



An  
Bord  
Pleanála

## Inspector's Report ABP-302937-18

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<b>Development</b>	Construct an additional 10 No. dwelling houses, new roads / services and all ancillary development works
<b>Location</b>	Glen Dara, Bishops Island, Watergrasshill, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/6168
<b>Applicant(s)</b>	Citidwell Homes Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Citidwell Homes Limited
<b>Observer(s)</b>	Bishop Island Residents Group.
<b>Date of Site Inspection</b>	18 <sup>th</sup> January 2019
<b>Inspector</b>	Elaine Power

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## 1.0 Site Location and Description

- 1.1. The site is located to the west of Watergrasshill Village, approx. 14km north of Cork City with direct access onto the M8 Cork – Dublin Motorway. The site is located in a suburban area of Watergrasshill and is bound to the north by a local road (L-90801) open space, a pond and one-off rural dwellings, to the south and east by low density residential housing estates, electricity cables and a pylon and to the west by open space. The partly completed housing estate ‘Glen Dara’ to the south of the site, which comprises 41 no. houses, is also in the ownership of the applicant.
- 1.2 The subject site has an overall stated area of 0.404 ha. It is currently fenced off and in use as a storage area for construction materials.
- 1.3 Access to the development is proposed from the partly completed internal access road, which serves ‘Glen Dara’ estate via the L-5887-0. The L-5887-0 also serves ‘The Cloisters’, ‘The Hamptons’, ‘The Meadows’ and ‘Ard Cashel’ housing estates.

## 2.0 Proposed Development

- 2.1. It is proposed to construct 10 no. (5 no. pairs) 3-bedroom semi-detached houses to extend the partly completed residential development ‘Glen Dara’ with new roads / services and all ancillary works.
- 2.2. The semi-detached houses are similar in design to the houses in the partly completed ‘Glen Dara’ development. They are approx. 110sqm with gable ended roofs with a pitched feature on the front elevation. The houses have a maximum height of approx. 8.8m. 2no off street car parking spaces are provided to the front of each dwelling in a hard-standing area. Private open space is provided to the rear of each dwelling.
- 2.3. A communal 100sqm neighbourhood play area is provided along the eastern boundary of site with 2 no. additional areas of public open space.

- 2.4. The continuation of the existing 'Glen Dara' estate road will provide vehicular access to the development. An additional pedestrian access is provided to the east of the site over an area of open space.

## **3.0 Planning Authority Decision**

### **3.1 Decision**

Permission was refused for the following reason: -

*The proposed development involves an additional 10 dwellings, which will be accessed via the estate road associated with Ard Cashel. This road has limited carrying capacity, having regard to its alignment and the presence of significant on-street parking. It serves existing residential development and there are pedestrian crossing movements to the open space opposite. The additional traffic associated with the development will generate unacceptable traffic congestion and endanger public safety by reason of traffic hazard. The development is therefore considered contrary to the proper planning and sustainable development of the area.*

### **3.2 Planning Authority Reports**

#### **3.2.1 Planning Reports**

The Area Planners report dated 8<sup>th</sup> October 2018 and the Senior Planners report dated 9<sup>th</sup> October 2018 raise no objection in principle to the proposed development. However, having regard to concerns raised by the Area Engineer regarding a potential traffic hazard it was recommended that permission be refused for the reason stated above.

#### **3.2.2 Other Technical Reports**

- Housing Officers Report - no objection.
- Public Lighting Report - recommends that further information be requested requiring details of the proposed public lighting.
- Area Engineers Report - recommends that permission be refused for the following reasons:

- a. *Having regard to the pattern and character of development in the area, it is considered that the proposed development by reason of its contextual relationship to adjoining properties, would seriously injure the amenities of the area and of adjoining properties. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
  
- b. *Having regard to the deficient capacity of the local road network, it is considered that the proposed development, by reason of scale and density, would result in unacceptable traffic congestion and consequent traffic hazard and would set an undesirable precedent for similar future development in the area. The proposed development would therefore, endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.*
  
- c. *The proposed development, when taken in conjunction with existing and permitted development along the estate road serving the site, would endanger public safety by reason of traffic hazard because of the extra traffic which would be generated onto the road network.*

- Archaeologist Report recommends that further information be requested to carry out pre-development testing of the site to ensure no subsurface archaeology within the site.
- Ecologist Report - no objection.
- Estates Primary Report - no objection.

### **3.3 Prescribed Bodies**

Irish Water – no objection.

### 3.4 Third Party Observations

- 3.4.1 2 no. objections to the development were received by Tadhg O'Reilly, Donal O'Reilly, Michael O'Reilly and Liam O'Riordan and Bishop's Island Residents Group.
- 3.4.2 The submission from Tadhg O'Reilly, Donal O'Reilly, Michael O'Reilly and Liam O'Riordan raised concerns regarding the proposed north / north west boundary treatment and the potential disrepair which allow for unauthorised access on the L90801 (local road). A 2.2m high boundary wall is recommended.
- 3.4.3 The issues raised by Bishop's Island Residents Group relate to non-compliance with traffic related conditions attached to a previous permission for the adjoining site, reg. ref. 16/6609, which is in the applicant's ownership and the potential for a traffic hazard arising from the proposed development.

## 4.0 Planning History

### 4.1. Subject Site

None

### 4.2. Adjoining site – 'Glen Dara' Housing Estate

**Reg. Ref. 16/6099:** Permission was granted subject to conditions for 41 no. dwellings with a neighbourhood play area and all associated works to the south of the subject site, which is within the applicant's ownership.

## 5.0 Policy Context

### 5.1. Fermoy Municipal District Local Area Plan 2017

Watergrasshill is identified as a Key Village in the Fermoy Municipal District Local Area Plan 2017. A number of objectives are set out for the village to enable its expansion over the lifetime of the plan. Of relevance is Objective DB-01.

**Policy Objective DB-01:** *'Within the development boundary of Watergrasshill it is an objective to encourage the development of up to 108 houses in the plan period'.*

## 5.2. **Cork County Development Plan, 2014**

5.2.1 The subject site is located within the 'Existing Built up Area' of Watergrasshill, as identified in the Cork County Development Plan 2014 and is zoned for residential use. Figure 4.1 of the Plan '*Rural Housing Policy Area Types*' identifies the site as being a 'Rural Area under Strong Urban Influence'.

5.2.2. The relevant policies of the Cork County Development Plan are set out below.

- HOU 3-1: Sustainable Residential Communities
- HOU 3-2: Urban Design
- HOU 3-3: Housing Mix
- SC5-2: Quality Provision of Public Open Space
- SC 5-8: Private Open Space Provision
- TM 2-1: Walking
- TM 2-2: Cycling
- ZU 2-1: Development and Land Use Zoning
- ZU 2-2: Development Boundaries
- ZU 3-2: Appropriate Uses in Residential Areas

## 5.3. **National Planning Framework**

5.3.1 The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4
- Policy Objective 6
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

## 5.4. **Natural Heritage Designations**

There are no designated areas in the immediate vicinity of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 This is a first-party appeal against the Planning Authorities decision to refuse planning permission. The main grounds of the appeal are detailed below.

6.1.2 The applicant has stated that the proposed development is in accordance with Local and National Planning Policy and is within the boundary of Watergrasshill Village with associated social, recreational and utility infrastructure which can support the development. The application should be assessed in the context of the national housing crisis and the demand for social housing.

6.1.3 It is considered that the issue of surveillance of a proposed public open space located to the east of the site can be improved by providing a window on the gable end of house no 51.

6.1.4 The main grounds of the appeal relate to traffic which was the reason for refusal. To address concerns of a potential traffic hazard a Traffic Report and a Traffic Management Plan have been submitted with the appeal to address the concerns of the Planning Authority and of third parties.

6.1.5 A 12 hour traffic count was carried out at the exit between at the recently completed junction of 'The Hamptons' and 'Glen Dara' access roads on Thursday 18<sup>th</sup> October 2018. At the time of the count 29 no. of the approved 41 no. houses were occupied. The occupied units generated 38 no. trips between 08:00 and 18:00 (30 no. vehicles turning right and 8 no. vehicles turning left).

6.1.6 The TRICS database estimated the development would generate 7 no trips in the AM peak and 8 no. trips in the PM peak. The existing 'Glen Dara' estate combined with the proposed development (a total of 51 no. residential units) would generate 34 no. trips in the AM and 39 no. trips in the PM.



6.1.7 The Traffic Report details the local road network and addresses the Area Engineers concerns that the estate road would become a 'ring road' for the village by noting that the R639 (Main Road through Watergrasshill) rarely experiences congestion and the internal access roads are circuitous.

6.1.8 The Traffic Report also address concerns raised by the Area Engineer regarding the estate road being 'exceptionally dangerous for vulnerable road users' stating that on-street car parking acts as a calming measure as the width and geometry of the road allows for vehicles to travel at higher speeds.

6.1.9 It is disputed that the road network does not have the capacity to accommodate the number of trips generated by 10 no. additional houses.

6.1.10 The proposed development has good pedestrian connectivity to the village and public transport provisions.

6.1.11 The Traffic Management Plan outlines the traffic control and traffic management procedures to be implemented during the construction phase.

## 6.2. **Planning Authority Response**

None

## 6.3. **Further Responses**

A submission from Bishop's Island Residents Group on the appeal notes the following:

- Reasonable measures have been recommended in the Traffic Management Plan submitted as part of the appeal however the original Traffic

Management Plan and conditions associated with a previous application (Reg. Ref.16/6099) were not complied with.

- The traffic survey carried out only assessed the routes within the 'Ard Castle' estate and did not measure any impact of the development on the L90801.
- The applicant has not addressed the issue of rear boundary treatments. This is a serious issue for local residents.

## 7.0 Assessment

7.1. The main issue in this appeal relates to traffic which was addressed in detail in the grounds of the appeal. Issues relating to open space also need to be addressed. Appropriate Assessment and Environmental Impact Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Traffic.
- Open Space.
- Appropriate Assessment.
- Environmental Impact Assessment.

### 7.2. Traffic

7.2.1 The subject site is a greenfield site located in a suburban area to the west of Watergrasshill village. Vehicular access to the subject site is proposed from a recently completed 6m wide (excluding footpaths) internal access road, which serves the 'Glen Dara' estate. The Glen Dara estate is accessed via the L-5887-0 which also serves 'The Cloisters', 'The Hamptons', 'The Meadows' and 'Ard Cashel' Housing Estates. This road is 6m in width (excluding footpaths) and joins the L90801 to form a link road around the western suburb of Watergrasshill.

7.2.2 The Traffic Report submitted with the appeal includes a traffic count for the junction of 'Glen Dara' access road and the L-5887-0 (estate road). Having regard to the

limited number of residential units and associated car parking it is considered that the assessment of a single junction is acceptable in this instance.

7.2.3 Transport Infrastructure Ireland (National Roads Network Indicators, 2017) identifies the peak period for vehicular movements as 06.30 – 09.30 (AM peak) and 15.30 – 18.30 (PM peak). The traffic count was carried out between 08.00 - 18.00. In my opinion the count is not reflective of the peak hours. In addition, only vehicles exiting the development were counted. Therefore, the full extent of traffic generated by this development has not been provided. It is also noted that the report is inconsistent as it states that a 12-hour traffic count was carried out while the hours are noted as 08.00 – 18.00. I would therefore have reservations regarding the validity of the traffic count. Notwithstanding these concerns, the count showed the 29 no occupied units in the 'Glen Dara' estate generated 38 outbound trips, with 30 no vehicles turning right and 8 no vehicles turning left. Therefore indicating that there is a 80:20 split in favour of right turning movements out of the estate.

7.2.4 The TRICS database has also been used to estimate the number of trips potentially generated by a development of 10 no. residential units and a development of 51 no. residential units, which combines the existing 'Glen Dara' estate and the proposed development. TRICS estimated that a development of 10 no. residential units would generate 7no trips (2 no. arriving and 5 no. departing) in the AM peak and 8no trips (2 no. arriving and 5 no. departing, totalling 7no trips) in the PM peak. With regard to a development of 51 no residential units it is estimated that the development would generate 34 no. trips in the AM peak (10 no. arriving and 25 no. departing, totalling 35 no. trips) and 39 no. trips in the PM peak (23 no. arriving and 16 no. departing). TRICS indicates a very low level of trips generated by the development. This level of vehicular trips would be insignificant on the surrounding road network.

7.2.5 The existing 6m wide access road serves low density residential developments. The Area Engineer notes that existing estates generate overspill car parking onto the access road. During a site visit on the 18<sup>th</sup> January 2019 there were a limited number of vehicles parked on-street. Having regard to the proximity of these car parking

spaces to the 'Glen Dara' estate it would appear that they were generated by construction workers.

7.2.6 The proposed development provides 2no off street car parking spaces per residential unit and the overall 'Glen Dara' estate provides additional areas of overspill / visitor car parking. It is considered that the provision of 10no houses would not generate significant levels of overspill car parking onto the surrounding road network. Notwithstanding the above, the 6m wide carriageways and geometry of the internal estate road allows for vehicles to travel at high speeds. Therefore, it is considered that the provision of some on-street car parking would act as a traffic calming measure and reduce speeds. Thus, improving the safety of the estate. It should be noted that the management of on-street car parking is not a planning matter and if there are serious concerns these can be addressed by the Local Authority through the introduction of restrictive measures.

7.2.7 Having regard to the provision of 2 no car parking spaces per residential unit and the proximity of the development to Cork City I would considered that the development has the potential to generate additional traffic than that estimated from the TRICS database and reflected in the traffic count. However, it is considered that 10 no houses would not generate a sufficient number of vehicular trips to negatively impact on the capacity of the local road network.

7.2.8 Concerns were raised by the Bishop's Island Residents Group regarding the impact of construction traffic and the non-compliance with the construction management plan for the adjoining site (reg. Ref.16/6099) which is in the ownership of the applicant. The Traffic Management Plan submitted the appeal provides proposals for the management of traffic during the construction phase. The plan is considered reasonable. It is recommended that a condition be attached to any grant of permission that a construction management plan be submitted to and agreed with the Planning Authority.

7.2.9 Concerns were also raised by the Bishop's Island Residents Group that the northern boundary of the site, which will form the rear gardens of house number 44 – 49, would facilitate direct access onto the public road (L-90801). The boundary currently comprises a ditch / hedge. It is proposed that this ditch / hedge will be retained and an additional 2m high concrete post and panel fence will be provided. The drawings submitted do not indicate any vehicular access directly onto the L-90801 however it is considered that this issue can be addressed by way of condition to any grant of permission.

7.2.10 In conclusion I do not consider the proposal would result in a traffic hazard or generated any road safety issues. Therefore, the appeal should be upheld, and permission should be granted subject to conditions.

### 7.3 Open Space

7.3.1 **Security / Passive Overlooking:** It was noted in the Planners Report dated 9<sup>th</sup> October 2018 that house no 51 could be re-designed to allow passive surveillance of the adjoining open space. In the appeal the applicant responded to this concern by suggesting that a window be provided on the gable end of house no 51. To facilitate passive overlooking of the public open space to the east of the site it is recommended that a condition be attached to any grant of permission that a window be provided on the side (east) elevation of the first floor level of house no 51.

7.3.2 **Neighbourhood Play Area:** It is proposed to provide a 100sqm play area to the east of the site adjoining 2 no areas of public open space. It is noted that a play area was also provided on the adjoining site to the south, which is within the ownership of the applicant. No details of the facilities to be provided in the play area have been submitted. To ensure the provision of adequate facilities to serve the development it is recommended that details of the play area be agreed with the Planning Authority.

### 7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is

not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## **7.5 Environmental Impact Assessment**

7.5.1 Having regard to the nature and small scale of the proposed development, the construction of 10 no. dwellings, within a serviced area, and having regard to the separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **8.0 Recommendation**

8.1 It is recommended that permission be granted subject to conditions.

## **9.0 Reasons and Considerations**

9.1 Having regard to the residential zoning objective for the site, the provisions of the Cork County Development Plan 2014, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would not seriously injure the amenities of the area. The proposed development 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. The proposed development shall be amended as follows:

(a) A window shall be provided on the side (east) elevation of the first floor of house no 51. Prior to commencement of development revised drawings, indicating the size and location of the window, shall be agreed in writing with the Planning Authority.

**Reason:** In the interest of the proper planning and sustainable development of the area.

3. The 2m high concrete posts and panel fence to the rear gardens shall be omitted. The hedgerow shall be maintained and all rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides.

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

4. Prior to commencement of development final details of the location and facilities provided in the neighbourhood play area shall be submitted to and agreed in writing with the Planning Authority.

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

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

- 6. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility

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

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

- 8. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are



removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

13. Water supply arrangements shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

14. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

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

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

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

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

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Elaine Power  
Planning Inspector

30<sup>th</sup> January 2019