual requirements for sustainable development are not met in the design of this scheme. There is no primary health care centre available to serve the future occupants. There is an oversupply of crèche facilities in the area.
- The Carrigrennan Wastewater treatment plant is overloaded. This development will exacerbate matters.
- Water pressure, already low in this elevated area, will be further reduced, and it must be questioned if sufficient pressure exists for fire hydrants.
- Insufficient traffic counts were undertaken. Multiple counts should have been undertaken to establish the peak periods. It is noted that no buses were recorded during the traffic counts undertaken. Significant queuing is evident on the R635 at the junction with Boherboy Road in peak periods. There are so many junctions and traffic lights on the R635 in the vicinity of Boherboy Road, that a simplified traffic modelling assessment cannot be utilised. Sight distance at this junction is inadequate. Traffic will be forced onto the parallel

Silverheights Road. Boherboy Road is narrow in places, and does not have footpaths along its entire length. School traffic and parking exacerbates the problem.

- The development proposes road works to the south of the junction on Boherboy Road, outside of the site as outlined in red. This area may be in the control of the Mayfield East Community Association (under lease from Cork City Council). Crossings proposed at this junction are dangerous, and do not follow desire lines.
- The development will impact on traffic on the N8 at the Silversprings Hotel, and TII ought to have been notified by the PA of the application.
- Turning areas within the estate are not sufficiently designed to allow large vehicles to turn, and drivers will be obliged to reverse out of culs de sac, thereby creating a traffic hazard.
- Topography of the area renders cycling trips less likely.
- Elevated topography will result in first floor windows of houses overlooking single-storey houses and their gardens on adjoining sites.
- Mono-pitch roofing will be out of character with roofing of buildings in the area.
- The Board should allow for the 2.7m high wall along the boundary with bungalows on Boherboy Road – with provision made for steep capping (to prevent youths walking along it).
- There is a substantial growth of Japanese knotweed on the site – something not remarked upon by either the applicant or the planning authority. There are, consequently, no proposals for dealing with this invasive species.
- Cork City Council should indicate a timeframe for the making of an application for a single house on Boherboy Road to the rear of units 129 & 130.
- The shortfall in parking with this scheme is significant – condition 16 requiring the provision of at least two spaces per unit – without any indication given of the requirement to submit a revised layout. There is scant provision for disabled parking throughout the scheme. Charging bays for electric vehicles seem to have been omitted.

- No heed has been paid to the need for smaller dwelling units to reflect falling occupancy rates throughout the country. There is no built-in adaptability.
- Appellants are fully supportive of appropriately-designed, sustainable housing in this area.

6.2.3. The appeals are accompanied by the following documentation of note-

- Copies of original letters of objection submitted to Cork County Council.
- Map extracts and drawings showing the northern portion of the site and adjoining houses in Ashford Heights.
- Highlighted copy of the applicant's letter, which accompanied the additional information submission of 22<sup>nd</sup> August 2017.
- Letter from Cllr. Pádraig O'Sullivan to Cork County Council, in relation to the application – dated 9<sup>th</sup> October 2017.
- Letter from Cllr. Ger Keohane to Cork County Council, in relation to the application – undated.
- Internet extract in relation to assault near Barnavara Crescent.
- Black & white photographs of gated laneway.
- 3 no. colour photographs of walls built at head of culs de sac in Ashford Heights/City View Court.

### 6.3. **1<sup>st</sup> Party Response to 3<sup>rd</sup> Party Appeals**

The response of HW Planning, agent on behalf of Cork City Council, received by the Board on 8<sup>th</sup> November 2017, can be summarised in bullet point format as follows-

- The final design strikes an appropriate balance between meeting density requirements for the effective use of zoned lands and the identified site constraints.
- The relevant plan is the Cobh Municipal District Local Area Plan 2017. The Plan identifies Cork North Environs for major housing development.
- Pedestrian connections to Ashford Heights are the foremost concerns of objectors to the development.

- The site benefits from long-standing residential zoning. Claims relating to overly dense development are not substantiated. The primary land use in the area is residential, and the proposed development does not threaten this.
- Apartments will widen the housing mix available in the area.
- The Design Statement submitted with the application indicates compliance with the relevant standards and objectives of the Planning Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual. The scheme was assessed by the PA, and found to be acceptable.
- A detailed suite of site sections was submitted to the PA, by way of additional information, on 22<sup>nd</sup> August 2017. This addressed the issue of contiguous developments. There will be no serious overlooking or overshadowing. The applicant is not appealing against condition 2, which excludes three houses on the northern boundary. On the eastern boundary, a mix of single- and two-storey houses are proposed – with houses on adjoining lands being generally located at a higher level. On the southern boundary, generous separation distances, generally in excess of 40m, are provided between rear walls of existing and proposed houses: provision is made for a 2.7m wall on this southern boundary.
- The traffic assessment was prepared in accordance with current guidelines by reputable consultants. Cork County Council reviewed the information submitted, and was satisfied to grant planning permission.
- The road gradient along the southern boundary was reduced by way of additional information submission of 22<sup>nd</sup> August 2017. The PA was satisfied with the remainder of the gradients within the scheme.
- Parking provision satisfies the Development Plan standards – which provides for 1.25 spaces per apartment and 2.0 spaces per house. The Development Plan standards are maximum standards.
- Uisce Éireann/Irish Water did not provide written clarification that effluent treatment capacity was available. The commencement of any development is still subject to a pre-connection agreement with Uisce Éireann/Irish Water.



- The CCTV survey of the surface water sewer in Ashford Heights confirmed the appropriateness of upgrading this sewer to 300mm diameter. The construction period will be of short duration.
- The applicant has held a number of meetings with the Department of Planning, Housing and Local Government on proposed tenure. The tenure was clarified during the application process.
- Himalayan knotweed has been identified at three locations on the site.
- Critical population growth will support local services, and will make the provision of other services more viable.
- The proposal will bring into beneficial use a piece of unsightly land.

#### 6.4. **Planning Authority Response**

The response of Cork County Council, received by the Board on 15<sup>th</sup> November 2017, can be summarised in bullet point format as follows-

- Maximising linkages to surrounding development should be a cornerstone of any new development.
- Linkages to Ashford Heights and Boherboy Road are desirable, notwithstanding the contention of the applicant that such should have been done by way of prior consultation.
- Concerns of residents in relation to anti-social behaviour in the past is noted. Passive surveillance will be provided with new houses.
- The applicant's revised layout for a linkage to Boherboy Road illustrates how such a supervised linkage can be created.
- In the absence of a revised proposal for smaller house types at units 41, 73 & 102, the planning authority considers that the original houses, as proposed, would have an overbearing impact on existing houses in Ashford Heights.

#### 6.5. **3<sup>rd</sup> Party Responses to Other 3<sup>rd</sup> Party Appeals**

The single response from the Mayfield East Community Association, received on 15<sup>th</sup> November 2017, can be summarised in bullet point format as follows-

- It is agreed that condition 2 was poorly drafted.
- It is acknowledged that there have been significant problems with anti-social behaviour in parts of the city, necessitating the closing-up of pedestrian linkages.
- The pedestrian access in the southwest corner of the site will be narrow and will result in just a small gap in the existing wall on Boherboy Road to facilitate the pedestrian and vehicular access (to parking). This would result in an unsupervised area – surrounded by high walls. The small houses here are likely to be occupied by elderly residents. This will inevitably result in anti-social behaviour in this area. The applicant is only interested in density, and does not really consider the amenity and safety of existing and future residents. The outlook from the single-storey houses will be the wall of the adjoining school.
- The adjoining school management has not been consulted by the applicant.
- The Board should convene an oral hearing, as there have been a significant amount of changes as this scheme progressed. The appellant would be happy to make itself available to attend an oral hearing.
- The appellant is fully supportive of appropriate housing in the area.

## 7.0 **Assessment**

### 7.1. **Development Plan & National Policy.**

- 7.1.1. The site is zoned for residential development in the current development plan for the area. Most of the site is covered by the NE-R-02 zoning objective for 'Medium A density development' – 20-50 units per ha. The eastern portion of the site is zoned 'Existing built-up area' for residential development. I would be satisfied that the provision of 153 units, on a site of approximately 4.25ha, results in a density of 36 units per hectare – well within the upper limit of 50 units per hectare, and entirely appropriate for a site which is proximate to community facilities and services.
- 7.1.2. The proposal is in line with Government policy to provide additional housing to deal with the housing shortage up to the period 2021, as set down in 'Rebuilding Ireland'.

## 7.2. Design & Layout

The sub-sections below deal with the layout of the scheme and the design of individual units within it. Sub-sections address issues raised in the “Urban Design Manual – A Best Practice Guide”, in terms of layout/orientation of individual units, variety, privacy, adaptability, tenure, efficient use of serviced/serviceable land, provision of private and public open space, landscaping, parking, movement within the scheme, connectivity with adjoining lands; and less tangible design elements such as sense of place, security, inclusivity and amenity. The scheme is distinctively different to other housing developments to the north, east, southeast and south – which in their turn differ from one another to the extent of allowing for easy identification.

### 7.2.1. Layout

Most of the 3<sup>rd</sup> Party appellants indicate that they are in favour of appropriately-designed, lower-density, sustainable housing development in this area. Housing in the area comprises a mixture of bungalows and dormer bungalows, semi-detached and terraced units: being a mixture of single- and two-storeys. The original layout was revised slightly, by way of additional information submission of 22<sup>nd</sup> August 2017, and again by way of 1<sup>st</sup> Party appeal to the Board (relating to the southwest corner of the site), of 17<sup>th</sup> October 2017. There is only one vehicular access to the site – from Boherboy Road. I have under separate heading commented upon accessibility/connectivity. The site is a gently sloping one, which has necessitated the use of retaining walls in a limited number of places. The slope is similar to the that within the Ashford Heights and Lotabeg estates to the north and south, respectively. I would note that gradients within parts of City View to the north, are considerably steeper than those within the proposed development. Where existing houses back onto the proposed site (Boherboy Road to the south and Liosard and Lotamore Drive to the east) houses within the scheme generally present rear gardens to such boundaries. In the case of the northern boundary of the site, where it abuts Ashford Heights and City View Court (where existing houses are gable-on), in general the same pattern has been followed. Three culs de sac within the proposed scheme mirror three culs de sac within Ashford Heights and City View Court. Whilst the houses and cul de sac turning areas do not exactly align, the fit is

reasonably good. No existing house will have a rear garden area abutting a cul de sac turning area within the proposed development. In fact, only two existing houses – no. 18 Ashford Heights and no. 70 City View Court will have side boundary walls addressing cul de sac turning areas. This is not unusual or worthy of comment within a suburban housing development. Many corner houses have rear garden walls abutting a roadway. I would be satisfied that there will be no loss of amenity arising from this arrangement.

Condition 2 of the Notification of decision to grant planning permission required the omission of units 41, 73 and 102 on the northern boundary. All three units are two-storey houses. The applicant has not appealed this condition. Notwithstanding this condition, 3<sup>rd</sup> Party appellants have expressed concern as to what might happen on the three omitted sites – whether the condition would expose rear gardens of existing houses to possible trespass, be used for parking or else used to extend the gardens of adjoining houses – with likely future planning applications for houses on the affected sites. House 41 abuts the curtilage of a two-storey house in City View Court, whilst the other two abut the curtilage of single-storey houses in Ashford Heights. I note that the additional information submission of 22<sup>nd</sup> August 2017, lowered the finished floor level of houses on the northern boundary as follows- unit 102 by 1,000mm; unit 101 by 400mm; unit 73 by 375mm; unit 72 by 375mm; unit 41 by 1,000mm; unit 40 by 400mm; and unit 39 by 175mm. The set-back distance from the northern boundary, of the three houses referred to in condition no. 2, is generous. I would contend that there was no necessity to omit the three houses, and that their omission has introduced a level of uncertainty into the grant of permission. There is no good reason why two-storey houses should not abut single-storey houses within a suburban area, and not result in a significant loss of amenity. The proposed scheme itself has both single- and two-storey houses, and there are examples of single- and two-storey houses within adjoining housing estates – where in Lotamore Grove there are single and two-storey houses side by side, and also where two-storey houses in City View Court to the north back onto single-storey houses in Ashford Heights. I would be satisfied that condition 2 should not be repeated in any grant of permission from the Board, and that houses should be built on the three sites.

The 1<sup>st</sup> Party appeal submission (17<sup>th</sup> October 2017) contained a revised layout for the southwestern corner of the site – to overcome the imposition of condition 4 of the Notification of decision to grant planning permission. The creation of a pedestrian link in this corner of the site is of vital importance for pedestrians and cyclists and those not fortunate enough to own or a car or to be able to drive. The location of the entrance to this development at the top of Boherboy Road, in place of the more logical one in the centre of the row of bungalows on Boherboy Road (which for reasons unexplained does not form the access), renders a pedestrian/cycle access in the southwestern corner all the more necessary – as this is the most direct route for access to community facilities and public transport. The applicant has attempted to provide for such a pedestrian/cycle access, whilst at the same time protecting the amenity of the adjoining bungalow in this area – by proposing a terrace of 5 single-storey houses backing onto the curtilage of the bungalow. Because of the exclusion from the appeal site of a small corner in this area (which is not in the control of the applicant – even though the site is not in any way separated from this corner area at present) will result in a less-than-optimal arrangement. Houses backing onto the school grounds to the west would have improved pedestrian security and inter-visibility between Boherboy Road and house site 118, at the northern end of the link. It is the contention of 3<sup>rd</sup> Parties that this area will be poorly supervised and subject to anti-social behaviour. There is a high wall on the school boundary to the west, a high hedge and wall boundary with the curtilage of the bungalow to the east, and a high wall on the excluded corner site with Boherboy Road. The access to the development will punch a gap in this wall, measuring approximately 10m in width. This gap will permit of vehicular access to a small parking and turning area to serve the row of five houses, which will not have vehicular access. Whilst the layout is less than ideal, I would consider that the over-riding need to provide a pedestrian access in this corner of the site should dictate that the revised layout be accepted. Public lighting will be provided, and parking in the area will be of some help in terms of supervision. This part of Boherboy Road is busy, arising from the proximity of the school and the location of a bus terminus on the opposite side of the road. It might be possible to provide for a further single-storey house closer to Boherboy Road which would face south (and possibly west also) to improve passive supervision in this area.

### 7.2.2. Unit Types

The scheme provides for a wide variety of unit types – ranging from detached houses to semi-detached and terraced units, and three-storey duplex apartment buildings. In total there are eight different house types – all but one of which have pitched roofs (37.5 degrees) which either provide for, or would allow for, attic bedroom accommodation. Within these house types there are minor variations depending on location within the scheme (orientation/aspect/corner site etc.) Only one house type has a mono-pitch roof, which would not allow of an attic extension within the two-storey structure. The two- and three-storey duplex apartment buildings provide for a number of different configurations of one-, two- and three-bedroom units – with access from external stairways rather than internal stairs or lifts. There are two-, three- and three/four bedroom units within the scheme, as follows (as per the latest suggested revised layout of 17<sup>th</sup> October 2017)-

- 6 no. one-bedroom apartments.
- 28 no. two-bedroom apartments.
- 3 no. three-bedroom apartments.
- 27 no. two-bedroom houses.
- 65 no. three-bedroom houses.
- 24 no. three/four-bedroom houses.

I would be satisfied that this mix of unit types and sizes will provide for variety and choice within the scheme, to suit a considerable range of living requirements.

### 7.2.3. Apartment Design

In considering the design of the 37 no. apartments within this scheme, the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” (2015) are of relevance. Apartments are located within a mixture of two- and three-storey blocks (14 in total) and laid out in duplex style – with each unit having independent access from the outside, and no lifts within buildings. Bin stores are provided for all units. All units have window opens on at least two sides, with some having windows on three sides. The scheme provides for three block types – 10, 11 & 12. Floor areas are as follows-

- One-bedroom units are 51m<sup>2</sup>.
- Two-bedroom units are 83-87m<sup>2</sup>.
- Three-bedroom units are 96m<sup>2</sup>.

These floor areas comply with the minimum floor area set down in the Guidelines. Minimum aggregate floor areas for living/dining/kitchen areas; bedroom floor areas; aggregate bedroom floor areas; storage space, and private amenity space, meet the minimum requirements set down for all unit types.

#### 7.2.4. Public Open Space

The layout of open space within the scheme is generally good – the principal area of active open space being centrally located. This area is indicated on drawings as being 4,770m<sup>2</sup>, and providing for a multi-use games area and two smaller local play areas, along with grassed areas. Whilst this area is on a slight incline, I would be satisfied that the incline is such as not to inhibit the use of the space for recreational purposes. There are many other similar-type housing schemes in Cork with similarly-sloped public open space. In addition, there is a smaller public open space area indicated at 665m<sup>2</sup>, adjoining this area, and located to the south of the crèche. This area is separated from the main area by a turning road to serve the crèche. This turning road (with associated parking) is entirely unnecessary to serve just a crèche. Perpendicular parking could just as easily serve the crèche and allow for vehicular traffic turning movements. The crèche is centrally located within the site and within easy walking distance of all housing units. I recommend that this turning area and associated parking be omitted from the scheme by way of condition, and the area wholly incorporated into the larger area of public open space to the west.

In addition, there are two further public open space areas of 990m<sup>2</sup> each, located to the north – acting as a link between three *cul de sac* estate roads – the open space areas running east/west, and flanked to north and south by two-storey duplex apartment buildings. The layout is attractive and provides for connectivity and visual amenity in the area. It also provides immediate amenity space for occupants of duplex apartments, which are provided with more limited areas of private open space than houses within the scheme.

Finally, there is a third area of open space located to the east of the entrance road – between it and Dunard to the southeast. This area is indicated as being 1,370m<sup>2</sup>. It serves little or no amenity purpose, due to its shape and location. At best, it could serve a visual amenity purpose, if appropriately planted. I would be satisfied that the quantum and layout of public open space within this scheme is both adequate and attractive, and will contribute to the residential amenities of future occupants.

#### 7.2.5. Accessibility/Connectivity

Whilst the site is located on the fringe of the built-up area of Cork City – it is nonetheless in the nature of an infill development – being surrounded by housing developments on three sides, and a school/convent and industrial units on the fourth. A single vehicular access point is proposed from Boherboy Road. This road is served by bus routes 201 & 208, to connect the site to the city centre and Bishopstown. Mayfield Shopping Centre is located a short walk to the west, as is the RC church and the credit union. There is a filling station and supermarket accessed off the Old Youghal Road immediately adjacent to the shopping centre. The area is well-provided with schools and sports grounds – most of which are within walking distance. A crèche is to be provided within the scheme.

There is an existing pedestrian link through the site to Dunard to the southeast – notwithstanding that most of the site is fenced-off from surrounding lands at present. It was proposed to make three pedestrian links to Ashford Heights/City View Court to the north – where in the past, informal pedestrian links across the site from these housing estates have been blocked up by the construction of high walls. Condition 3 of the Notification of decision to grant planning permission required the creation of these three pedestrian/cycle linkages – a condition which is being appealed by the applicant, notwithstanding that they were indicated on drawings submitted with the application. The Planner's Report indicates that Ashford Heights is taken-in-charge by Cork County Council. The creation of linkages is desirable on grounds of increased permeability for pedestrians and cyclists. The applicant argues that the linkages are not required, and that local opinion is strongly against them. It is claimed that anti-social behaviour has forced the closure of many such linkages throughout the city area, and 3<sup>rd</sup> Party appellants are also against such linkages. The applicant argues that the shortest route to Mayfield Shopping Centre from the proposed development is via Boherboy Road, and that the linkage through Ashford



Heights is not required. Whilst this may be the case for access to Mayfield Shopping Centre, there are other journeys to school, crèche, church, bus stop, sports facilities and neighbour-to-neighbour, which would be facilitated by a connection between the development and Ashford Heights and City View in the northwest corner and I would strongly recommend that this connection be retained. It will be necessary to breach the wall in the northwest corner of the site to allow for construction of the foul and surface water sewerage connections. Obviously the management and future existence of such connections are a matter for the two local authorities, but it would be entirely wrong to start from the assumption that such a connection is undesirable. Condition 3 could be reworded in any grant of permission from the Board to require just one pedestrian/cycle access to Ashford Heights in the northwest corner of the development, between units 101 & 102 (and I have argued elsewhere in this report that unit 102 should be reinstated in any grant of planning permission from the Board). I would not see that the creation of three pedestrian/cycle linkages is required – as all houses within Ashford Heights and City View share one access to the Old Youghal Road. There are currently no pedestrian/cycle linkages between these housing estates to the north and the Lotamore housing estate to the northeast. There are currently no linkages between the site and Lotamore/Liosard estates to the east. The entire eastern boundary of the site abuts rear gardens of houses within the aforementioned estates. However, there is pedestrian/cycle access from the access road to Mayfield United into Liosard – thereby providing a linkage through the Liosard and Lotamore estates for Dunard, as far as the Old Youghal Road. This linkage will not be affected by the proposed development, but may be of some use to future residents, more particularly in the southeast part of the proposed scheme.

In the scheme as originally planned, there was no proposal for a link to Boherboy Road in the southwest corner of the site, as the applicant felt that infill housing was more appropriate than an unsupervised long pedestrian link down the side of an existing bungalow on Boherboy Road. The planning authority was not satisfied with this argument, and required the provision of a pedestrian linkage by way of condition 4 of the Notification of decision to grant permission. This condition required the omission of units 119, 120, 121, 122, 123, 152 & 153. It was felt that a revised application in this part of the site could facilitate both the pedestrian linkage and some housing units – particularly unit type 07A or 07B – single-storey, terraced units,

with grouped parking. This would appear entirely reasonable – regard being had to national policy as set down in the Guidelines on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual. The omission of a pedestrian/cycle linkage in this corner of the proposed development would seriously detract from the residential amenities of future occupants and would result in an unnecessarily extended walk to access schools, shops and public transport in the area. The 1<sup>st</sup> Party appeal against conditions, proposed a new layout in this area which involved retention of units 122 & 123, and the construction of a terrace of five, single-storey houses (type 07A & 07B) – units 119, 120, 121, 152 & 153. The layout provides for grouped parking at either end of the terrace – retaining vehicular entrance from Boherboy Road for five parking spaces at the southern end of the terrace. The revised layout provides for a pedestrian linkage only. It would be desirable to have a bicycle lane flanking the pedestrian linkage: something which could be required by way of condition attached to any grant of permission to issue from the Board.

#### 7.2.6. Crèche

A crèche is to be provided within the scheme, as required by the “Childcare Facilities – Guidelines for Planning Authorities” policy document (June 2001), which requires such a facility within schemes of more than 75 residential units. The area of the crèche is stated to be 415m<sup>2</sup>. It is not indicated how many children will be catered for within the facility. However, I would be satisfied that its size would be more than sufficient to cater for children of occupants of the scheme, with facility to serve other residential areas in the vicinity. A 3<sup>rd</sup> Party appellant contention that there is an oversupply of crèche facilities in the area is not backed up by any evidence.

#### 7.2.7. Development at Boundaries

I have elsewhere in this report commented in relation to housing on the northern boundary of the site. There is row of bungalows and dormer bungalows on Boherboy Road – the rear gardens of which address the appeal site. The existing boundaries comprise a mixture of walls and hedging. The scheme proposes a wrap-around development of houses on this boundary – two-storey houses where the rear elevations of existing houses address the site, and two terraces of single-storey houses where the side elevations of bungalows address the site. This will ensure

that that no rear or side garden of an existing house will abut an area of open space/roadway within the scheme – except for small front garden frontages at either end of the row on Boherboy Road. Such an arrangement will ensure privacy and security for existing residents – where at present houses back onto fallow agricultural land. The appeals refer to the necessity of a 2.7m high boundary wall with this row of houses – lowering to 2.0m at Boherboy Road – as indicated on Drg. No. 1608-OMP-00-00-M2-A-XX-10006 (submitted to the Board on 17<sup>th</sup> October 2017). Such a wall is entirely unnecessary to preserve the amenities of existing residents.

Residents have already gone to some lengths to protect their privacy through construction of walls and planting and trimming hedges. A high wall would unnecessarily overshadow the rear gardens of proposed houses 122-144, 145-150, 121 & 152-153. A 2.0m high wall as indicated on the aforementioned drawing would not be in the best interests of pedestrian safety and passive overlooking of open/communal spaces on Boherboy Road. A condition should be attached to any grant of planning permission requiring omission of this boundary treatment in the interests of the amenity of future occupants of the scheme. I would be satisfied that two-storey houses within the scheme are sufficiently set back from the rear elevations of houses in Boherboy Road to ensure that there will be no significant degree of overlooking from new houses. Proposed houses are set back 13m from the common boundary, and with long rear gardens for existing bungalows/dormer bungalows, there will be no significant loss of amenity. Existing residents have, and some may wish to, promote privacy through rear garden planting.

The entire eastern boundary of the site is bounded by the rear gardens of houses in Lotamore and Liosard. It is proposed to have rear gardens of houses within the proposed scheme abutting these rear gardens. Where rear gardens are shorter than 11m, it is proposed to build single-storey house types 07 & 08. Existing houses to the east are generally at a slightly higher level – due to the rising nature of the ground in this area (from west to east). The layout in this area is satisfactory.

To the west, the site abuts a school/convent and industrial lands. Where the site abuts the industrial units and the convent, the rear gardens of two-storey houses will be presented – with all rear gardens being in excess of 12.5m in length. Along the school boundary, it is proposed to create a pedestrian/cycle route, to link the proposed development with Boherboy Road. The layout in this area is satisfactory.

### 7.2.8. Design Manual for Urban Roads and Streets

The DMURS design guide focuses on safety and connectivity for pedestrians and cyclists – ensuring housing schemes are not dominated by vehicular traffic. Connectivity is provided for with adjacent schemes – subject to conditions of planning permission relating to the southwestern corner and connectivity with Ashford Heights to the north (as outlined elsewhere in this Inspector’s Report). There are no distributor roads within the scheme, and public open space has been strategically used to provide for easy connectivity within the scheme. There are no large junctions – and easy access is provided to bus stops on Boherboy Road. Shared surface paving is provided at all junctions, and pinch points have been introduced to slow traffic – using both housing units stepped forward of the building line and landscaping to achieve the desired objective. In particular, the long straight road at the southern end of the site has a pinch point (chicane) which forces vehicles to execute a slalom movement at a raised platform crossing from the public open space area to the north – thereby slowing traffic approaching the crossing from both directions. Courtyard areas have been created at cul de sac heads. Parking areas have been broken up through the introduction of landscaping. Parallel parking bays along some roads act to separate pedestrians from through traffic. Corner radii are kept tight, to reduce traffic speeds, and change in surfacing materials is utilised to indicate shared areas for vehicular and pedestrian traffic. All streets have been designed to ensure maximum overlooking for passive security. I would be satisfied that the proposed development is in accordance with DMURS.

## 7.3. **Access & Traffic**

### 7.3.1. Access

There is just one vehicular access proposed from Boherboy Road. The area is provided with public footpaths and public lighting. It was originally proposed to form a crossroads with accesses to Dunard and Ashmount – a raised table junction with stop signs on all four arms. It was acknowledged that most trips to and from the site would be by private car. The additional information submission of 22<sup>nd</sup> August 2017, altered the priority arrangement at the access – with right-of-way for through traffic from Boherboy Road onto the access road to Ashmount to the south – the other two arms of the crossroads being provided with stop signs. It is proposed to retain the

raised table type. 3<sup>rd</sup> Party contention that the applicant may not have full control over the area required to upgrade this junction, arising from a leasehold interest of Mayfield East Community Association in lands in the southeast quadrant of the existing junction, is a matter for Cork County Council and the lessee. No evidence of ownership or control over lands has been submitted with the appeal to the Board.

The critical junction in this area is the T-junction where Boherboy Road emerges onto the R635 North Ring Road. Traffic counts were undertaken at this junction during AM and PM peaks on 13<sup>th</sup> September 2016 – a Tuesday. There is, however, an alternative access to the North Ring Road via Silverheights Road (a road running parallel to Boherboy Road), a short distance to the south. There is no other readily available alternative access to the site. Claimed traffic queuing at peak hours, is not a valid reason for refusing planning permission for suburban housing development on residentially zoned lands. The R635 North Ring Road is a wide thoroughfare with two lanes northbound. Sight distance in either direction at the junction with Boherboy Road is good in either direction. It is a matter for Cork City Council as to the regulation of, and need for, signalised junctions on this road. The absence of a short stretch of footpath on the south side of Boherboy Road will not result in any traffic hazard – particularly where the development is located on the north side of Boherboy Road and where there is a complete footpath all the way along this side. The proposed development will not result in the creation of any traffic hazard. It will result in more traffic on local roads – but this is to be expected.

There is no reason why the opening up of a pedestrian/cycle access to Ashford Heights should result in obstruction of emergency vehicles travelling to houses in Ashford Heights. Road gradients within the scheme were acceptable to Cork County Council. I have elsewhere in this report noted that road gradients within the adjoining City Mews estate to the north are considerably steeper than they would be within the proposed development. The planning authority was satisfied that turning areas at the heads of culs de sac were adequate for proposed traffic levels – even for the cul de sac in the vicinity of units 122 & 123.

### 7.3.2. Parking

The original scheme proposed 283 parking spaces – increased to 284 by way of additional information submission of 22<sup>nd</sup> August 2017, and then reduced again to

283 spaces by way of 1<sup>st</sup> Party appeal submission of 17<sup>th</sup> October 2017. Parking at turning areas along the northern boundary was revised within the additional information submission of 22<sup>nd</sup> August. This quantum includes crèche parking. All parking is shared, with no curtilage parking indicated. However, it is clear that some parking spaces are particularly linked to some houses. Some nine parking spaces are provided immediately to the south of the crèche. I have elsewhere in this report argued that the layout in this area is unduly weighted towards an unnecessary turning arrangement for crèche traffic – seriously detracting from the use of this area as open space. It is possible that this turning area is intended for use as a relocated terminus for bus routes 201 & 208 – but this is nowhere mentioned in documentation submitted with the appeal. The aforementioned nine parking spaces could just as easily be provided perpendicular to the road – opposite units 3-6. There are four parking spaces located immediately to the north of the crèche. I would not agree with the contention of 3<sup>rd</sup> Party appellants that crèche drop-off parking would occur in Ashford Heights – the walking distance involved in such an operation being too great at approximately 270m. The County Development Plan indicates maximum parking standards for houses and apartments – 2 spaces per house and 1.25 spaces per apartment. This computes to a maximum requirement of 232 spaces for houses and 46 spaces for apartments – totalling 278 spaces for the residential component: leaving 5 spaces for the crèche. I would be satisfied that the quantum of parking is at the maximum required for a development of this nature, and is sufficient. Condition 16 of the Notification of decision to grant planning permission, which required the provision of two parking spaces for each residential unit, is unduly onerous, is unnecessary and does not comply with the Development Plan. The site is served by two bus routes, with frequent service – buses arriving and departing continually during the site inspection carried out by this Inspector.

#### 7.4. **Water**

##### 7.4.1. Water Supply

The site will be provided with water via a 100mm diameter pipe to connect to the public main in Boherboy Road. Water demand is estimated at 154 cubic metres per day. Uisce Éireann/Irish Water has not confirmed to the applicant that it can supply the site with water. The 3<sup>rd</sup> Party appellants claim that water pressure in the area is

low, due to the elevated nature of the site, and that there may not be sufficient pressure for fire-fighting purposes. The site has residential development on three of the four sides. Much of suburban Cork is constructed on hills. The site is zoned for residential use, and has been for some time past. The applicant will have to apply to Uisce Éireann/Irish Water for permission to connect to the water supply. Such consent is outside of the planning code.

#### 7.4.2. Surface Water

There are no surface water features either within or immediately adjoining the site. The sloping and elevated nature of the site results in it not being subject to flooding. It was originally proposed to discharge surface water from the site into an existing 300mm diameter surface water sewer within Ashford Heights to the north. This pipe discharges to a 375mm diameter pipe within City View, before discharging to a main sewer in the Old Youghal Road (R615). The original proposal indicated attenuation of 1,680m<sup>3</sup> within the northwest corner of the site. Discharge via 'Hydrobrake' mechanism was to be throttled at 17.0 l/s – the agricultural run-off rate. A twin-chamber settlement tank was incorporated on the sewer line before discharge into the underground attenuation tank. An inflow of 17.0 l/s would represent 5% of the capacity of the Ashford Heights sewer, and it was estimated that there was capacity within this sewer for the proposed development.

Additional information, submitted on 22<sup>nd</sup> August 2017, provided further details in relation to surface water drainage calculations. A drawing is submitted showing the sections of the site which drain to the Glen River (to the north) and to the Lee River (to the south) – the Glen River ultimately debouching into the Bride River, which in turn debouches into the Lee River at Blackpool in the city centre. The proposed development will result in the diversion of some of the catchment of the Lee River into the Glen River – hence the requirement for on-site attenuation.

Also included was a report, following CCTV inspection of the existing 225mm diameter surface water sewer in Ashford Heights. The revised proposal provides for the relocation of surface water attenuation proposals into three underground tanks within public open space areas, of 600m<sup>3</sup>, 400m<sup>3</sup> & 350m<sup>3</sup> respectively – a total of 1,350m<sup>3</sup>. This is less than the 1,680m<sup>3</sup> capacity of the original proposal. However, additional storage volume is proposed in over-sized pipes of up to 450mm diameter.

Outfall from the site is to be throttled at 16.7 l/s, somewhat lower than the originally proposed figure of 17.0 l/s. Significantly, the revised proposal provides for the construction of a new 300mm diameter surface water sewer through Ashford Heights, as far as manhole S17 within City View Court, in place of the original proposal to connect to an existing surface water sewer within Ashford Heights. It was originally indicated that the pipeline in Ashford Heights was 300mm diameter, but site survey work indicated that this was incorrect, and the diameter was only 225mm – thereby necessitating the construction of the new surface water sewer. This new sewer is to replace the existing sewer within Ashford Heights – serving both the proposed development and existing houses within Ashford Heights. The drawings and documentation submitted variously refer to the new sewer as 300mm and 400mm diameter. I would be satisfied that reference should be to 300mm. This discrepancy was not commented upon by the Estates section of Cork County Council, although it has been noted by 3<sup>rd</sup> Party appellants. The additional information submission indicates that surface water run-off is to be reduced by 25% of the greenfield run-off rate, in order to provide for a single discharge point to the Glen River catchment. Discharge to the Lee River Catchment would necessitate the omission of units 152, 153, and at least one further unit to the north. Units 152 & 153 were to connect to a 225mm diameter combined sewer in Boherboy Road. Cork County Council was satisfied with the revised proposals, and conditions of the Notification of decision to grant planning permission reflect this.

The 1<sup>st</sup> Party appeal includes a revised layout for houses in the southwest corner of the site – to allow for the creation of a pedestrian link to Boherboy Road. The revised layout has not been accompanied by a revised drainage layout for this part of the site – either foul or surface water. It would likely be possible that some of the 7 affected houses at least could discharge to sewers in Boherboy Road – particularly as it was originally intended that units 152 & 153 would discharge to Boherboy Road.

The 3<sup>rd</sup> Party appellants argue that all drainage for this site should be discharged to Boherboy Road, in order to lessen the disruption in Ashford Heights/City View. Such an arrangement is not before the Board for consideration. There is no indication if sewers in Boherboy Road have the capacity to handle surface water or foul drainage from this development. I would be satisfied that the upgraded sewers in Ashford Heights/City View will be of benefit for existing residents within these estates, and



that excavation within public roads through the estates will be of limited duration, and within the normal range of events which could be expected on city streets/roads by way of maintenance or upgrading of services, surfaces, landscaping etc.

The claim by 3<sup>rd</sup> Parties that the development would lead to flooding of adjacent properties through absence of any indication of the sufficiency of road gullies, is not supported by the submission of evidence of any sort. The Estates Section and Area Engineer Reports of Cork County Council do not indicate concern in relation to this issue. I would be satisfied that flooding of adjacent properties will not result from this development.

#### 7.4.3. Foul Water

The existing 150mm diameter foul sewer within Ashford Heights did not have sufficient capacity to cater for the proposed development. For this reason, the red line boundary of the site was extended through Ashford Heights/City Mews to allow for the construction of a new 225mm diameter sewer to connect to the Old Youghal Road (R615).

The additional information submission of 22<sup>nd</sup> August 2017, indicated that this existing 150mm diameter sewer is to be replaced with a new 300mm diameter sewer to serve the proposed development and existing houses within Ashford Heights/City Mews – as far as the Old Youghal Road (R615). The submission also indicated that units 152 & 153 were to connect to a 225mm diameter combined sewer in Boherboy Road.

Uisce Éireann/Irish Water did not, or would not, indicate if there was capacity in the effluent treatment network for this development. Notwithstanding this, Cork County Council was satisfied with the revised proposals, and conditions of the Notification of decision to grant planning permission reflect this. It was felt that as agreement would be required from Uisce Éireann/Irish Water before any connection could be made to the public foul sewer network, that permission could be granted – subject to inclusion of condition 24 of the Notification of decision to grant permission – which required agreement, in writing, with Uisce Éireann/Irish Water for the proposed connection. This would appear to be reasonable. The land has been zoned for residential development for some considerable length of time.

## 7.5. Appropriate Assessment

- 7.5.1. There are no European sites either within or immediately abutting the appeal site. There are no watercourses in the immediate vicinity which might link the site with a European site. The closest such is the Cork Harbour SPA (Site code 004030), some 1.2km to the east. The ground rises in this direction, with natural drainage from the site being to the south and west, and where surface water is in fact to be discharged to the west – away from the SPA. The proposed development is to be connected to public sewers.
- 7.5.2. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site no. 004030, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

## 7.6. Other Issues

### 7.6.1. Hours of Construction

Condition 35 of the Notification of decision to grant permission restricts construction hours to 0800-1900 Monday to Friday, 0900-1400 on Saturdays, and not at all on Sundays or public holidays. This condition has not been appealed by the applicant. I would consider that 0800 hours on Saturdays would be more appropriate as a starting time.

### 7.6.2. Part V & Social Housing

A "Part V Proposal" was submitted with the application (date stamped as being received on 25<sup>th</sup> January 2017 – although there is no accompanying letter on the file to indicate that an unsolicited additional information submission was made on this date). The document proposes 15 units for transfer to Cork County Council. This was acceptable to the Council. In addition, 22 apartment units are proposed for social housing. This equates to 25% of the overall scheme, and was acceptable to Cork County Council. Condition 36 of the Notification of decision to grant planning permission required compliance with Section 96 of the Planning and Development

Act, 2000 (as amended). A similarly-worded condition should be attached to any grant of planning permission to issue from the Board. Issues raised by 3<sup>rd</sup> Party appellants in relation to social mix of housing units and involvement of Housing Agencies, is not strictly a relevant planning consideration.

#### 7.6.3. Financial Contribution & Bond

Condition 37 required payment of a development contribution of €250,901.36. This amount took account of conditions 3 & 4 of the Notification of decision to grant permission which required the omission of ten residential units. I have elsewhere in this report recommended that the three omitted units on the northern boundary should be reinstated. Elsewhere in this report, I have argued that the revised layout in the southwestern corner of the site (as submitted by the applicant to the Board on 17<sup>th</sup> October 2017), should be accepted, and the revised layout included – thereby bringing the number of residential units back to 153. A condition should be attached to any grant of planning permission from the Board, requiring the developer to pay to Cork County Council, a development contribution (for the number of units to be constructed on this site) in accordance with the Development Contribution Scheme.

Condition 6 of the Notification of decision to grant permission required a bond for the completion of the development. This is prudent, and a similarly-worded condition should be applied to any grant of permission to issue from the Board.

#### 7.6.4. Archaeology

The Sites & Monuments Record indicates no archaeological sites either within or immediately abutting the site. Having regard to the extensive area of ground to be disturbed, it would be appropriate to attach an archaeological monitoring condition to any grant of planning permission, notwithstanding that one was not attached by Cork County Council.

#### 7.6.5. Environmental Impact Assessment

The appropriate threshold is the construction of 500 residential units. The proposed development of 153 units is considerably below the threshold. Having regard to the zoning of the site for residential use, the pattern of development in the vicinity, and the absence of any environmentally sensitive areas in the vicinity of the site, it is considered that sub-threshold consideration of environmental impact assessment is not warranted in this instance.

#### 7.6.6. Public Lighting

A Lighting Design Report and public lighting layout was submitted by way of additional information submission on 22<sup>nd</sup> August 2017. This was acceptable to Cork County Council.

#### 7.6.7. Primary Health Care

The 3<sup>rd</sup> Party contention that there are insufficient primary health care facilities in the area to serve future residents is not a relevant planning consideration. The provision of such facilities is outside the control of the applicant.

#### 7.6.8. Invasive Species

It is the contention of a 3<sup>rd</sup> Party appellant that the issue of Japanese knotweed on the site has not been addressed by either the applicant or the planning authority. The 1<sup>st</sup> Party response to the 3<sup>rd</sup> Party appeals, identifies three stands of Himalayan knotweed on the site. Treatment of these stands began in August 2017. The treatment programme generally runs for three years. One such stand at the southeastern boundary was noted by this Inspector on site visit. A condition could be attached to any grant of permission requiring the safe removal and disposal of the plants and any affected soil.

#### 7.6.9. Fly-tipping

There has been some fly-tipping on this site – particularly at the southeastern corner. A condition could be attached to any grant of planning permission, requiring removal and disposal of all such waste, prior to commencement of construction.

#### 7.6.10. Naming & Numbering

Units have been numbered on drawings submitted; however, no naming proposals have been submitted. Condition 12 of the Notification of decision to grant planning permission required submission of a naming and numbering scheme to the planning authority, prior to commencement of development. This would appear to be reasonable.

#### 7.6.11. Waste

A condition relating to Construction & Demolition waste should be attached to any grant of permission to issue from the Board.

#### 7.6.12. Management Company

Condition 26 of the Notification of decision to grant planning permission, related to the need for a management company for the apartment duplex units within the scheme. This would appear to be reasonable for the management of communal areas, waste, services and maintenance of buildings.

#### 7.6.13. Notification of Prescribed Bodies

The contention of 3<sup>rd</sup> Parties that Transport Infrastructure Ireland should have been notified of the application because of impact of the development on the N8/North Ring Road junction at the Silversprings Hotel, is not borne out by any evidence submitted. The subject application is on zoned lands and is well within the upper density level allowed for housing developments on lands so zoned. The proposed development will not have any significant impact on this junction.

#### 7.6.14. Infill Site on Boherboy Road

The claim by 3<sup>rd</sup> Parties that the applicant should indicate proposals for the infill site on Boherboy Road, is not a relevant planning consideration. Whilst this infill site would appear, by its configuration, to have been intended as a vehicular entrance to the site, it does not come within the red-line boundary of the development.

Notwithstanding this, the applicant has indicated that it is likely to be the subject of an application for a single house. This is not relevant to the consideration of the appeal before the Board.

#### 7.6.15. Consultation with Scoil Mhuire & Eoin Management

There is no requirement for any applicant to consult with adjoining property owners, either prior to the making of any planning application or during the consideration of such an application by the planning authority or the Board.

#### 7.6.16. Request for Oral Hearing

I note that the Mayfield East Community Association, in its response to the other appeals, received by the Board on 15<sup>th</sup> November 2017, requested that an oral hearing be held. No fee accompanied this request. There is sufficient and adequate information on this file to enable a recommendation to be made to the Board to grant planning permission for the scheme, as revised by the submissions of the applicant – both to Cork County Council and to the Board.

### 7.6.17. Site Notices

The contention of 3<sup>rd</sup> Parties that site notices erected were insufficient to notify members of the public in relation to the development, is sustained. There have been a number of objectors to the scheme, and Cork County Council was satisfied that site notices were adequate.

## 8.0 **Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

## 9.0 **Reasons and Considerations**

Having regard to the zoning of the site for residential use, the pattern of development in the area, and the proposed layout and unit mix; it is considered that, subject to compliance with the attached conditions, the proposed development would not impact on the amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, 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 in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22<sup>nd</sup> day of August 2017, and by the further plans and particulars received by An Bord Pleanála on the 17<sup>th</sup> day of October 2017, except as may otherwise be required in order to comply with the following conditions

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

2. For the purposes of clarification, this permission does not require the omission of any of the 153 housing units proposed.

**Reason:** In the interest of clarity and to provide for the maximum number of

residential units on this residentially zoned land.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of orderly development and the visual amenities of the area.

4. The pedestrian link to Boherboy Road, in the southwestern corner of the site, shall be altered to permit of a joint pedestrian/cycle way.

**Reason:** In the interest of traffic safety and amenity of future occupants.

5. The proposed wall, on the boundaries of the site with the row of bungalows/dormer bungalows on Boherboy Road (as indicated on revised Drg. No. 1608-OMP-00-00-M2-A-XX-10006 – submitted to the Board on 17<sup>th</sup> October 2017), shall be omitted.

**Reason:** In the interest of visual amenity and to preclude overshadowing of gardens of proposed houses within the scheme, in the interest of residential amenity.

6. The turning and parking area located immediately to the south of the proposed crèche, shall be omitted from the proposed scheme, and the area incorporated into the larger public open space to the west. The nine lost car-parking spaces shall be replaced with an equivalent number of perpendicular parking spaces opposite housing units 3-5. A revised drawing to give effect to this requirement shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To incorporate an isolated area of public open space into a larger and more usable area of public open space in the interest of residential and visual amenity.

7. A single pedestrian/cycle linkage to the Ashford Heights housing estate to the north of the site, shall be created at the cul de sac turning area between housing units 101 & 102, at the location of the proposed foul and surface

water drainage connection.

**Reason:** To facilitate pedestrian and bicycle connectivity in the area in the interests of residential amenity and the proper planning and sustainable development of the area.

8. Any fly-tipped waste deposited on the site shall be removed for disposal at a licensed waste facility, prior to commencement of any development.

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

9. Stands of Himalayan knotweed, and any affected soil shall be either effectively treated on site or removed for safe disposal at an authorised waste facility.

**Reason:** To control the spread of invasive species in the interest of the ecology of the area.

10. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

11. The vehicular entrances from the public road and the internal road network serving the development, including turning bays, parking areas, footpaths, verges and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works.

**Reason:** In the interest of amenities and public safety.

12. Prior to commencement of development, proposals for a bilingual name and numbering scheme and associated signage shall be submitted to the planning authority for written agreement. The name shall reflect the history or topography of the area.

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

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided



to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

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

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing, at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations), relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of any archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and

to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

**Reason:** To provide for the appropriate management of waste and, in particular, recyclable materials, the interest of protecting the environment.

17. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, location of construction workers' car parking, storage compounds and site office, off-site disposal of construction waste, a scheme for dust and dirt control, including vehicle wheel washing facilities and temporary construction access proposals. In particular, construction hours shall be 0800-1900 hours Monday to Friday inclusive, 0800-1400 hours on Saturdays and not at all on Sundays or bank holidays.

**Reason:** In the interest of the amenities of the area, public health, traffic safety and public safety.

18. Prior to commencement of development, a management scheme providing adequate measures relating to the future maintenance of private open spaces and communal areas within apartment blocks in a satisfactory manner shall be submitted to the planning authority for agreement.

**Reason:** To ensure the adequate future maintenance of the apartment blocks within the proposed development in the interest of residential amenity.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall enter into an

agreement in writing with the planning authority, in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

20. 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, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

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

21. 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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**Michael Dillon,  
Planning Inspectorate.**

**25<sup>th</sup> January 2018**