



An
Bord
Pleanála

Inspector's Report ABP303912-19

Development	70 no. dwellings.
Location	The Highlands, Ballynaron, Glounthaune, County Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	18/6310.
Applicant	Ruden Homes Limited.
Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Type of Appeal	Third Party v. decision/First Party v. condition.
Appellants	7 no.
Observers	2 no.
Date of Site Inspection	5 September, 2019.
Inspector	Brendan Wyse.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	6
3.1. Decision	6
4.0 Planning History.....	10
5.0 Policy Context.....	12
5.1. Development Plan.....	12
5.2. National Policy	14
5.3. Natural Heritage Designations	17
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.2. Appeal Responses	25
6.3. Observations	30
6.4. Prescribed Bodies	30
7.0 Assessment	30
8.0 Recommendation.....	44
9.0 Reasons and Considerations.....	45

1.0 Site Location and Description

- 1.1. Glounthaune is a primarily residential settlement located approximately 5 kilometres east of Cork City Centre and on the northern side of the N25 and the Cork – Cobh – Midleton suburban rail line. The village centre has just a few basic services and Glounthaune Railway Station is located to the east of the settlement.
- 1.2. The site is located on the west side of Glounthaune. It has a stated area of 4.6506 hectares. It mainly comprises an irregularly shaped field currently under tillage. An area of woodland is included at the northern end and a strip of woodland also extends along the eastern boundary. The southern boundary is formed by mature hedgerow/trees and the western boundary is open. The area is quite elevated and site ground levels generally slope downwards from north-west to south-east.
- 1.3. The site is generally surrounded by low density housing with Glounthaune National School adjacent to the south-east corner. The site as defined excludes a playing pitch adjacent to the school. The main road frontage of the site is the Ballynaron Road (L2970) along the southern boundary. A cul-de-sac along the western boundary provides access to 4 no. detached houses and the farmhouse that is associated with the overall landholding of which the site forms a part.

2.0 Proposed Development

2.1. Application as Lodged 3 September 2018

- 2.1.1. The proposed development to comprise:
 - 70 no. semi-detached and detached houses as follows:
 - 8 no. 4-bed detached.
 - 10 no. 4-bed semi-detached.
 - 2 no. 3-bed detached.
 - 38 no. 3-bed semi-detached.
 - 8 no. 3-bed end of terrace.

- 4 no. 2-bed mid-terrace.
- 52 no. of the houses with option of ground floor annexe to rear.
- Single vehicular access from Ballynaron (south-west corner of site).
- Community/recreation and amenity area to the south-east corner of site adjacent to the school, comprising a multi-use games area (MUGA), tennis courts and local play areas.

This area to be serviced by separate parking/setdown and vehicular entrance.

2.1.2. Application documentation includes:

- Planning and Design Statement.
- Architectural Design Statement.
- AA Screening Report.
- Ecological Appraisal.
- Tree Survey.
- Landscape Design Report.
- Photomontages.
- Archaeological Assessment.
- Traffic and Transport Assessment.
- Engineering Assessment Report Services.
- Wastewater and Drainage Assessment Report.
- Surface Water Assessment Report.
- Public Lighting Design Report.
- Environmental and Construction Management Plan.

It is noted that some further documentation, in relation to Part V costings, was lodged on 4 September, 2018.

2.2. **Unsolicited Further Information Lodged 26 September 2018**

Includes some additional/amended drawings. Note, in particular, Drawing No. 586-PP-007, Rev. 1, Proposed General Site Layout.

2.3. **Further Information lodged 22 January 2019**

2.3.1. Includes:

- Confirmation from Irish Water that infrastructural capacity is available.
- Site lines and traffic calming details in accordance with DMURS.
- Details of upgrade to pedestrian crossing south-east of school.
- Confirmation of design details for parking/setdown area serving the proposed recreation/amenity area and that will also provide for school overflow/setdown.
- Confirmation of Cork County Council's proposal to upgrade parts of the stormwater sewer network in the area by summer 2019, predating the development's requirement to connect. Also details of a proposed new stormwater sewer along the site frontage (L2970) with additional capacity to cater for run-off from the public road, including the public road fronting adjoining development lands to the west.
- Confirmation of provision of footpath to site frontage linking to school and upgraded pedestrian crossing facilitating pedestrian linkage to village via the Highlands Estate. Also, indicative proposals for further pedestrian infrastructure in the vicinity to improve connectivity to the village and to be provided by Cork County Council or others at a later date.
- Identification of proposed Part V units.
- Proposal for further archaeological investigation prior to construction works.
- Details of further public lighting to include public road along site boundary.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. This is a decision to grant permission subject to 69 conditions.

Conditions include:

1. Development to be as per application details as amended by further particulars lodged 4 September 2018, 26 September 2018 and 22 January 2019.
4. Requires traffic calming on the Ballynaron Road on western approach to village.
5. Minimum 6.5 metre wide road width and 2 metre wide footpath with public lighting required to site frontage.
25. Requires controlled pedestrian crossing on the L2970 including warning signs.
51. Requires minimum of 2 no. parking spaces for each residential unit.
67. Requirement of Special Development Contribution of €80,000 towards proposed provision of footpath connectivity to the village centre and local amenities.
68. Section 48 Development Contribution (€71,903.68).
69. Supplementary Development Contribution (€172,222,85) towards Cobh/Midleton-Blarney Suburban Rail Project.

3.2. **Planning Reports** (dated 25 October 2018, 26 October 2018 and 15 February 2019)

Basis for Planning Authority Decision.

Include:

Case Planner

- The net density proposed (20.89 units per hectare) is consistent with relevant national guidelines and local planning policy.
- Taking account of recent permissions and current applications the total number of residential units, including the current application, equates to 282 no. units which is within the 400 threshold set in the LAP for Glounthaune.

- By reference to the LAP normal recommended scale of development in any individual scheme, at 40 no. units but allowing for larger schemes in certain circumstances, it is noted that the proposed development provides for two character areas of 35 no. units each and for delivery on a phased basis. Such a phasing approach was accepted by An Bord Pleanála in recent SHD Case Ref. 301197-18 for 174 no. units at Johnstown/Killahora, also within the development boundary of Glounthaune. On this basis the proposed development is considered to be consistent with the LAP.
- The site is considered to be within walking distance of the village (1 kilometre) and the Railway Station (1.6 kilometres).
- It is accepted that connecting the site to the village and train station is problematic given the gradient and existing infrastructure. However, the applicant has addressed connectivity in as much as can be reasonably expected.
- The Multi-Use Games Area (MUGA) is a facility for several different sports and will be available to the community and the school.
- The proposed development is set at an angle to properties at Cois Chuain and there are no directly opposing windows. There is a distance of at least 30 metres between existing and proposed dwellings and there is the intervening amenity space/amenity walkway. The proposed 2 metre high fence/native hedgerow would protect privacy.
- The proposed development would be at a lower ground level relative to the adjacent properties to the west with the intervening access road and amenity walkway.
- Glounthaune Village is well served by public transport. The railway station is located close to the village centre and offers a service to Cork City every 15 minutes. There are also a number of bus services to Cork City and Midleton.
- It is unknown if the traffic/transport assessment was carried out during school holidays and, if so, it should be redone during school days at drop off/collection times.

- In terms of road infrastructure, it is noted that the Dry Bridge is problematic for the entire community. It may require Cork County Council to undertake improvement works at some future date and this scheme may be subject to special development contributions.
- The proposed development, for 70 residential units, does not require a childcare facility as per the Guidelines.

Senior Executive Planner (SEP)

- Having regard to national guidelines the site should be regarded as an 'outer suburban/greenfield site' where net densities of 35 to 50 units per hectare are encouraged. While the proposal falls short of this there are a number of precedents in the area. Planning Authority Ref. 17/5699, a development of 40 units at a density of 13 per hectare, recently permitted/upheld by An Bord Pleanála. This is at a similar remove from the train station and also in an elevated location. An Bord Pleanála SHD Ref. 301197-18 is for a density of 31 per hectare but is within relatively easy reach of the train station. Overall, therefore, the current proposal (20 per hectare) is considered to meet the provisions of the County Development Plan.
- Connecting the site to the village is problematic given the topography/existing infrastructure and distance to the village. It is not currently linked by footpath. Its location directly adjacent to the school is a major positive. It is noted also that a pathway exists through the Highlands Estate.
- It is understood that the traffic and transportation section are considering various options to address connectivity issues. The applicant may have to contribute to same via a special contribution as was the case under Planning Authority Ref. 17/5699.

Case Planner (Further Information Report)

- AA screening indicates no likelihood of significant effects on Natura sites and, therefore, no need for Stage 2 NIS.

SEP (Further Information Report)

- While the proposed pedestrian connection to the village, via the proposed pelican crossing and the existing footpath in the Highlands Estate, is not the most direct route it does provide connectivity.
- The applicant also identifies possible future upgrades to achieve more direct connectivity involving a new footpath (to be provided by the Council or others) and the creation of a shared pedestrian/vehicular surface in the vicinity of the Dry Bridge and additional footpaths north and south of bridge (also to be provided by the Council or others).

3.3. Other Planning Authority Reports

3.3.1. Public Lighting (dated 2 October 2018 and 28 January 2019)

Following Further Information no objection subject to conditions.

3.3.2. Environment (dated 3 October 2018)

No objection subject to conditions.

3.3.3. Area Engineer (dated 10 October 2018 and 28 January 2019)

Includes:

- Query if traffic/transport assessment carried out during school holidays. If it was consider it should be redone during school days at drop off/collection times to get a more realistic feel of the traffic impact.

Note – this was not included in the Further Information request.

Following Further Information no objection subject to conditions.

3.3.4. Housing (dated 12 October 2018 and 28 January 2019)

Following Further Information no objection subject to conditions.

3.3.5. Archaeology (dated 17 October 2018 and 14 February 2019)

Includes:

- First report refers to the need to have geophysical/archaeological testing carried out in advance of a grant of permission.

Note - this was not expressly stated in the recommended request for Further Information.

Following Further Information conditions recommended.

3.3.6. **Estates** (dated 26 October 2018 and 5 February 2019)

Following Further Information no objection subject to conditions.

3.4. **Observations**

- 3.4.1. The Planning Authority received 24 no. third party submissions. The issues raised are generally similar to those raised in the grounds of appeal (see Section 6.1 below).

A response submission from the applicants is also noted.

4.0 **Planning History**

There is no relevant planning history on the appeal site.

Other relevant proposals/permissions for significant scale residential development in Glounthaune are as follows:

- (i) Site located a short distance to the west of the appeal site.

P.A. Ref. 18/6684

This is a recent, 9 July 2019, refusal of permission to the same applicants as in the current appeal for the construction of 40 houses. Reasons for refusal referred to; prematurity in the absence of a decision on ABP Ref. 303912 (current appeal) in relation to the matter of securing safe and convenient pedestrian and cycle connectivity to Glounthaune Village; and failure to provide a creche facility when considered in combination with ABP Ref. 303912.

- (ii) Site located approximately 0.25 kilometres to north-east of appeal site.

P.A. Ref. 17/5699, ABP Ref. 300128-17

This is a May 2018 permission for a residential development. The application for permission was for 40 houses but the permission (Condition 2) reduced the number to 31 and stipulated that the freed up part of the site be developed

for low profile single-storey dwellings only with no attic accommodation. These were to be the subject of a separate planning application

Condition 24 required the payment of a special contribution of €80,000 towards the provision of traffic calming north and south of the development access, including improved footpath connectivity.

Condition 25 required the payment of a special contribution of €20,000 towards the upgrading of the storm sewer that crosses under the railway line.

P.A. Ref. 18/6312

This is a December 2018 grant of permission for 7 single-storey dwellings – addressed Condition 2 of P.A. Ref. 17/5699, ABP Ref. 300128-17 above.

P.A. Ref. 195659, ABP Ref. 305398-19

This is a current appeal against an August 2019 decision by Cork County Council to grant permission for 55 no. dwellings on the site. This decision includes a special contribution requirement of 130,000 euro (Condition 5) to cover similar matters as referenced under Conditions 24 and 25 of P.A. Ref. 17/5699, ABP Ref. 300128-17.

- (iii) Site located immediately to the east of (ii) above.

ABP Ref. 304468-10

This refers to a recent SHD Consultation Case in relation to a proposal for 301 dwellings (151 houses and 150 apartments), a creche and a communal facility.

- (iv) Site located on the eastern side of Glounthaune, approximately 0.5 kilometres east of the railway station.

P.A. Ref. 14/06679, ABP Ref. 244987

This is a 2015 refusal of permission for 40 houses for reasons related to; poor connectivity to village core; car dependency; traffic hazard; lack of integration with the village; and other urban design considerations.

ABP Ref. 300025-17

This refers to a SHD consultation case in relation to a proposal for 159 dwellings (156 houses and 3 apartments).

Opinion issued in December 2017 – included requirement for further consideration in relation to density and to the provision for pedestrian/cycle connectivity to the village and train station.

ABP Ref. 301197-18

Following on from ABP Ref. 300025-17 this is a May 2018 permission for 174 dwelling units (164 houses and 10 apartments), creche and doctor's surgery. The development also provides for pedestrian footpaths and cycle lanes along the L3004 connecting to Glounthaune Railway Station, including a pedestrian crossing to the station.

5.0 Policy Context

5.1. Development Plan

5.1.1. Cobh Municipal District Local Area Plan 2017-2023

The site is located within the defined development boundary of Glounthaune. The bulk of the site is subject to this generalised designation, the overall objective for which is to encourage housing development on the scale set out in Table 4.2.1 for the period 2017-2023 (Objective GO-01).

Part of the site adjacent to the school is subject to Specific Development Objective C-01: Provision for extension to school and recreational facilities.

Glounthaune is a designated key village within Metropolitan Cork (parag. 4.5.2).

The stated vision for Glounthaune to 2023 is to secure a significant increase in population, (balancing the maximisation of the sustainable transport benefit offered by the railway station with development appropriate to the character, setting and scale of the village), to retain and improve local services and facilities and to strengthen infrastructure provision (parag. 4.5.1).

The designation as a key village is stated to reflect the principles of the Guidelines for Sustainable Residential Development in Urban Areas which allow for significant enhancement of the scale and density of development in small towns and villages close to main development centres, on existing/planned high quality public transport corridors and that are earmarked for development in development plans (parag. 4.5.3).

It is indicated that the development boundaries of villages remains as defined in the earlier 2011 LAPs. It is acknowledged that these contain significant areas of land and that the majority were still undeveloped at the start of 2016. It is stated that the defined boundaries closely reflect the existing pattern of development and that it is clear that not all the land will be required for development over the lifetime of the plans (parags. 4.2.11 and 4.2.12).

Table 4.2.1 of the plan indicates the appropriate scale of development envisaged for the key villages. This indicates that Glounthaune had 506 houses in Q1.2015; that just 31 has been construction between 2010 and 2015; and that an additional 400 houses is deemed appropriate. It also indicates that the normal recommended scale of any individual scheme in Glounthaune is 40 but this is subject to a qualifier that schemes in excess of this may be considered where it is demonstrated that the layout reinforces the existing character of the village and the scheme does not reflect a residential housing estate more suited to a larger settlement.

It is noted that the plan refers to an upper limit on the level of development in Glounthaune having been established (parag. 4.5.7). It also states that it is considered that new development in the village over the next 10 years should not exceed 400 units in total. This level of growth is considered reasonable given the villages infrastructural capacity and, most significantly, the availability of public transport (parag. 4.5.8).

It is stated that new developments should respect the surrounding developments in terms of density, layout and house type. Developments should generally fall within the Medium 'B' density range as set out in the Cork County Development Plan 2014 (parag. 4.5.13).

The plan indicates that the internal roads within the village are quite poor and facilities for cyclists are inadequate. Glounthaune is well served by public transport –

the railway station, located close to the village centre, offers a service to Cork City every 15 minutes. There are also a number of bus services (parag. 4.5.15).

There are problems with the storm water system (parag. 4.5.18).

Development Boundary Objectives for Glounthaune include Objective DB-01:

- (a) to encourage the development of up to 400 additional dwelling units up to 2023;
- (b) to achieve the development of a public car park in close proximity to the railway station.

5.1.2. **Cork County Development Plan 2014**

Glounthaune is located within the County Metropolitan Cork Strategic Planning Area. It remains outside the newly extended Cork City.

Within the metropolitan strategic planning area the key villages, including Glounthaune, are lower order settlements where limited growth is to be facilitated at a scale, layout and design that reflects the character of the village. The main areas for future growth are the immediate city suburbs and the metropolitan towns (Objectives CS3-1 and CS3-2).

Objective HOU3-1 promotes the development of sustainable residential communities which prioritises and facilitates walking, cycling and public transport.

Objective HOU4-1 defines Medium Density 'B' as between 12 and 25 per hectare.

It is stated that this density category allows for a wide range of densities and a broad range of house types (parags. 3.4.20 and 3.4.21).

The Ballynaron Road (L2970) is a designated scenic route (S41). Glounthaune is included within the High Value Landscape designation associated with the surrounds of Cork Harbour.

5.2. **National Policy**

5.2.1. **Project Ireland 2040 – National Planning Framework** (Gov. of Ireland, Feb. 2018)

Glounthaune is included within the identified Cork City and Suburbs (as defined by the CSO in the Census of Population). By reference to National Policy Objective 2a 50% of all future population and employment growth will be focussed on the five

major cities and their suburbs. The population growth target for Cork City and Suburbs is in the range of an additional 105,000 – 125,000 people or growth of at least 50% (Table 2.1)

A key focus of the framework is to realise a more compact form of development than has hitherto been achieved. Compact growth is identified as National Strategic Outcome 1. National Policy Objectives 3a and 3b require at least 40% of all new homes nationally, and at least 50% of all new homes targeted at the five major cities, to be within existing built-up footprints.

National Policy Objective 27 – seeks to ensure the integration of safe and convenient alternatives to the car into the design of communities by prioritising walking and cycling.

National Policy Objective 33 – prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale relative to location.

5.2.2. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and Urban Design Manual – A Best Practice Guide** (DEHLG, 2009).

The guidelines include:

Chapter 5 – Cities and Larger Towns

(i) Public Transport Corridors [Item (c)]

- Land use planning should underpin public transport efficiency by sustainable development patterns, including higher densities, on lands within existing or planned transport corridors.
- Increased densities should be promoted within 1km of rail stations.
- The capacity of public transport should be taken into account.
- In general minimum net densities of 50 dwellings per hectare should apply within public transport corridors.
- Minimum densities should be specified in Local Area Plans.

(ii) Outer Suburban/Greenfield Sites [Item (f)]

- Net residential densities in the range 35-50 dwellings per hectare generally encouraged. Less than 30 per hectare generally discouraged.

To facilitate a choice of housing types limited provision may be made for lower density schemes provided that, within a neighbourhood or district as a whole, minimum average recommended densities are achieved (parag. 5.12).

Chapter 6 – Small Towns and Villages

The guidelines here seek to strike a balance between providing for further development while also safeguarding established character. This is identified as particularly challenging where these settlements are located close to the main cities and there is significant development pressure (parags. 6.1 and 6.2).

Guiding principles include:

- Development should be plan led and contribute to compact towns/villages.
- Higher densities are appropriate in certain locations.
- The scale of new residential schemes should be in proportion to the pattern and grain of existing development.
- In terms of density a range of 20-35 dwellings per hectare is indicated for 'edge of centre' sites and less than 15-20 per hectare for 'edge of town/village' sites. The latter should be in controlled circumstances and as long as such development does not represent more than about 20% of total planned new housing stock in the town/village.

5.2.3. Other Guidance

Includes:

Quality Housing for Sustainable Communities (DEHLG, 2007)

Design Manual for Urban Roads and Streets (DMURS) (DECLG, 2013)

Childcare Facilities – Guidelines for Planning Authorities (Gov. of Ireland, 2001)

5.3. **Natural Heritage Designations**

- 5.3.1. The Great Island SAC (Site Code: 001058) and the Cork Harbour SPA (Site Code: 004030) are located approximately 500 metres to the south of the development site. The Great Island Channel pNHA (Site Code 001058) is also located in this area.

5.4. **Environmental Impact Assessment**

- 5.4.1. Having regard to the limited nature and scale of the proposed development, being a residential development within an established settlement where infrastructural services are available, and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. **Third Party v. Decision**

1. **Sean and Geraldine O'Leary**

The appellants live at 'Harbour View' a bungalow located adjacent to the north-west boundary of the site.

The main grounds of Appeal include:

- Proposed house nos. 18 to 26 would give rise to excessive overlooking of the appellants' house and garden. It is suggested that either the floor levels/attic heights of these houses be reduced or that they be changed to bungalows.
- The vista/view from the appellants' property would be obliterated.
- The proposed vehicular turning area and pedestrian walkway would adversely impact on the appellants' privacy.
- Archaeological/geological surveys should have been completed prior to the grant of permission.

- The existing stormwater system does not have sufficient capacity.
- Proposed car parking, two spaces per dwelling, is inadequate.
- The site is at a considerable distance and up a steep incline from Glounthaune Railway Station. There is no safe footpath to the station as the route includes the 'Dry Bridge', a protected structure with width for just one vehicle.
- Glounthaune is a small village with few infrastructural/community facilities. The proposed development is one of several housing schemes currently being planned for the village.
- Glounthaune National School is at capacity.
- Traffic on Ballynaroan Road is excessive, particularly at school drop off/pick up times.
- The visual impact would be unacceptable as the proposed development is out of character with existing development in the area.
- The MUGA is likely to attract anti-social behaviour. Query who is to maintain/police it?

2. **Bernard Maguire**

The appellant lives at 6 Cois Chuain, a detached house located adjacent to the east boundary of the site.

Main grounds of appeal include:

Strategic Issues

- The site has poor traffic and pedestrian infrastructure.
- More suitable, low lying, lands are available for development with easier access to key infrastructure, the railway station.
- Elevated site would generate a car dependant population.
- Stormwater infrastructure is already at capacity.
- Dry Bridge has limited capacity for additional traffic and there are concerns for its structural integrity.

- The proposal disregards the LAP policy of 40 houses per development.
- The proposal disregards design guidelines for building on gradients.

Issues Specific to the Appellant's House

- Given the ground level differences the appellant's house would be severely overlooked/overshadowed by proposed house No. 44.
- The passive surveillance of the proposed walkway deriving from the design/layout of No. 44 is unnecessary, as this can be provided by the applicant's house, and results in adverse impacts on the appellant's privacy.
- Contrary to guidelines the proposed houses are to be constructed on levelled/raised platforms.
- Proposed house Nos. 43 and 44 should be conditioned to single storey dwellings and future attic conversions disallowed. The inclusion of single storey dwellings would meet the need of the 'Housing for Everyone', universal design approach for the NDA. Ref. An Bord Pleanála 300128-17.
- The proposed public walkway, along the existing agricultural laneway, would give rise to a severe loss of privacy at the applicant's home.
- The laneway is not suitable for backfilling as the stonewall on the downhill side lacks any structural strength. It is also not suitable to support the proposed 2 metre boundary fence. The fence would result in a c.3.3 metre vertical barricade at the appellant's boundary.
- Should permission be granted the proposed public walkway should be moved to the west boundary of the existing laneway similar to the proposed alignment to the rear of 8 and 9 Cois Chuain. If full screen planting is not to be provided a 1.2 metre post and board fence should be erected to the west of the laneway to provide security/privacy.
- The loss of privacy would negatively impact the value of the appellant's property.

3. Mark and Una Lyons

The appellants live at 7 Cois Chuain, a detached house located adjacent to the east boundary of the site.

Main grounds of appeal are similar to those summarised at 2 above. Also include:

- The LAP for Glounthaune indicates an overall additional 400 houses as being an appropriate scale of development for the village over the lifetime of the plan (2017-2023). Details of recently completed/permitted/proposed schemes provided.
- The proposed development would inhibit progress on developing more suitable lands in Glounthaune East as identified in the Metropolitan Cork Strategic Lane Reserve Report (MCSLR) update presented to members on 19 October 2018.
- Both bus and rail services for Glounthaune are very limited.
- Pedestrian or cycling routes to/from the train station are unsatisfactory. In practice most residents who use the train drive to the station.
- The Traffic and Transport Assessment (TTA) refers to a study of peak traffic flow between 07.30 – 09.30 and 17.30 – 19.30 on a Wednesday in June. With second and third level schools/colleges closed and summer holidays this would not have captured peak traffic flows in the area – peak traffic at the Dry Bridge occurs between 14.00 – 15.00 Monday – Friday corresponding with the Glounthaune National School finishing time.
- The TTA does not adequately take account of other developments in the area and underestimates traffic generation from the proposed development. The junction analysis at the Dry Bridge is inaccurate.
- The Dry Bridge junction is compound and complex and is on the default route for all traffic to the new development. By its very nature it is potentially hazardous.

- There are serious existing issues with surface water drainage on the L2970 (Ballynaron Road) and the L2968. During rainy weather water flows down the road to the Dry Bridge and cascades down the sides. The L2970 can be particularly hazardous during icy weather.
- The proposed development appears to involve raising the level of the field, and the existing laneway, in the vicinity of the appellants' house. There are consequential structural concerns in relation to the sod/stone wall at the rear boundary of the appellants' property.
- Water run-off/seepage are also concerns associated with the proposed development.
- In the event of a grant of permission the following is requested:
 - Houses 56 and 57, as well as 43 and 44, be replaced by bungalows.
 - The amenity walkway be changed to avoid overlooking the appellants' property.
 - The land behind the appellants' property be not further raised.
 - The double ditch to the rear of the appellants' property be retained.
 - The detailed design of the common boundary to be agreed.

4. Deirdre Condon

The appellant lives at 9 Cois Chuain, a detached house located adjacent to the east boundary of the site.

Main grounds of appeal include many of the issues already summarised at 2 and 3 above. Also include:

- The proposed density, while very modest in the context of the Guidelines, is seriously at variance with the character of existing development.
- The proposed roadside car park would considerably detract from the appearance of this entry point to Glounthaune.

- The Glounthaune Road network is not suitable for either pedestrians or cyclists. Apart from the school there are no services within a convenient walking distance and the situation is exacerbated by steep gradients.
- Reference Board 300128 and 301197.
- In the event of a grant of permission similar conditions to those referred to at 2 and 3 above are requested as well as:
 - Removal of the proposed copse and other planting on the west side of the proposed vehicular access in order to retain adequate visibility at the adjacent lane entrance.
 - Addition of a low wall along the south-west boundary to provide a physical separation from existing development and provide protection for proposed hedgerow of native species.

5. Breda and Edmund Stack

The appellants live at 4 Ballynaroon, a detached house located on the Ballynaroon Road opposite the proposed development at a point close to the proposed entrance to the new development.

Main grounds of appeal include:

- The density proposed is at odds with the recommendation of the local authority which place a limit of 40 units per development in Glounthaune.
- The village has only limited facilities.
- The school often closes when it snows.
- The Ballynaroon Road (L2970) floods frequently during moderate – heavy rain. Surface water overflow has its origins in the springs at the top of Rougarrane.
- The storm drain that commences at the school is already at capacity. Cork County Council has acknowledged that remedial works in the area are necessary.

- The proposed entrance/exit could be moved at least 8 metres west and be set further back in order to improve visibility. School traffic parks outside the appellants' home on a daily basis causing delays. Some of the cars from the 70 houses should exit north.
- Ballynaroan Road is an old country road in disrepair and a scenic route is used as a rat-run.
- The principal mode of transport in the area is by car. The site is 1.6 kilometres from the railway station and up a steep incline. The development would be contrary to Development Plan Objective HOU 3-1 that promotes sustainable development.

6. Felim and Marie Keegan

The appellants live at 5 Ballynaroan, a detached house located on the Ballynaroan Road opposite the proposed entrance to the new development.

Main grounds of appeal include many of the issues already summarised at 5 above. Also include:

- The proposed entrance would endanger the appellants' safe access/egress and significantly impact on their privacy. Existing entrances should be utilised in full or the new entrance should be offset from the appellants' entrance.
- Relocating the entrance 8 metres west and setting it back would also allow for retention of the existing stone wall, trees and hedging along the southern boundary.
- A traffic management plan is needed to include; additional car parking at the train station and at the school; traffic calming to west of site; a footpath from the train station to Caherlag; and restrictions on construction traffic at the Dry Bridge.
- The LAP designates the Ballynaroan Road as a scenic route. The development should be setback from the road and be limited to 40 units.

7. K. M. Springall

The appellant has an address at Combermere Woods, Glounthaune.

Many of the grounds of appeal repeat those already summarised in several of the above appeals. Also include:

- Further details of recent growth of Glounthaune in context of the LAP target of 400 additional units by 2023. In the absence of associated infrastructure/facilities no further housing growth should be allowed.
- Glounthaune is located in a designated high value sensitive landscape. The visual amenity should be maintained by limiting the proposed development to 40 houses as per the LAP.
- Road access from the west (Caherlag/Glanmire) and the east (Dry Bridge) is inappropriate for high traffic volumes.
- The local topography negates the benefit of the railway station. Also, the rail station includes a difficult pedestrian bridge, unsuitable for universal access.
- The proposed parking area for the MUGA, and for school drop-off, represents a serious underutilisation of C-01 land.
- Reflecting Glounthaune's natural heritage; the boundary wall to the public road should be of natural red sandstone; the estate name should reference its history; and the tree cluster at the north of the property should be maintained and taken in charge.
- The development should comprise 20% bungalows to meet the needs of the mixed community as An Bord Pleanála has instructed in a recent permission in Glounthaune.
- The developer, with the Council, should be conditioned to provide a footpath linking Erins Own GAA grounds (to the west) to the school.

6.1.2. First Party v. Condition

This is an appeal against Condition 67 of the Planning Authority decision that requires the payment of a special contribution of €80,000 in respect of works proposed towards footpath connectivity to the village centre and local amenities.

Main grounds include:

- It is not clear how the contribution was calculated.
- It appears that the Planning Authority intended to impose a flat rate of €2,000 per unit but levied a contribution for 40 dwellings due to a misunderstanding in relation to the number of units involved.
- The appeal is based on fundamental principles, established in section 7.12 of the Development Management Guidelines, 2007 and in several appeal decisions under Section 48(13)(a) that:
 - The Planning Authority must specify the works and provide detailed cost estimates, and
 - demonstrate that the works are required to service the particular development, and
 - that special contributions are not used to fund improvement works envisaged in county or local area plans as these are covered by the general development contribution scheme.
- The reference to works in the condition is too vague. The condition, therefore, would result in double charging.
- Details of An Bord Pleanála precedent decisions included.

6.2. Appeal Responses

6.2.1. Applicants Response to Third Party Appeals

Includes:

Compliance with LAP

- The appellants, in relying on Table 4.2.2 of the LAP which notes the normal recommended scale of any individual scheme in Glounthaune as 40 units, fail to have regard to the qualifying statement that schemes in excess of this may be considered where the layout reinforces the character of the village.

- The proposed development would be a natural extension of the village and integrate with the surrounding residential developments in terms of design, grain and character.
- The proposed delivery of 70 units is appropriate having regard to the Guidelines on Sustainable Residential Development in Urban Areas and the density objectives of the county development plan which allow for 12-25 dwellings per hectare.
- A lower density would not be sustainable in an area with good/improving public transport services.
- The planning authority, in granting permission, had regard to An Bord Pleanála Ref. 301197-18, a grant of permission for 174 units in an area where the same parameters applied.
- In relation to the overall target of 400units, while a number of schemes have been granted permission in the area, there is no certainty that all will be implemented by 2023.

Traffic Impact

- The issues raised were addressed in the further information submission to the planning authority and in the reports of the Council's Area Engineer.
- The proposed entrance is located on the outside of the bend thereby maximising sight distance.
- Pedestrian connections are proposed allowing children to access the school without crossing the road.

The L-2970 is the direct link between the 'main town' of Glanmire and the 'key village' of Glounthaune and will be upgraded and maintained for that purpose. It is appropriate, therefore, that it be used as a distributor road subject to provision of footpaths, street lights, speed limits and pelican crossings as required.

Residential Amenity

- There would be a separation distance of at least 30 metres between the proposed dwellings and the existing dwellings to the east, compared to the generally accepted distance of 22 metres to protect residential amenity.
- It is unreasonable for the appellants to leave their rear boundary open in order to enjoy a view and then object on grounds of privacy.
- The mature trees along the eastern boundary will be protected and enhanced to provide a natural landscape buffer.
- The houses proposed to front onto the amenity walkway would provide passive surveillance and reduce the risk of anti-social behaviour.
- The proposed development would not give rise to undue overlooking of the houses to the west.

Connectivity

- The site is an approximately 15 minute walk from the train station and is also accessible for cyclists.
- Pedestrians/cycles don't have to use the steep hill between the church and the Dry Bridge. A more gradual gradient is available using the Terrace.
- While the separation of 1,500 metres may be too long for some pedestrians, the train is a sustainable commuting option for cycling, 'park and ride' and 'kiss and ride'.
- Any development that allows children to walk directly to school, as proposed, is a significant planning gain.
- The investment required to improve connectivity and to encourage use of public transport will be justified as planning permissions are granted and development contributions are collected.

Storm Water Disposal

- These issues were addressed in the Consultant's Report submitted as further information to the planning authority. As a result the Council's Area Officer will

endeavour to carry out remediation works and to upgrade the storm sewer at the locations where surcharging was identified in that report.

- The proposed development includes a new storm sewer under the footpath fronting the development with gully traps along the road.

Use of C-01 Zone

- The school authorities confirmed that they do not anticipate any further need for school buildings and would welcome an amenity area accessible to students. They also requested the additional parking/set down area for peak school hours.
- The recreational area would meet the needs of the school and also provide a recreational facility for residents of the development and the wider community.
- The zoning objective does not explicitly state that the recreational facilities should be for the exclusive use of the school.

6.2.2. Planning Authority Response to 1st Party Appeal

Includes:

- Footpath connectivity to the village is inadequate and needs to be improved to cater for the development.
- Circa 220 metres of new/improved footpath is required from the development site to the village.
- Further, pedestrian and cycling linkages to amenities such as shops, the train station, church, pub etc. require improvement.
- Cork County Council is currently developing proposals to improve pedestrian/cycle connectivity to these facilities on the old N25 Road. These would directly benefit the proposed development.
- A unit cost for the construction of a new footpath, excluding any land acquisition costs, is €100 per square metre.
- The estimated cost of the works for the improvements directly benefiting the proposed development is €522,000. These improvements will also serve the wider community.

- Based on planning permissions previously granted in the area a contribution of €2,000 per dwelling is deemed fair.
- A Strategic Housing Development permitted to the east of the village included an integral dedicated cycleway connecting to the train station. Planning permission ABP Ref. 300128 for 40 houses (May 2018) included a special contribution of €80,000 towards traffic calming and improved footpath connectivity. While the condition was not appealed the Inspector agreed that it was appropriate and the Board included it in the decision.
- The applicants acknowledge the need for footpaths beyond specific measures proposed in the application and their drawings (MHL and Associates) identify pedestrian facilities to be provided at a future date by the County Council.
- With overall costs estimated at €522,000, the contribution of €140,000 is not unreasonable.

6.2.3. 1st Party Response to Planning Authority Response

Includes:

- The Planning Authority confirm that the special contribution was intended to be based on a standard levy of €2,000 per dwelling. This is contrary to Section 48(2)(c). A special contribution cannot be levied on a fee per dwelling unit basis.
- The lack of connectivity in Glounthaune was identified in the LAP and, therefore, should be dealt with under the 'General Development Contribution'.
- The Board's decision under Ref. 300128 does not undermine the relevance of the Board cases previously cited.
- The decision to grant permission also requires the applicants to provide infrastructural/connectivity improvements in excess of the immediate needs of the development. These are:
 - Though none of the proposed houses front directly onto the L2970 a new footpath along the entire frontage is proposed.
 - Additional parking/drop-off facilities for the school.
 - The new pelican crossing, primarily for the benefit of the school.

- The new surface water sewer along the site frontage.
- It is submitted that conditions attached to a grant of permission should clarify that the provisions of Section 34(4)(m) will apply to the cost of the additional works.

6.3. **Observations**

- 6.3.1. Observations are lodged by Rasario Power, 3 Ballynaroan, and the Glounthaune Sustainable Development Committee.

The submissions raise similar issues to those raised in the appeal submissions. Also include:

- The requirement for childcare facilities should be addressed.
- Planning Authority Conditions 69 and 70, relating to archaeology, should be included by the Board.

6.4. **Prescribed Bodies**

- 6.4.1. **Department of Culture, Heritage and the Gaeltacht**

Includes:

- The Planning Authority's Condition 65, requiring archaeological monitoring, should be included in any decision to grant permission.

7.0 **Assessment**

- 7.1. The main issues in this appeal are those raised in the grounds of appeal. Appropriate Assessment also needs to be addressed. I am satisfied that no other substantive issues arise.

I consider that the issues can be addressed under the following headings:

- Scale and Density.
- Connectivity, Transport and Traffic.
- Surface Water Drainage.
- C-01 Lands.

- Residential Amenity.
- Special Development Contribution.
- Appropriate Assessment.

7.2. Scale and Density

- 7.2.1. In terms of scale the issue here focuses on how the proposed development sits within the framework for the future development of Glounthaune as provided for in the Local Area Plan (LAP).
- 7.2.2. While Glounthaune, a designated key village within Metropolitan Cork, is not earmarked for major new development in the context of the planned expansion of that area as a whole, it is earmarked for significant additional development relative to its existing small scale. As the LAP provides the key issue is to strike a balance between maximising the sustainable transport benefit offered by the railway station while also constraining development to that which is appropriate to the character, setting and scale of the village.
- 7.2.3. The first key metric identified in the LAP is that an additional 400 houses is deemed appropriate for the village over the plan period i.e. to 2023 (although noting that the plan also refers to this as a target over a 10-year period). This relates to a total housing stock in the village of 506 houses in early 2015 so it effectively equates to a near doubling in size of the village. This level of growth is deemed reasonable by reference to infrastructural capacity generally but, in particular, the availability of public transport services. The latter, I interpret to mean primarily the railway station.
- 7.2.4. The second key metric is that the normal recommended scale for an individual development in the village should be 40 units. However, larger schemes may be considered where the layout reinforces the existing character of the village and the scheme does not present as a housing estate more suited to a larger settlement.
- 7.2.5. In relation to the first metric, referring to overall scale of development, the appellants essentially suggest that when other current or recent proposals are taken into account the proposed development would exceed the development quota for the village. I have provided details of all of the relevant significant developments at section 4.0 above. On this basis it is apparent that permissions currently exist for approximately 212 dwelling units, on just two sites. There is a current appeal (ABP

Ref. 305398-19) in relation to a proposal that would increase this number by about 16 units. Also, there has been a recent strategic housing development (SHD) pre-application consultation (ABP Ref. 304468-19) on a proposal for a further development of approximately 300 units on another site but with no application lodged as yet.

- 7.2.6. It is clear that even in the event of a grant of permission in this instance the total approved dwelling units for Glounthaune in development schemes would still be under 300, well short of the 400 benchmark. It is also the case, as referred to by the applicants, that permissions for development do not all necessarily translate into actual development on the ground. In this context, therefore, I do not consider the scale of the proposed development to be excessive within the framework established by the LAP.
- 7.2.7. In relation to the second metric, which seeks to control the scale of individual development schemes, the applicant has sought to address this by proposing two character areas of 35 units each within the development for delivery on a phased basis and by the design of the development which is stated to reinforce the character of the village. Given the flexibility allowed for in the LAP in relation to this matter, and the existing pattern of development in the general vicinity, I consider this to be a reasonable approach in this instance.
- 7.2.8. In terms of density the appellants generally consider it to be too high, and at odds with the prevailing pattern of development in the area, and the applicants assert that it is appropriate by reference to the Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) and that a lower density would not be sustainable in an area with good and improving public transport. In the context of the latter, and in the context of current Government policy, part of the consideration for the Board is to determine if the density is high enough.
- 7.2.9. It is clear that the prevailing density in the area around the appeal site is very low, mostly comprising detached housing with large gardens. An increase in density, and some change in character, is, therefore, to be expected in order to ensure, in line with current Government policy, that zoned and serviced land is used efficiently.
- 7.2.10. On the basis of a net site area of 3.6 hectares [which appears to exclude the main open space areas and the proposed recreation area (MUGA)] the proposed 70 no.

dwellings equate to a net density of about 20 units per hectare. The LAP indicates that residential developments should generally fall within the Medium 'B' density range provided for in the Cork County Development Plan (CDP). The CDP defines this range as between 12-25 per hectare. That plan in turn references the SRDUA. Noting Glounthaune status as a key village within Metropolitan Cork, but not as a location for major new development, as previously described, I consider that the proposed development stands to be assessed under the small Towns and Villages chapter of the SRDUA. Echoing the provisions of the LAP the SRDUA refer to the need to strike a balance between providing for further development while also safeguarding established character. Furthermore, this is expressly recognised in the SRDUA as being particularly challenging where settlements are located close to main cities and subject to development pressure – a scenario that clearly applies to Glounthaune. In this context, and though somewhat ambiguous, the SRDUA indicate a density range of 15-20 units per hectare, or even less in certain circumstances, for edge of town/village sites. This, in my view, is a proper categorisation of the appeal site and, therefore, the proposed density can be considered to comply with the SRDUA as well as with the LAP and CDP.

- 7.2.11. The Board might note that while this categorisation of the site for density purposes is somewhat at odds with that of the planning authority's SEP (Section 3.2 above) that officer was still of the view that the density proposed was in compliance with the CDP.
- 7.2.12. While the density proposed might still appear low in the light of current Government policy I am satisfied, given the planning framework as set out at Section 5.0 above, and which currently defines the role of Glounthaune, and given the peripheral location of the site relative, in particular, to the location of the railway station, that the proposed development density in this instance is consistent with that policy as expressed both in the Guidelines and in the National Planning Framework (NPF). The issue of connectivity to the railway station is addressed further below.
- 7.2.13. I conclude, therefore, that the appeal grounds relating to the issue of scale and density should not be upheld.

7.3. Connectivity, Transport and Traffic

- 7.3.1. As indicated in the LAP, and as accepted by all parties in this case, internal connectivity for pedestrians, cyclists and motorists, is both challenging and deficient in Glounthaune. This is largely a legacy issue in that the main road network, beyond the old N25, is essentially that of a rural village and a rural hinterland. The situation is further exacerbated as a result of the local topography which delivers a steep incline generally upwards in a south-east to north-west direction. The site, and surrounding area, therefore, is elevated relative to the village centre and crucially, the railway station.
- 7.3.2. While I accept, as suggested by the applicants and the planning authority, that it is a significant positive that the proposed development would provide for immediate and direct pedestrian access to the adjacent school, I consider that the key issue in sustainability terms is connectivity to the railway station.
- 7.3.3. The appeal site is approximately 1.6 kilometres from the railway station. This, in itself, is substantially in excess of the generally accepted norm of 1 kilometre for a pedestrian catchment for railway stations, as referenced, for example, in the SRDUA under 'Public Transport Corridors' and where it is suggested that increased densities should be promoted within such 1 kilometre corridors. As alluded to by the appellants the distance in Glounthaune is rendered significantly more challenging by the steep inclines that any pedestrian, or cyclist, between the site and the railway station has to deal with.
- 7.3.4. The issue is highlighted in the planning authority's Condition 67, requiring a special development contribution towards improved footpath connectivity to the village, and which is subject to appeal by the applicant (see section below). It is also reflected in the applicant's further information submitted to the planning authority which points to indicative infrastructural improvements, including footpaths and shared surfacing in the vicinity of the Dry Bridge, that are envisaged to be provided by the Council or others at a later date as part of a wider traffic management plan for Glounthaune.
- 7.3.5. It should be noted that the Dry Bridge is the junction of the Ballynaron Road (L2970) and the road running north-south through the centre of Glounthaune (L2968). It is located approximately 0.5 kms to the east of the appeal site – see applicants' TTA (Drg. No.s G -LP-P01 and GT-TMP-P05). As the name suggests the

Ballynaroone Road is bridged over the L2968 thus creating a relatively complex and restricted junction on two levels.

- 7.3.6. The pedestrian/cycle route referred to by the applicants, in their further information submission via the Highlands Estate (located to the south of the Ballynaroone Road), is both steep and circuitous. Negotiating the Dry Bridge, as an alternative route to the village centre and/or the railway station is not currently an attractive option. In their appeal submission the applicants suggest an alternative route to the railway station via the Terrace. This is the direct extension of the Ballynaroone Road eastwards over the Dry Bridge and emerging a short distance east of the railway station. While the gradient is more gradual it is still a long route and the road, for the most part, is essentially a rural road with no footpaths and a relatively poor alignment. Again, it is not an attractive option for either pedestrians or cyclists.
- 7.3.7. I am inclined to accept the appellants' contention that most existing residents in the area who use the train drive to the station and, by extension, that the proposed development would generate further similar car based transport with little pedestrian/cycle use. In this connection I agree with the assertion that the proposed development would be contrary to CDP Objective HOU3-1 that promotes the development of sustainable residential communities by prioritising walking, cycling and public transport. It would similarly be contrary to those related provisions of the LAP (parag. 4.5.3) and the SRDUA (in relation to Public Transport Corridors). It would also be contrary to the key priority of the NPF to realise more compact development forms than has hitherto been achieved (National Strategic Outcome 1 and National Policy Objectives 27 and 33).
- 7.3.8. In considering this issue I would also draw the Board's attention to parags. 4.2.11 and 4.2.12 of the LAP wherein it refers to the substantial area of land included within the development boundaries of key villages and the statement that it is clear that not all the land will be required for development over the lifetime of the plans. In the case of Glounthaune it is evident that there are substantial areas of undeveloped 'zoned' land in much closer proximity to the railway station than the appeal site. In the context of both local and national policy, that is now strongly focussed on achieving more sustainable development patterns, it would not, in my view, be in the interests of the proper planning and sustainable development of the area. to proceed at this time to grant further permissions for development on relatively remote sites, such as

the appeal site, with such poor connectivity to the primary available public transport infrastructure.

- 7.3.9. In relation specifically to the issue of traffic impacts arising from the proposed development I note, in particular, the appellants contention that the applicants Traffic and Transport Assessment (TTA); failed to properly capture peak traffic conditions, stated to coincide with school opening/closing times; underestimates traffic generation from the proposed development; and is deficient in addressing the Dry Bridge junction. I note that the issue of peak traffic was also queried by the planning authority's Area Engineer but was not followed up in the planning authority's request for further information (see section 3.3.3 above). The applicant's appeal response is that the issues raised were addressed in the further information submission to the planning authority.
- 7.3.10. The TTA submitted with the application confirms that peak traffic flows were recorded for the hours 07.30 – 09.30 and 16.30 to 18.30 on Wednesday 13th June, 2018 at the Glounthaune Village Crossroads (L2968/L3004) and at the Dry Bridge junction (L2968/L2970). This would generally comply with guidance for the conduct of such assessments. However, as indicated by the appellants, June is unlikely to represent peak traffic conditions given the closure of second and third level schools/colleges at this time. It is also a month when many people are on holidays from work. Furthermore, while the adjacent school is a national school, and, therefore, was likely open, the appellants indicate quite reasonably, that peak traffic in the vicinity, including the Dry Bridge, occurs between 14.00 and 15.00, corresponding with the school finishing time. This traffic event, therefore, would not have been captured in the TTA.
- 7.3.11. In terms of trip generation the TTA, in addition to the proposed development, also takes account of a further site zoned for housing to the west and which may accommodate approximately 101 housing units. However, it does not take account of PA Ref. 17/5699, ABP Ref. 300128-17, P.A. Ref. 18/6312, and P.A. Ref. 195659, ABP 305398-19, on the site approximately 0.25 kilometres to the east, and where the existing permissions allow for 38 houses with the possibility of this increasing to 55 units. It also does not take account of ABP Ref. 301197-18 on the site to the east of the railway station and which provides for 174 dwelling units. (See Section 4.0

above for details of these cases). It is reasonable to assume that all of these developments would generate traffic to/from the national school.

- 7.3.12. In terms of modal split the TTA indicates that, in order to provide a robust traffic analysis, no reduction in car traffic volumes due to modal shift is assumed.
- 7.3.13. The assessment concludes that both junctions currently operate within capacity. For the design year, 2035, the Dry Bridge junction continues to operate within capacity and upgrade works are recommended to improve safety, including pedestrian safety. The Glounthaune Village crossroads junction would not be operating within capacity. It is recommended to be upgraded to a signalised junction, including three right turn lanes, and this would also improve pedestrian safety.
- 7.3.14. While I accept that the TTA, in terms of modal split adopts a conservative approach, (noting also, though, that I have already concluded that the proposed development is likely to be predominantly car based), there are significant gaps in the assessment around the capture of 'true' peak traffic flows and the extent of coverage of other known permitted developments. On balance, I do not consider the assessment to be sufficiently robust to conclude that the proposed development would not give rise to significant traffic congestion on the local road network.
- 7.3.15. It should be noted that, insofar as the appellants raise concerns about the proposed entrance to the development I am satisfied, by reference to the TTA and the applicants further information submission to the planning authority, that the entrance would have sufficient capacity and would meet required safety standards, including sight distance.
- 7.3.16. I conclude, therefore, that the appeal grounds relating to the issues of connectivity, transport and traffic should be substantially upheld.

7.4. Surface Water Drainage

- 7.4.1. It is generally accepted by all parties that the storm water sewer network in the area requires some upgrading. The issue was raised by the planning authority at application stage and addressed in the applicant's further information submission (see Section 2.3 above). This confirmed that Cork County Council proposed to upgrade parts of the network by Summer 2019. In addition, the applicants undertook to provide a new storm water sewer along the site frontage on the Ballynaron Road (L2970) with additional capacity to cater for run-off from the public road, including the

public road fronting adjoining development lands to the west. The applicants rely on these proposals in their appeal response.

7.4.2. The upgrade works relate, in particular, to identified pinch points on the storm water sewer that extends from east of the development site, at the proposed connection point, via the Dry Bridge, to the Estuary. The required works are limited in scope and are likely to be at least part funded through development contributions. It is also noted that the discharge from the proposed development is to be constrained, via attenuation, to pre-development flow levels.

7.4.3. I am satisfied, therefore, that the surface water drainage issue is being appropriately addressed.

7.5. C-01 Lands

7.5.1. As indicated at Section 5.1.1 above part of the site, adjacent to the school, is subject to the Specific Development Objective C-01 in the Local Area Plan (LAP). The objective is stated to relate to provision for an extension to the school and recreational facilities. One of the appellants suggest that the proposed use of this area, for the MUGA (Multi Use Games Area) and some further school drop-off/overflow, would represent a serious under-utilisation of these lands.

7.5.2. The applicants indicate that the school authorities have confirmed that a further need for school buildings is not anticipated and that they would welcome an amenity area accessible to school students. They also would welcome the additional parking/set down area.

7.5.3. The planning authority Case Planner (Section 3.2 above) confirms that the MUGA is a facility for several different sports and would be available to the wider community and the school.

7.5.4. In the circumstances, I am satisfied that the proposed as presented, as a part of the overall proposed development, represents an appropriate use of the C-01 lands.

7.6. Residential Amenity

7.6.1. The issues here focus, in particular, on the impact of the proposed development on;

- (i) the appellants, Sean and Geraldine O'Learys' house adjacent to the north-west;
- (ii) the appellants, Bernard Maguire, Mark and Una Lyons and Deirdre Condon whose houses are in Coil Chuain adjacent to the east; and
- (iii) the appellants, Felim

and Marie Keegans' house opposite the proposed entrance to the development on the Ballynaron Road.

- 7.6.2. In relation to (i) above the appellants contention is that proposed house Nos. 18 to 26 would give rise to excessive overlooking of their house/garden and that the floor levels/attic heights of the proposed houses should be reduced or the houses be replaced by bungalows. It is also submitted that the development would interfere with the appellants' existing views and that the proposed vehicular turning area and pedestrian walkway would adversely affect their privacy.
- 7.6.3. The appellants' house is a bungalow on a large site. Given the prevailing local topography it enjoys views generally in a south/south-east direction over the development site towards Cork Harbour.
- 7.6.4. By reference to Drawing No. 586-PP-007, Rev. 1, the Board will note that the appellants' house has a finish floor level of 97.16 metres (the house is immediately south-west of the property labelled 'Existing old farmhouse buildings and sheds'). The finished floor levels of proposed houses 18 to 26 range from 89.25 metres, at the southern end of the road, to 91.50 metres at the northern end of the row. The finished floor level of the proposed houses, therefore, would be between 6 and 8 metres below that of the appellants' house. The drawing also illustrates the substantial separation distances involved.
- 7.6.5. Notwithstanding that the proposed houses are two-storey I do not consider that any excessive overlooking would arise. Additionally, the proposed site landscaping (BSM Drawing No. 6589 300, Rev. 01) includes hedgerow planting/reinforcement and tree planting along the appellants' frontage and the appellants, given the large size of their garden, have wide scope to take measures to further enhance their sense of privacy.
- 7.6.6. Similarly, I do not consider that the proposed vehicular turning area or the pedestrian walkway would unduly interfere with the appellants' privacy.
- 7.6.7. In terms of views there is no statutory protection for private views. Given the relative fall in ground levels the appellants would still enjoy southerly views, albeit across a more urbanised foreground.

- 7.6.8. In relation to (ii) above the appellants' concerns include impacts on their privacy through overlooking and from use of the proposed public walkway and the nature of the proposed boundary treatment.
- 7.6.9. The adjacent houses in Cois Chuain are substantial detached properties on large sites that back onto the eastern site boundary. This boundary is currently formed generally by a low sod and stone wall and a line of mature broadleaf trees. There is also a further, parallel, sod and stone wall/ditch a short distance within the development site. Some of the Cois Chuain properties, at least, currently have ready access to this 'double ditch' area and enjoy a rural outlook under the tree canopy and across the development site.
- 7.6.10. By reference to Drawing No. 586-PP-007 Rev. 01, the finished floor level of the Cois Chuain houses varies from 76.85 metres to about 82 metres (south to north) while existing ground levels on the development site near the boundary vary from about 80 metres to 86 metres (south to north). The finished floor level of the proposed houses in closest proximity, House Nos. 44, 57, 58, 59 and 60, varies from 81 metres to 86 metres (south to north). The public/amenity walkway, part of a perimeter walk around the whole development, is proposed, in part, to run within the 'double ditch' area.
- 7.6.11. Looking first at the impact arising directly from the proposed houses, the houses of particular concern to the appellants are Nos. 44 and 57. These are both part of a semi-detached pair (with Nos. 43 and 56 respectively) but are turned/handed in plan so as to provide passive surveillance to the proposed public/amenity walkway. The result is that they 'front on' to the rear of the Cois Chuain houses.
- 7.6.12. While I would acknowledge that the ground level differences are significant the proposed separation distances are also very significant, house elevation to house elevation in the range 31 – 33 metres. In conjunction with this the existing tree canopy, to be retained, would also provide substantial screening. Furthermore, the residents at Cois Chuain have significant scope to further enhance their own privacy within their rear gardens. I do not consider, therefore, in the context of an evolving urban environment, that the proposed houses would give rise to any undue overlooking. Replacing house No.s 43/44 and 56/57 with bungalows, as suggested, would not be warranted.

- 7.6.13. In terms of the proposed public/amenity walkway and the proposed boundary treatment I consider that the appellants have legitimate concerns. As indicated above the proposed walkway would run through the 'double ditch' area for just a short stretch to the rear of Nos. 6 and 7 Cois Chuain. The proposed development boundary treatment comprises a 2 metre high post and panel fence, with native hedgerow, erected on top of the easternmost ditch (sod/stone wall) – see Section 9 on p.17 of the applicant's Landscape Design Report. As well as the visual impact on the appellants' rear gardens they also express concerns about the structural suitability of the ditch to support such a fence structure.
- 7.6.14. I consider, in the event of the Board granting permission for the development, that a condition should be attached moving the walkway westwards inside the inner ditch similar to the proposed alignment further north. There is ample room within the layout to do this and the walkway would still retain its woodland character. The proposed boundary treatment in this area should be disallowed, also by condition. This would effectively leave it to the affected parties to resolve the matter, hopefully to mutual benefit. Again, I would note that the residents of Cois Chuain have scope to enhance their own security within the boundaries of their own properties.
- 7.6.15. To the extent that the appellants suggest that the proposed development involves excessive raising of ground levels I am satisfied, on the basis of the available information, that this is not the case. Proposed finished floor levels generally are at or within about 1.0 metre of existing ground levels across the site.
- 7.6.16. In terms of (iii) above, the appellants refer to the proposed development entrance endangering their safety and impacting their privacy.
- 7.6.17. I have already indicated at parag. 7.3.15 above that I am satisfied that the proposed entrance meets relevant safety standards. I also do not consider that it would unduly impact on the appellants' privacy. I do not consider, therefore, that relocating the entrance as suggested, is warranted.
- 7.6.18. It is my conclusion, therefore, that the appeal grounds relating to residential amenity should generally not be upheld. The issues relating to the amenity walkway and the eastern boundary could be dealt with by condition in the event of the Board granting permission.

7.7. Special Development Contribution

- 7.7.1. Condition 67 of the Planning Authority Decision requires the payment of a special development contribution of €80,000 ‘in respect of works proposed to be carried out for the provision of footpath connectivity to the village centre and local amenities’. The planning authority’s response submission to the applicant’s appeal (Section 6.2.3 above) provides details of the particular facilities and works envisaged to be carried out and how costs have been calculated and apportioned. The applicants essentially argue that the condition represents an inappropriate application of a special development contribution.
- 7.7.2. As previously referred to (Section 7.3 above) the LAP signals that internal connectivity for pedestrians, cyclists and motorists is challenging and deficient in Glounthaune and this is accepted by all parties in this case. It is evident from the planning authority’s response submission that the scope of the works is broad and that the planned improvements would serve the wider community as well as the subject development. It is also clear that the charge has been made on the basis of a rate per dwelling and which is also being levied on other similar developments – including that permitted under P.A. ref. 17/5699, ABP Ref. 300128-17.
- 7.7.3. Notwithstanding the Board’s decision in that case I agree with the applicants that the condition as imposed by the planning authority is an inappropriate use of the Section 48(2)(c) special contribution provision. Given the wide scope of improvements known to the required in Glounthaune and the evident intention to levy a number of developments I consider that they should, more properly, be reflected in the General Development Contribution Scheme, a separate such scheme or perhaps a Section 49 Supplementary development contribution scheme.
- 7.7.4. A key reason for the introduction of the new development contribution regime in the 2000 Act was to bring certainty and clarity to the area of financial contributions. In this context the imposition of a special contribution should be an exceptional occurrence where a particular proposed development triggers requirements for specific public infrastructure and facilities that could not have been foreseen in advance. The Board’s decisions, generally, and including those cases cited by the applicants, have reflected this approach.

7.7.5. I consider, therefore, that the first party appeal should be upheld in relation to this issue.

7.8. **Appropriate Assessment**

7.8.1. The application documentation includes an Appropriate Assessment Screening Report.

7.8.2. The report correctly identifies the following two European Sites as the only sites potentially linked to the proposed development site:

- Great Island Channel SAC (Site Code: 001058), and
- Cork Harbour SPA (Site Code: 004030).

Both sites are located approximately 500 metres to the south of the development site. Potential pathways, include via surface water and wastewater or disturbance to bird populations.

7.8.3. The Conservation Objectives for the SAC are to maintain/restore the favourable conservation condition of Mudflats and Sandflats, not covered by seawater at low tide, and of Atlantic salt meadows.

7.8.4. The Conservation Objectives for the SPA refer to maintaining favourable conservation status for significant populations of waterbirds, breeding populations of Common Tern and the supporting wetland habitat.

7.8.5. Given the absence of any watercourses within the development site or connected to it, the nature of the site, within a generally developed area, and the distance to the European Sites no likely significant effects are identified during the construction phase. I agree with this reasoning and conclusion.

7.8.6. In terms of the operation phase it is noted that the development would connect to the existing surface water and foul water sewer networks.

7.8.7. The development surface water network will include a grit chamber and hydrocarbon interceptor as standard practice. It was noted (at Section 7.4 above) that the proposed attenuation would limit discharge to pre-development levels and that upgrade works to be carried out by the Council on the storm water, and which discharges to the estuary, are limited in scope. I agree, therefore, with the conclusion

that no likely significant effects on the European sites would arise from surface water discharges.

- 7.8.8. In relation to foul wastewater the report references the confirmation from Irish Water that the proposed connection can be facilitated. I am satisfied, therefore, that no likely significant effects on the European sites would arise from this source.
- 7.8.9. The report also concludes that the proposed development would not be likely to add significantly to disturbance of birds. Given the location of the site within an established built-up area and the distance to the European sites I am satisfied that this is a reasonable conclusion.
- 7.8.10. The report also considers the matter of in-combination effects. By reference to the Habitats Directive screening for the LAP, and which concluded no significant negative impacts arising from the realisation of that plan, and to the absence of likely significant effects from the proposed development itself, it concludes that no likely significant in-combination effects would arise. I agree with this reasoning and conclusion.
- 7.8.11. Finally, I note that the planning authority, in carrying out a screening assessment, also concluded that no likely significant effects would arise from the proposed development.
- 7.8.12. It is reasonable to conclude, therefore, on the basis of the information on the file, and 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 Nos. 001058 and 004030, or any other European Site, in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

8.0 Recommendation

I recommend that permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the site at a considerable distance from Glounthaune Railway Station and to the significant challenges posed to the achievement of a good standard of connectivity for pedestrians and cyclists to/from the railway station, it is considered that the proposed development would be contrary to; the provisions of the Cobh Municipal District Local Area Plan 2017-2023; the Cork County Development Plan 2014 (in particular Objective HOU3-1); the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG 2009; and Project Ireland 2040 – National Planning Framework, Government of Ireland 2018, insofar as all of these promote the development of sustainable and compact residential communities that prioritise and facilitate walking, cycling and public transport. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the likelihood that the proposed development would be predominantly car based for transport purposes and to the uncertainty that the traffic and transport assessment is sufficiently robust in identifying relevant peak traffic conditions in Glounthaune, the Board is not satisfied that the proposed development would not give rise to serious traffic congestion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Brendan Wyse

Assistant Director of Planning

November, 2019.