



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305398-19

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<b>Development</b>	Construction of 55 no. houses and all ancillary site development works. Change of plan from that permitted under 17/5699 and amended by 18/6312.
<b>Location</b>	Lackenroe and Ballynaroon, Glounthaune, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/5659
<b>Applicant(s)</b>	Bluescape Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party V. Grant.
<b>Appellant(s)</b>	Brock and Clare Cliffe Lewin Carol Harpur Claire and Patrick Casey
<b>Observer(s)</b>	Rachel Barrett

**Date of Site Inspection**

28<sup>th</sup> November 2019

**Inspector**

Elaine Power

## 1.0 Site Location and Description

- 1.1. The appeal site is located approx. 500m north of the village of Glounthaune and approx. 10km east of Cork City. The Glounthaune train station is located approx. 1.5km south east of the site. The site is generally bound by to the north, south and west by detached dwellings. To the east the site is bound by agricultural fields, which are also within the ownership of the applicant.
- 1.2. The site is in an elevated position. It rises from west to the east and also slopes towards the south. The elevated nature of the site provides impressive views to the south towards Lough Mahon and Harpers Island. The site currently comprises agricultural fields. It is irregular in shape and has a stated site area of 3.93ha. The site has a frontage of approx. 43m onto Knockraha Road, to the west of the site and a frontage of approx. 10m onto Killahora Road, to the north of the site.
- 1.3. There is a low-density housing estate 'Cois Chuain', which comprises of a range of large detached two storey houses, located directly opposite the proposed new vehicular entrance to the site (on the opposite side of the Knockraha Road). There is a protected structure, Anne Mount House (RPS 00499), located to the south of the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development represents an increase in 17 no. units from a development previously permitted under ABP-300128-17 and amended under 18/6312 for the construction of 38 no. dwellings and all associated works including the upgrade of Knockraha Road and a new signalised junction with Cois Chuain residential estate.
- 2.2. It is proposed to construct 55 no. dwellings comprising 17no. 4-bed dwellings, 22 no. 3-bed dwellings and 16. no 2-bed dwellings. The units comprise 5 no. detached houses, ranging in size from 150sqm to 173sqm, 26 no. semi-detached houses, ranging in size from 116sqm to 140sqm and 14 no. townhouses ranging in size from 84 sqm to 104 sqm. The design of the scheme is a contemporary approach to a traditional style. The external finishes include painted render with sections natural

stone on the front elevation. Each detached and semi-detached house has a driveway, with off street car parking for 2 no. cars and areas of communal car parking are provided to the front of the townhouses / terraced houses.

- 2.3. The houses are designed around a green area, with a similar layout to that previously approved. The green area is divided by the internal access road. The northern section of the green space accommodates a local play area and the southern section of the green space accommodates a neighbourhood play area.
- 2.4. Vehicular access to the site is proposed from a new signalised junction with Knockraha Road and the existing Cois Chuain housing estate. An additional pedestrian and cycle access is proposed from the north of the site onto Killahora Road. The internal access road is a minimum of 5.5m in width with a 1.8m wide footpath and provides for future access to the lands to the east of the site which are also within the applicant's ownership.
- 2.5. A connection would be made to the public sewer and public water main.
- 2.6. An Architectural Design Statement, An Infrastructure Report and Part V proposal were included within the application.
- 2.7. ***Unsolicited Further Information lodged 5<sup>th</sup> July 2019 and 29<sup>th</sup> July 2019***

The applicant notified the Planning Authority on both occasions that the site notice along Killahora Road to the north of the site had been removed. The applicant replaced the notices and provided photographs.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission was granted subject to 51 no. conditions. The relevant conditions area noted below: -

***Condition 2:*** reduced the height of dwellings 46 to 55 to a maximum of 5.5m to ensure no attic level accommodation could be provided.

**Condition 3:** altered the layout of house numbers 1 and 45 to improve passive supervision and reduce the extent of the access road.

**Condition 4:** required that the rear boundaries of the houses be concrete walls with a maximum height of 1.8m, except where existing hedgerows and trees are to be retained, in this instance green coated fencing shall be provided.

**Condition 5:** required a special contribution relating to traffic calming measures and upgrading of the storm water sewer.

**Condition 7:** required a supplementary contribution in respect of the Cobh / Middleton – Blarney Rail Project.

**Condition 11:** related to levelling and landscaping of the public areas of open space.

**Condition 38:** required that details of the retaining structures be agreed with the Planning Authority.

**Condition 42:** required a bat survey to be carried out prior to the felling of any trees on site.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Senior Executive Planners report raised no concerns regarding the proposed development and recommended that permission be granted subject to conditions.

### 3.2.2. Other Technical Reports

**Area Engineers** report: No objection subject to conditions

**Estates** report: No objection subject to conditions

**Environment** report: No objection subject to conditions

**Water Services** report: No objection subject to conditions

**Public Lighting** report: recommended further information be sought regarding details of proposed public lighting.

**Traffic and Transport Report.** No objection subject to conditions

### 3.3. Prescribed Bodies

**Irish Water:** No objection

**Inland Fisheries Ireland:** No objection subject to agreement from Irish Water.

### 3.4. Third Party Observations

14 no. third party submissions were received. The concerns raised were similar to those in the appeals.

## 4.0 Planning History

### **Appeal Site**

**ABP- 300128-17, Reg. Ref. 17/5699:** Permission was granted in 2018 for the construction of 31 no. dwellings.

**Reg. Ref. 18/6312:** Permission was granted in 2018 for the construction of 7 no. detached single storey dwellings located to the west of 31 no. houses granted under ABP-300128-17 (reg. ref. 17/5699).

### **Surrounding Sites**

**ABP -301197-18** - Strategic Housing Development Application. Permission was granted in 2018 for the construction of 174 no. residential units located approx. 1.8km south east of the appeal site.

**ABP- 304468-19** – Strategic Housing Development Consultation for the construction of 150 no. houses and 151 no apartments on a site located to the east of the appeal site and within the applicant’s ownership. Decision – requires further consideration / amendment.

**ABP- 303912-19:** Construction of 70 no. dwellings on a site located approx. 250m west of the appeal site. No decision to date.

**Reg. Ref. 18/6684:** Permission was refused for the construction of 40 no. dwellings on a site located approx. 700m west of the appeal site. The reasons for refusal

related to (1) premature development, pending the provision of a pedestrian and cycle link to the village and (2) the lack of a creche facility on site, when taken in combination with the adjoining site within the applicant's ownership.

**ABP300025-17** Strategic Housing Development Consultation for the construction of 159 no. residential units (156 no. houses and 3 no. apartments) on a site located to the east of the appeal site and within the applicant's ownership. Decision – requires further consideration / amendment.

## 5.0 Policy Context

### 5.1. Cobh Municipal District Local Area Plan, 2017

The appeal site is located within the settlement boundary for Glounthaune, which is designated as a Key Village in the plan. The vision for Glounthaune to 2023 is to secure a significant increase in the population of the settlement (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. Objective DB-01 allows for the provision of an additional 400 no. residential units. Section 4.5.8 notes that any new individual housing schemes should not normally exceed 40 units.

### 5.2. Cork County Development Plan, 2014

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

- CS 3-2: Network of Settlements: Lower Order Settlements
- HOU 3-1: Sustainable Residential Communities
- HOU 3-2: Urban Design
- HOU 3-3: Housing Mix
- HOU 4-1: Housing Density on Zoned Lands
- SC5-2: Quality Provision of Public Open Space
- SC 5-8: Private Open Space Provision

- GI 3-1: Green Infrastructure – New Developments
- ZU 2-1: Development and Land Use Zoning
- ZU 3-2: Appropriate Uses in Residential Areas

Cork County Councils Recreation and Amenity Policy Document is also relevant.

Scenic Route S42 (Road at Cashnagariffe, Carrigtwohill and westwards to Caherlag) runs to the north of the site along the L- 2969. The site is located in an area identified as City Harbour and Estuary in Appendix E of the Plan. These locations are designated as areas with a very high landscape value and sensitivity and of national importance.

### 5.3. ***National Planning Framework (2018)***

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

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

### 5.4. ***National Guidance***

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).
- Urban Design Manual, A Best Practice (DOEHLG, 2009)
- Design Manual for Urban Roads and Streets DMURS (2013)

### 5.5. **Natural Heritage Designations**

The site is located approx. 750m north of the south by the Great Island Channel SAC (001058) and Cork Harbour SPA (003040).



## 5.6. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

3 no third part appeals were received from (1) Brock and Clare Cliff Lewin, (2) Carol Harpur and (3) Claire and Patrick Casey. The concerns raised in the appeals are similar and are summarised below.

- The development is not in accordance with local planning policy which requires new developments to respect the existing density, layout and house type. Permission was previously granted on the site for 38 no houses. The applicant is now trying to maximise profits from the site by increasing the density. The scale and density of the proposed development is out of character with the surrounding area. Having regard to the rural location, the village location and the topography of the site, a lower density is more appropriate.
- The current LAP allows for a maximum of 40 no. units per residential housing scheme. This application is for 55 no. houses and the applicant has a concurrent SHD application for 301 units. The proposed development is more suited to a larger settlement and not a village.
- The LAP also sets a maximum limit of 400 new units over the lifetime of the plan, which represents a 79% increase in population. It should be noted that no new services or facilities have been provided within the village to accommodate the population increase. The primary school is at capacity and

the village is lacking a number of basic services, including a secondary school, a bank, a GP, Garda Station, pharmacy or sports facility.

- The site is located too far from the railway station to allow for walking and cycling.
- The additional dwellings proposed along the boundaries of the site would have a negative impact on the existing residential amenities of adjoining properties in terms of overshadowing and overlooking and would devalue properties in the area. If permission is being contemplated the ridge height of houses along the north eastern boundary of the site should be reduced.
- The landscaping proposals are not sufficient there are concerns regarding the loss of privacy for existing properties. A minimum 1.8m high wall should be provided along all boundaries and not a green coat fence.
- The applicant is also developing the adjoining site under the SHD process. All the lands should be included in one application and should not be split. The community are unaware of the plans for the area when examining the subject application. An overall masterplan for Glounthaune should be prepared to allow for coordinated growth of the village and not piecemeal development.
- The provision of a pedestrian route through a narrow portion of the site, along the northern boundary towards Killahora Road would result in anti-social behaviour, light pollution and would have a negative impact on privacy and security of existing dwellings. There is no useful purpose for the route, and it is a traffic hazard. The route exits onto Killahora Road, which has no footpath and dangerous bends. It is also considered that the proposed route would have a negative impact on the scenic route, which runs along Killahora Road as it would result in the loss of mature trees / boundary treatment. If permission is being contemplated for the pedestrian route a minimum 1.8m high wall should be provided along the pedestrian route to the north of the site to ensure the privacy of adjoining residents is maintained.
- The railway station is a minimum 20-minute walk from the site and due to the topography of the area it would be approx. 30-minute walk from the railway station. The site therefore is not well connected to public transport. The

development would be car based and would put extra pressure on the existing poor-quality road infrastructure with limited capacity.

- The proposed play areas are located on a steep gradient therefore they are not usable. There are no existing recreational facilities within the village and the proposed play areas are not sufficient to cater for the proposed population increase. The applicant should financially contribute to community facilities.
- The rear private open space for many of the house are at a steep gradient, which results in unusable amenity space.
- The construction phase of the project would have a negative impact on the adjoining properties in terms of noise and disturbance.
- The development would result in a discordant and intrusive feature on a high-quality landscape.
- The potential impact on a Natura 2000 site has not been adequately addressed.
- Surface water run-off from the site, which is highly elevated above the village would result in flooding. The public storm water drain is already at capacity.

## 6.2. Applicant Response

A response was submitted by HW Planning on behalf of the Applicant and is summarised below:

- The concerns raised by the third parties were comprehensively assessed by An Bord Pleanála during the previous application on the site and no new planning issues or considerations arise in this application. The proposed development is in accordance with national and local policy. The Cobh Municipal Local Area Plan states that development in excess of 40 no. units may be considered where it is demonstrated that the overall scheme layout reinforces the existing character of the area and is laid out, phased and delivered appropriately given the village setting.

- The density is consistent with all local and national policy and having regard to its location within the village of Glounthaune and its proximity to the train station it would promote sustainable commuting patterns.
- The site is zoned for medium density B which allows for 12-25 units per ha. The site has a density of 14 units per ha. The overall layout and general arrangements are identical to that previously permitted under ABP – 300128-17. An increase of 17 no. units on the site does not materially alter the development. It is envisioned that the development would be carried out in 2 no. phases. In this regard the construction of 25 no. units and 30 no. units.
- The development is not reliant on any other developments and does not form part of the adjoining site to the east that was subject to SHD consultation.
- The proposed layout and height of the houses and the separation distance from adjoining properties ensures that the development does not result in any overlooking.
- The proposed development would not result in any traffic safety concerns and is below the threshold for a Transport Assessment.

### 6.3. **Planning Authority Response**

A report from Public Lighting section has been included which recommends that further information be sought requiring details of proposed public lighting.

### 6.4. **Observations**

An observation was received from Rachel Barrett. The concerns raised are similar to those raised in the appeals and also raised concerns regarding the maintenance and protection of a historic boundary wall which once formed part of an orchard and market garden of Anne Mount Demesne.

## 7.0 **Assessment**

- 7.1. The main issues in this appeal relate to the principle of the development, residential and visual amenity, open space, traffic and water services. Appropriate Assessment

requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Residential Amenity
- Visual Amenity
- Open Space
- Traffic
- Water Services
- Appropriate Assessment

## **7.2. *Principle of Development***

7.2.1. The appeal site is located within the settlement boundary of Glounthaune which is designated a Key Village in the Cobh Municipal District LAP. The vision for Glounthaune to 2023, as set out in the LAP is to secure a significant increase in the population of the settlement (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. Objective DB-01 allows for the provision of an additional 400 no. residential units in the village within the lifetime of the plan. Section 4.5.8 notes that any new individual housing schemes should not normally exceed 40 units. Notwithstanding this, table 4.2.1 notes that individual schemes in excess of the recommended scale may be considered where it is demonstrated that the overall scheme layout reinforces the existing character of the village and the scheme is laid out, phased and delivered, so as not to reflect a residential housing estate more suited to a larger settlement.

7.2.2. The National Planning Framework sets out a number of objectives aimed at increasing residential densities in appropriate locations to avoid the trend towards predominantly low-density commuter-driven developments. It is strategic aim of the core strategy of the development plan (objective CS 3-2) to establish key villages as the primary focus for development in rural areas in the lower order settlement

network and allow for the provision of local services, by encouraging and facilitating population growth at a scale, layout and design that reflects the character of each village, where water services and waste water infrastructure is available. Supporting the retention and improvement of key social and community facilities, and inter urban public transport. Objective ZU 3-1 also seeks to encourage development that supports the primary land use of the surrounding built up area.

7.2.3. Permission was previously granted under ABP-300128 (reg. ref. 17/5699) and amended by reg. ref. 18/6312 for the construction of a residential scheme comprising of 38 no. dwellings. The proposed development has a similar layout and design to the previously approved development. However, the density of the scheme has been increased. Policy HOU 4-1: Housing Density on Zoned Lands, allows for a density 'Medium B' of between 12 and 35 dwellings per ha in smaller towns outside side of Metropolitan Cork. The proposed development has a density of 14 units per ha and is, therefore, in accordance with development plan standards. Having regard to the location of the site with the built-up area of Glounthaune and within close proximity to a train station, I would have concerns regarding the proposed density and consider that a higher density could be achieved on the site. However, having regard to the provision of a significant portion of public open space on the site, the topography of the site and the existing pattern of low-density housing in the immediate vicinity of the site, it is my view that the proposed density and layout is acceptable in this instance.

7.2.4. It is proposed to construct the scheme in two phases comprising 25 no. units and 30 no. units. It is acknowledged that Section 4.5.8 of the Cobh Municipal District Local Area Plan recommends limiting new individual housing schemes to a maximum of 40 no. units. However, having regard to the proposed density and the design and layout of the scheme, it is my view that the development reinforces the existing character of the village and is therefore acceptable in principle. It is therefore, considered that the proposed development should be assessed on its merits.

### 7.3. ***Design and Layout***

7.3.1. As noted above the layout of the scheme is similar to that previously approved under ABP – 300128 (reg. ref. 17/5699) and amended by reg. ref. 18/6312 and is

acceptable in principle. However, it is my view that the proposed layout has not had regard to condition no. 3 of ABP-300128 which raised some concerns regarding the siting and design of house numbers 1 and 45 (numbering of the current proposed scheme) and recommended that the designs be amended. The proposed scheme does not include the recommended amendments and it is noted that the applicant has not provided any justification for the currently layout of these houses.

- 7.3.2. House no. 1 is a detached house, located at the entrance to the development, approx. 80m from the western boundary of the site. It does not provide for any frontage onto the internal road and is accessed from a circuitous road. To improve passive surveillance, it is recommended that a significant portion of the access road to house no. 1 be omitted and that the house be re-orientated towards the main spine road through the site.
- 7.3.3. House no. 45 is a detached house located in the north eastern portion of the site. It is located adjacent to the proposed pedestrian / cycle route which links with Killahora Road. To improve passive surveillance of the walk / cycle way it is recommended that the house and its boundary treatments be revised to allow for greater passive overlooking.
- 7.3.4. It is considered that these concerns could be addressed by way of condition, similar to that attached to ABP – 300128.

#### 7.4. ***Residential Amenity***

- 7.4.1. The proposed scheme, for the construction of 55 no. dwellings results in an amendment to the housing mix, siting and design of the units of the 38 no. units previously approved on the site. In particular a number of detached houses have been amended to provide semi-detached and terrace dwellings.
- 7.4.2. There are a significant number of one-off houses located along the northern and western boundaries of the site and concerns have been raised in the appeals and observation that the increased density of housing, in close proximity to the existing dwellings, would have a negative impact on the existing residential amenities, in terms of overlooking and overshadowing. It is noted that while the proposed number

of units on the site has increased the separation distances between the existing and proposed dwellings remain the same at those previously approved.

- 7.4.3. House numbers 46 – 55 are located in the north west portion of the site. The rear building line of these houses are located a minimum of approx. 12m from the western boundary of the site. The nearest house is located approx. 19m from rear building line of house no. 48. These house types (F1 and F2) are single storey with a height of 5.9m. Having regard to the limited height of the houses and the separation distance from the existing dwellings it is my opinion that they would not result in any undue overlooking, overshadowing or have an overbearing impact on the adjoining properties. It is noted that a condition was previously attached to reduce the ridge height of these houses to 5.5m, to ensure that no attic accommodation could be provided. Due to the level differences between the appeal site and the adjoining properties it is recommended that a similar condition be attached to any grant of permission to ensure that any future alterations to the proposed dwellings would not result in any undue overlooking.
- 7.4.4. House numbers 42 – 46 are bound by the northern boundary of the site. The minimum separation distance between the nearest house to the north and the proposed development is approx. 36m. It is also noted that the houses to the north and north east of the proposed development are elevated above the appeal site. House numbers 8 - 25 are bound by the southern and south western boundaries of the site. There is a minimum separation distance of 22m between the proposed and existing houses. Having regard to the topography of the site and the separation distances from the existing dwellings, it is my opinion that they would not result in any undue overlooking, overshadowing or have an overbearing impact on the adjoining properties to the north or south of the appeal site.
- 7.4.5. Concerns were raised that details of the proposed boundary treatments are vague and would result in the potential for a loss of privacy for existing residents. The Architectural Design Statement and drawings submitted with the application make reference to Landscape Design and Drawings, however, this information does not form part of the application. It is noted that the Planning Authority attached a condition relating to boundary treatments. It is my view that the issue could be addressed by way of condition.



- 7.4.6. The proposed development includes the provision of pedestrian / cycle link to the northern boundary of the site with Killahora Road. Concerns were raised regarding the requirement for the route and the potential for anti-social behaviour. The proposed route is approx. 10m in width by approx. 70m in length. In my view additional permeability and connectivity between sites within the village is welcomed. Having regard to the limited length and the width of the route it is unlikely to result in anti-social behaviour or have any negative impact on the existing residential amenities of adjoining properties, however, to improve passive surveillance of the route it is my view that house no. 45 could be re-orientated to address this issue.
- 7.4.7. Concerns were raised that the construction phase of the development would have a negative impact on adjoining properties in terms of noise and nuisance. While it is acknowledged that the proposed development would result in some disturbance having regard to the limited period of construction, it is my view that, the development would not result in an unacceptable level of noise and nuisance for adjoining residents.
- 7.4.8. With regard to the residential amenities of the future occupants' concerns were raised that due to the topography of the site the proposed areas of rear private open space would not be usable. Site section drawings submitted with the application indicated that the majority of rear gardens would generally be level. There is a level difference of approx. 2m for some of the proposed houses along the north eastern portion of the site. In my opinion this is an acceptable level difference and would not negatively impact on the amenities of the proposed houses.

## 7.5. ***Visual Amenity***

- 7.5.1. The site is located in an area identified as City Harbour and Estuary in Appendix E of the Plan. These locations are designated as areas with a very high landscape value and sensitivity and of national importance. Concerns have been raised that the proposed development would result in a discordant and intrusive feature on a high-quality landscape.
- 7.5.2. The site is bound by mature vegetation and trees which would provide some screening of the proposed development. It is acknowledged that the proposed development would have a greater visual impact than the existing greenfield site.

However, having regard to the location of the site within the existing built up area of Glounthaune, the nature and scale of the development and the existing pattern of development, it is my view that the proposed development would not have a significant negative impact on the existing visual amenities of the area.

## **7.6. Open Space**

- 7.6.1. A large area of public open space is proposed in the centre of the scheme and is separated by the access road. The northern section of the open space includes a local play area and the southern section of the open space includes a neighbourhood play area. Passive surveillance of both play spaces would be provided by the proposed houses. Concerns have been raised that due to the topography of the site the areas of open space would not be useable. It is noted that there is a level difference of approx. 6m between in the areas of open space however drawing no. 160009/P/004 indicates that the play areas would be generally flat. Condition 11 attached to the final grant of permission required that the areas of public open space be levelled, contoured, soiled and seeded and landscaped. While the topography of the site is noted, it is my view that a sufficient area of usable open space has been provided on site.
- 7.6.2. No details of the facilities to be provided in the play areas have been submitted. To ensure the provision of adequate facilities to serve the development and the surrounding area, it is recommended that a condition be attached to any grant of permission that details of the play areas be agreed with the Planning Authority.

## **7.7. Traffic and Parking**

- 7.7.1. It is proposed to upgrade Knockraha Road as part of the development, including the provision of a new signalised junction at the entrance to the new development and the existing entrance to Cois Chuain, residential estate. The works also include traffic calming measures on Knockraha Road. It is noted that the Planning Authority's Traffic and Transportation section raised no objection in principle to the proposed

development subject to access being provided by a signalised junction and a condition requiring the applicant pay a special contribution with regard to traffic calming.

7.7.2. The appellants have raised concerns that there is no useful purpose for the cycle and pedestrian route towards the northern boundary of the site and that additional pedestrian movements on to a sub-standard road with dangerous bends and no footpath would result in a traffic hazard. The route exits onto Killahora Road, which is a designated scenic route. Having regard to Killahora Road's designation as a scenic route, it is my view that, the link would provide a significant amenity for future residents. While it is noted that there is no footpath along Killahora Road it is considered that as it is a designated walkway it would generate a significant number of pedestrian movements, and therefore an additional pedestrian link would not result endanger public safety.

7.7.3. The internal road layout is similar to that previously approved and is informed by the topography of the site. It comprises a circuitous access road through the centre of the site, which provides for potential future access to the adjoining site to the east, which is within the applicant's ownership. There are 2 no. spurs off the road which provides access to the proposed houses. The carriageway has a minimum width of 5.5m and the footpaths have a minimum width of 1.8m. To provide additional pedestrian connectivity the roads are linked by steps and additional ramps walk ways. Auto-track drawings have been submitted for the internal road, which indicated that all dwellings can be accessed and egressed in a safe and efficient manner.

7.7.4. With regard to car parking the detached and semi-detached houses have been provided with driveways which accommodate 2 no. car parking spaces each. Communal car parking areas are provided to the front of the terrace houses, with 2no. car parking spaces per house. 3 no indented bays have been provided along the access road to facilitate visitor car parking. It is my view that sufficient car parking has been provided to ensure the development would not result in any overspill onto the surrounding road network.

## 7.8. **Water Services**

7.8.1. Concerns have been raised in the appeal that surface water run-off from the proposed development would put additional pressure on the public drain and would result in flooding in the village. By reference to the OPW flood maps the site is located outside of a flood zone. It is proposed to provide a new 225m surface water sewer within the site that would connect to the existing 300mm surface water sewer under Knockraha Road. It is intended to provide attenuation on site to limit surface water run-off. Sustainable Urban Drainage Systems have also been designed into the scheme. Having regard to the site's location within a serviced urban area. I am satisfied that that the proposed arrangements for the site are sufficient. It is noted that the Planning Authority attached a condition requiring the applicant pay a special contribution with regard to the upgrading of the existing storm water sewer in the village of Glounthaune.

#### 7.9. ***Health and Safety***

7.9.1. The observer raised concerns regarding the potential for damage to a historical wall located along the eastern boundary of the appeal site, that originally formed part of the old orchard and market garden of Anne Mount Demesne.

7.9.2. In my opinion, the structural adequacy of the wall is not a matter that would be appropriate for the Board to adjudicate on. It is considered that the onus is on the applicant and their contractors, to ensure that the construction phase is undertaken in a safe manner, in accordance with their obligations under separate codes, and I further note that the granting of permission would not relieve the applicants of their responsibilities in this regard. It should be noted that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

7.9.3. I consider that the disputes between the parties in relation to matters of structural stability, construction methods and resultant health and safety risks that may or may not arise are ultimately matters that would be dealt with more appropriately outside of the planning appeal process.

#### 7.10. ***Appropriate Assessment***

Concerns were raised in the appeal that the impact of the proposed development on the Great Island Channel SAC (001058) and Cork Harbour SPA (003040) was not

fully assessed. Having regard to the nature and scale of the proposed development in a service urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

I recommend that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the zoning objective of the subject site within the settlement boundary of Glounthaune, the pattern of development in the area and the nature, layout and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be amended as follows:-

- (a) Proposed dwelling number 1 shall be revised in layout and location so that it addresses the main spine road through the scheme, and the extent of the proposed access road to serve this dwelling shall be omitted or significantly revised.
- (b) Proposed dwelling number 45 shall be redesigned to provide better passive supervision of the proposed pedestrian walkway from the estate road to the local road to the north of the site. This redesign shall take into account the boundary treatment between the dwelling and the pedestrian walkway (which boundary shall not exceed 1.2 metres in height forward of the rear building line of that dwelling).
- (c) House numbers 46 to 55 shall be redesigned to have a maximum ridge height of 5.5m, with no habitable space at attic level.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 3. Vehicular access to the site shall be by way of a signalised junction. All works shall be carried out in accordance with the requirements of the planning authority.

**Reason:** In the interest of orderly development and traffic safety

- 4. All rear gardens shall be bounded with concrete block walls, not less than 1.8 metres in height, which shall be rendered on both sides and capped, except where existing hedgerows or trees along the existing boundaries of the subject site are to be retained, where 2m high green coated paladin fencing or weld mesh fencing shall be used. Post and timber panel fences shall not be used for any rear garden boundaries.

**Reason:** In the interest of visual amenity, tree protection and to ensure the provision of durable boundary treatment.

5. The boundary on both sides of the proposed pedestrian walkway from the estate road to the local road to the north of the site shall consist of a 1.8m high solid block wall, capped and rendered on both sides,

**Reason:** In the interest of visual amenity and to protect the residential amenities of adjoining properties.

6. 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. All roofs shall be blue black or slate grey in colour, including ridge tiles.

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

7. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped to the written satisfaction 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. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

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

8. (a) Prior to the commencement of any development on site, the developer shall agree on site and in writing with the planning authority the finished levels and gradients of the proposed open space.

(b) The developer shall provide a grass margin 2 metres wide free of tree/shrub planting along the road side edge of the proposed open space to ensure forward visibility unless otherwise agreed in writing with the planning authority.

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

9. Trees to be removed on site shall be felled between late August and early November and a period of 48 hours should lapse prior to trees been sawn or mulched.

**Reason:** In the interest of nature conservation

10. Prior to commencement of development final details of the location and facilities provided in the area of open space shall be submitted to and agreed in writing with the Planning Authority.

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

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

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

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

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

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

14. 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.

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

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

16. The applicant shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

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

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

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

18. Retaining structures and boundary walls shall be agreed in writing with the Planning Authority. A letter of certification shall be provided by the Design Engineer responsible for the Retaining Walls, confirming that the structures have been constructed as per the design and as per the as-built drawings/details.

Alternatively, this certification shall be provided by a suitably qualified structural design engineer, to the written approval of the Planning Authority.

**Reason:** In the interests of orderly development and residential amenity.

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

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

20. The development shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority. The entire development shall be maintained by the developer until such time as it is taken in charge by the planning authority. No private management company shall be established to maintain the estate.

**Reason:** In the interests of ensuring that the development is carried out to appropriate standards, and to comply with national policy in relation to the taking in charge of housing estates.

21. 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

23. 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

24. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of the proposed traffic calming measures and the upgrading of the storm sewer under the railway line. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

25. The developer shall pay to the planning authority a financial contribution in respect of the Cobh / Midleton – Blarney Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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Elaine Power  
Planning Inspector

18<sup>th</sup> December 2019