



An  
Bord  
Pleanála

## Inspector's Report ABP303112-18

---

<b>Development</b>	24 houses.
<b>Location</b>	Belview Crescent/Belview Heights, Frankfield, County Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	1805572
<b>Applicant(s)</b>	Achenar Developments Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	Applicant v Refusal
<b>Appellant(s)</b>	Achenar Developments Limited
<b>Observer(s)</b>	Listed in report.
<b>Date of Site Inspection</b>	28 <sup>th</sup> February 2019
<b>Inspector</b>	Hugh Mannion

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Decision .....	3
3.2. Permission was refused because;.....	3
3.3. Planning Authority Reports .....	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	6
6.0 The Appeal .....	6
6.1. Grounds of Appeal .....	6
6.2. Planning Authority Response .....	6
6.3. Observations .....	6
6.6. Further Responses.....	7
7.0 Assessment .....	7
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12
10.0 Conditions .....	13

## 1.0 Site Location and Description

- 1.1. The application site is irregularly shaped, has a stated area of 0.957ha and is in the southern suburbs of Cork City. Douglas shopping centre is to the east and the South Link Business Park to the west. The immediate area is residential in character and is linked to the M40 at the Kinsale Road roundabout to the west. The R851/Grange Road is the local distributor road. This is a greenfield site accessed over Bellevue Heights at its southern end. Scoil Nicoláis Primary Scholl is accessed from Bellevue Avenue north of Bellevue Heights.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 24 residential units comprising 10 two storey four-bedroom semi-detached units, 10 two storey 3 bed semi-detached units, 2 one and ½ storey three bed semi-detached units and 2 one a ½ storey two-bedroom semi-detached units. A new vehicular and pedestrian access through Bellevue Heights, associated car parking, drainage works, landscaping, boundary treatments and site development works south of Bellevue Crescent/Bellevue Heights, Frankfield, Curraghconway, County Cork.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.2. Permission was refused because;

Having regard to the deficient capacity in the local road network the proposed development would result in unacceptable traffic congestion and consequent traffic hazard in the area. Furthermore, the proposed development would endanger public safety because of the serious pedestrian and vehicular conflicts which it would generate on the adjoining estate road. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

### 3.3. Planning Authority Reports

#### 3.3.1. Planning Reports

Initially the planning authority sought further information as follows;

- 1) Submit a traffic impact assessment on the effects of the adjoining estate road, school and wider road network.
- 2) Reduce the number of units by 4, provide passive overlooking of the public open space from house number 3, provide sections illustrating the height relationships with adjoining existing houses.
- 3) Demonstrate compliance with the planning authority's recreation and amenity policy.
- 4) The internal roads should comply with "Recommendations for Site Development Works for Housing Areas" issued by the Department of the Environment and Local Government in November 1998 and DMURS.
- 5) Submit additional details in relation to surface water handling.
- 6) Identify any water services pipeline through the site and provide suitable wayleaves.
- 7) Submit further details of boundary treatments.
- 8) Submit a revised landscaping plan.
- 9) Submit a revised public lighting scheme which complies with the Council's standards for public lighting.
- 10) Identify structures which are proposed to be taken in charge.
- 11) Submit a construction phase plan and access plan.
- 12) Submit a construction phase environmental management plan.

#### 3.3.2. Other Technical Reports:

**Irish Water** reported no objection to the proposed development.

**Area Engineer** requested that the applicants widen the access at Bellview Heights. Applicant should be asked to show how to avoid blockage on the stream to the to the east.

**Estates Engineer** recommended seeking additional information.

**Housing Officer** confirmed that the proposed houses where suitable as social housing.

#### 4.0 **Planning History**

4.1. There is a strategic housing application to the east of this site under ABP 303098-18.

#### 5.0 **Policy Context**

##### 5.1. **The National Planning Framework (NPF)**

5.2. The NPF (national policy objective 3b) sets as an objective to achieve compact, smart sustainable growth and aims to locate 50% of new housing accommodating between 105,000 and 125,000 people in the existing footprint of Cork City and suburbs.

5.3. The **Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities** (DOEHLG 2009) advise that higher density within urban areas is desirable to make the provision of public piped services, community facilities and transport infrastructure easier and more economically efficient.

5.4. **Smarter Travel – A Sustainable Transport Future 2009-2020** sets out national objectives to achieve more sustainable transport patterns. These include more compact forms of development to reduce the need to travel for work or community services, encouraging walking, cycling and public transport, controlling the total mileage undertaken by private car and reducing greenhouse gas emissions to 205 levels.

##### 5.5. **Development Plan**

**Cork County Development Plan 2014-2020** is the relevant county development plan for the area.

The site is 'zoned existing built up area' in the Cork City South Environs 2 zoning map in the Ballincollig/Carrigaline Municipal District Local Area Plan 2017.

## 5.6. **Natural Heritage Designations**

Not relevant

## 6.0 **The Appeal**

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

- The site is located in 'existing built up area' in the Ballincollig Carrigaline Municipal District Local Area Plan. The proposal accords with objective SE-GO-02 to develop 214 houses annually in the lifetime of the plan.
- The proposed density is 23 units/per ha.
- The principle of access through Bellevue Heights was not flagged as an unacceptable aspect of the proposed development before the decision was made.
- The TIA demonstrates that the local road network is adequate to serve the proposed development.
- A significant change is proposed in that construction traffic can have an alternative as set out in drawing 18009GA11.
- Seven visitor car parking spaces are proposed to serve 22 houses.

### 6.2. **Planning Authority Response**

- None

### 6.3. **Observations**

6.4. Observations were received from Paul Jeffers, Daragh Nolan, Kenneth Byrne, Maryann Sheahan, Kevin and Terry O'Calaghan, Trish Kelleher, Elenor Browne, James Froggatt, Margaret Fitzgerald, Catherine & Gary Squires, Anne Fitzgibbon, Stephen O'Brien, David Barker and Una Hegarty, Pamela Murphy.

6.5. These observations may be summarised as follows;

- There is a history of flooding in Bellevue in the recent past.
- The proposed development will exacerbate congestion on the local road network which serves a local school (Scoil Nicoláis), houses and commuter traffic.
- Construction traffic will impact the amenity of adjoining houses.
- There are insufficient car parking spaces provided in the proposed development.
- Surface water flows from adjoining lands during heavy rains and has already damaged road surface in Bellevue Heights.
- There is insufficient open space provision which will displace recreational activity to the green space on Bellevue Heights.
- The site is elevated and will overlook adjoining property.

#### 6.6. **Further Responses**

No further comments.

### 7.0 **Assessment**

7.1. The main issue in this appeal is traffic safety as set out in the planning authority's reason for refusal. In addition, I will address the principle of development on the site, housing density, water supply and sewerage, surface water drainage, EIA and AA.

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

7.3. The area is within the development boundary established by the District Local Area Plan and objective SE-GO-02 provides that all new development will be located within the development boundary of the settlement shown in Cork City South Environs 2 zoning map.

#### 7.4. **Traffic Hazard.**

7.5. The planning authority refused planning permission because there is a capacity deficiency in the local road network and that the proposed development would give

rise to congestion, conflict between pedestrian and vehicular traffic and would endanger public safety because of traffic hazard.

- 7.6. The planning authority requested a traffic impact assessment and road safety audit of the effects on the existing estate road, local road network and the Scoil Nicoláis Primary School. The applicant submitted a Traffic and Transport Assessment and Road Safety Audit based on 22 units.
- 7.7. The assessment considers two junctions; the Bellevue Heights/Bellevue Road junction (J1) closest to the proposed new development access and the Bellevue Road/Grange Road signalised junction (J2) (see figure 2.1 in the MHL & Associates Limited report received by the planning authority on the 5<sup>th</sup> October 2018). The study calculates a ratio of flow to capacity for both junctions and finds that in the projected years to 2035 the increased ratio to flow arising from the proposed development for the Bellevue Heights/Bellevue Road (J1) will be 0.9% and 0.4% for the Bellevue Road/Grange road junction (J2). Even if these increases are underestimated they remain very low and appear reasonably reflective of a relatively small development of 24 houses in the context of an existing suburban area. The planner's report states that the area engineer is concerned that existing houses in the area have only one on-site car parking space and that this leads to on-street parking which restricts access for refuse trucks and emergency vehicles.
- 7.8. The houses on Bellevue Heights have one car parking space. There is also a public bus service on Grange Road within walking distance of the application site. The proposed development provides two spaces per proposed house and additional visitor spaces. This proposed provision meets the car parking standards set out in Appendix D Parking and Cycling standards set out in the current Cork County Development Plan. Concern is expressed in the observations made to the Board that the proposed development will impact on the safety of Scoil Nicoláis on Bellevue Road. There are separate pedestrian and vehicular accesses to the school and there are two off-road school drop off areas distinguished by yellow road markings. The drawing 18009-GA-13 proposed additional visitor car parking within the development. This necessitates the omission of proposed houses 1 and 2 and their replacement with open space and three visitor car space spaces. I see no good planning reason to prefer additional visitor car parking over two housing units which are provided with the two parking spaces required in the County Development Plan.



7.9. The planning authority was also concerned that Bellevue Heights was unsuitable as a construction phase access road. The amendment proposed at appeal stage provides for a construction phase access over a private lane which has a junction with Bellevue Road to the west of Bellevue Heights and Bellevue Crescent. I consider that this amendment may be accepted by the Board without any further public notice and that it will mitigate the potential impacts of construction phase traffic on Bellevue Heights as stated by the observations on file.

7.10. In summary I consider that this is a modest scheme of residential development within the development boundary set out in the LAP and conforms to the pattern of residential development in the area. I recognise that some of the additional information submission is predicated on 22 units but do not consider that an additional 2 units would invalidate the conclusion arrived at in the additional information; especially the traffic impact analysis. The proposed car parking provision complies with the County Development Plan car parking standards and alternative construction phase access is proposed through adjoining undeveloped land which avoids existing residential uses. Having regard to the foregoing I conclude that the proposed development will not give rise to on-street car parking, congestion on the local road network or endanger public safety because of traffic hazard.

7.11. **Density**

7.12. The original layout provided for 24 units (see proposed site plan drawing 17242/P/003 submitted on the 18<sup>th</sup> June 2018). This gave a density of about 24 units/ha which is low having regard to the advice set out in the Sustainable Residential Development in Urban Areas Guidelines. However, the site is small and irregularly shaped and the pattern of development in the area is low density two storey semi-detached houses with front and rear gardens. In these circumstances I consider that the density is acceptable.

7.13. **Open Space**

7.14. The planning authority required the omission of units 1 and 2 because of fears of overshadowing of existing houses on Bellevue Heights. Proposed house number 1 is type B which has no windows in the elevations and is 7.5m off the boundary with the nearest house in Bellevue Heights. The proposed houses have a higher roof ridge

height (2.6m shown on the section drawing 17242/P/005) and are due south of the adjoining houses on Bellevue Heights but having regard to the separation distance I do not consider that it is necessary to omit numbers 1 and 2 and do not recommend doing so. The planning authority expresses the same fear that proposed houses 23 and 24 will unreasonably impact on adjoining houses. These proposed houses are 30m off the rear elevations of 17 and 18 Bellevue Road and 17m off the rear elevation of 13 Bellevue Crescent the closest house on the Crescent. Number 24 (house type C) has no elevation windows which would afford overlooking on the rear of 13 Bellevue Crescent. Having regard to the separation distances, absence of elevation windows and notwithstanding relatively modest differences in elevation I conclude that proposed numbers 23 and 24 are acceptable.

7.15. Open space is provided in three lots; 500m<sup>2</sup> beside house number 7 overlooked from units 3,4,5 and 6, a knock about area overlooked by houses number 17,18,19 and 20 and 21 and 22 and a 300m<sup>2</sup> area overlooked by houses 9 to 14. The planning authority has a 'Recreation and Amenity Policy'<sup>1</sup> which requires useable open space to be provided in the range of 12% to 18% with the proviso that higher density developments should have higher percentages of such space. The proposed development is lower density and open space provision is about 13.5% There is also an open space on the east of the junction of Bellevue Heights and Bellevue Road within easy walking distance from the proposed houses. Having regard to the provision and distribution of open space areas and the provisions of the planning authority's recreation and amenity policy I conclude that the quantum and quality of proposed open space is adequate.

7.16. It would have been preferable if at least a pedestrian access through the public open space in Bellevue Crescent had been provided but I consider that it is not appropriate to impose that requirement by way of a condition at appeal stage.

**7.17. Public Water/Sewerage**

7.18. Public mains water and sewerage is available and Irish Water have reported positively in relation to this application.

---

<sup>1</sup> <https://corkcocoplans.ie/wp-content/uploads/bsk-pdf-manager/2016/07/Recreation-and-Amenity-Policy.pdf>

### 7.19. **Surface Water**

7.20. The planning authority raised the issue of surface water disposal in the request for additional information. The planning authority (area engineer) reported that there had been flooding problems previously due to blocking of the stream to the east of the application site. The planning authority asked how the developer would mitigate against such events in the construction phase. The applicant responded that (see O'Shea Leader Consulting Engineer's report dated 1<sup>st</sup> October and received by the planning authority on 5<sup>th</sup> October 2018) that a bunded embankment would be provided during construction phase to prevent silt entering the stream and that this would be incorporated into the final boundary treatment in this area.

7.21. In relation to surface water disposal the applicant submitted drawing 18009-GA-02 which showed the proposed embankment on the eastern boundary, the surface water layout, including an attenuation pond as part of the public open space and an outfall to the existing public surface water sewer on Bellevue Heights. The estimate for the potential for run off arising within the site for a 1:100-year return event is set out in the further information and an attenuation pond of 130m<sup>3</sup> is proposed based on the calculations. In recognition of the rise in the topography to the south of the application site a land drain will be provided along the southern boundary which has an overflow into the surface water sewer within the application site.

7.22. The planning authority reviewed the additional information and did not comment negatively on it. I consider that protecting the stream on the eastern boundary from silt is achievable and within the norms of good construction practice. I recommend that the final boundary treatment may be subject to agreement with the planning authority. There appears to be no issue of capacity within the surface water system within the wider area which is under the control of the planning authority. The in-site surface water management arrangements are adequate and I conclude are acceptable.

### 7.23. **Environmental Impact Assessment**

7.24. Having regard to nature of the proposed development comprising 24 houses on lands designated for development in the LAP, with adequate public water and sewerage facilities and the very limited potential for significant environmental impacts 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.

#### **7.25. Appropriate Assessment Screening**

7.26. The proposed development will drain to a public sewerage system and public surface water disposal system. The application incorporates proposals to prevent silt entering a nearby stream. Having regard to these factors and the separation distance between the application site and the closest European site, the Cork Harbour SPA (0004030) which is 2.3kms distant it is reasonable to conclude, on the basis of the information on the 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 the Cork Harbour SPA (0004030) European or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### **8.0 Recommendation**

8.1. I recommend a grant of planning permission.

### **9.0 Reasons and Considerations**

9.1. The application site is within the development boundary established by the Cork City South Environs 2 zoning map attached to the Ballincollig/Carrigaline Municipal District Local Area Plan 2017. Having regard to the location of the site within the Local Area Plan development boundary, the pattern of residential development in the vicinity of the site, the modest scale of development proposed and the road network in the area it is considered, subject to compliance with the conditions set out below, that the proposed development would not endanger public safety by reason of traffic hazard, seriously injure the residential amenity of property in the vicinity or of future residents of the proposed development, would not give rise to flooding and would otherwise accord with the provisions of Cork County Development Plan 2014 to 2020, the Local Area Plan and with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The proposed 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

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

2. This is a grant of permission for 24 houses as provided for in the site layout drawing 17242/P/003 submitted to the planning authority on the 16<sup>th</sup> June 2018 except as may be required by the conditions set out below.

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

3.
  - 1) The construction traffic access route shall be as provided for in drawing number 18009-GA-11 submitted to An Bord Pleanála on the 29th November 2018.
  - 2) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

4.
  - (1) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
  - (2) The water course along the eastern boundary shall be protected from silt and hydrocarbon infiltration during construction works. Measures to achieve

this objective and final boundary details in this area shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To prevent water pollution and in the interest of public health.

5. . Site development and building works shall be carried out only between 0800 to 1900 hours 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.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

7. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan and Programme of Works, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed

in accordance with the agreed plan.

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

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

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

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 interests 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. Such lighting shall be provided prior to the making available for occupation of any house.

**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. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

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

14. Proposals for an estate/street name, 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. No advertisements/marketing

signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

**Reason:** In the interests of urban legibility.

15. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

17. 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 in dispute (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 for the area.

18. 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.

---

Hugh Mannion  
Senior Planning Inspector

---

5<sup>th</sup> March 2019