



An  
Bord  
Pleanála

## Inspector's Report ABP-305782-19

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<b>Development</b>	Permission for construction of five two-storey town houses.
<b>Location</b>	No 10 Gurrabraher Road, St Mary's, Shandon, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38251
<b>Applicant(s)</b>	Templeacre Developments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 17 conditions
<b>Type of Appeal</b>	Third party -V- Decision
<b>Appellant(s)</b>	Richard & Alice Corcoran & Others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	18th December 2019
<b>Inspector</b>	Fergal O'Bric

## **1.0 Site Location and Description**

- 1.1. The site is located to the rear of a licensed premises- Hannah Bawns, on the eastern side of the Gurrabraher Road in the north-western suburbs of Cork City. To the north-west of the site is another licensed premises, there are two-storey dwellings located to the north, south and east of the site. Access to the property is via an entrance to the side of Hannah Bawns.
- 1.2. The site itself is of rectangular shape and it extends over an area of 0.12 hectares. This site is presently unkempt and overgrown. Site levels vary significantly, with approximately a four-metre fall from north-west to south-east. The northern, southern and eastern site boundaries comprise of walls, with heights varying between 1.8 metres and 2.2 metres. The western boundary to the rear of the public house is open.

## **2.0 Proposed Development**

- 2.1. The proposal would entail the construction of five two-storey townhouses, which would be orientated on a east-west axis. These dwelling houses would be of similar design. Each of their footprints would be rectangular and their designs would incorporate bay windows at ground floor levels to their principal elevations, and gable-ended hipped roofs.
- 2.2. The proposed dwelling houses would be served by a new service road to be developed along the northern side of the appeal site.
- 2.3. Further Information submitted to Cork City Council on the 20<sup>th</sup> day of August 2019 included: a revised site layout and design; reduction in number of residential units; open space and dwelling sizes amended; details of a management company to maintain the development; the submission of a Construction Management Plan; sightlines from the proposed vehicular access point and provision of a ramp along the street frontage to address changes in street levels.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following receipt of further information, permission was granted subject to 17 conditions. The relevant conditions are noted below: -

**Condition 1:** clarified that permission was granted for the scheme submitted by way of further information.

**Condition 3:** required the provision of a ramp in lieu of the existing steps on the footpath immediately north of the proposed access point.

**Condition 4:** Sightlines.

**Condition 13:** Control of noise and working hours during construction.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planning Officer recommended that planning permission be granted following clarification on the matters raised within the further information request. The layout of the scheme was modified, whereby three dwellings are now proposed on a north-south axis, greater public open space is also proposed and the location of the internal service road has been modified.

#### 3.2.2. Other Technical Reports:

- Roads Design: No objection, subject to conditions.
- Environment: No objection, subject to conditions.
- Drainage: No objection, subject to conditions.
- Irish Water: No objections.

## 4.0 Planning History

The following is the relevant planning history pertaining to the site:

Planning Authority reference number P00/24092-In the year 2000 Cork Corporation granted planning permission for the development of 4 residential units on this site (revised to three units by planning condition).

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is subject to a Local Centre zoning objective: To protect and provide for and/or improve the retail function of local centres and provide a focus for local services. Residential use is acceptable under this zoning objective.

Relevant policies in the plan include the following: -

Objective 6.1: Residential Strategic Objectives

Objective 6.8: Housing Mix

Objective 6.9: Housing Density

Objective 16.3: Urban Design

Objective 16.9: Sustainable Residential Development

Chapter 16 – Development Management also sets out standards for residential developments, of particular relevance is section 16.59 which relates to infill housing.

### 5.2. *National Guidance*

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

### 5.3. **Natural Heritage Designations**

None Relevant.

### 5.4. **Environmental Impact Assessment - Preliminary Examination**

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. This third party appeal is being made on behalf a number of residents of Cathedral Road. They include:

- Richard & Alice Corcoran,
- William & Marie Ahern,
- Margaret & Vanessa O'Callaghan,
- Michael & Marie Lucey,
- Donal & Elizabeth Hennessy.

### 6.2. **Grounds of Appeal**

The mains areas of concern relate to the following:

- Adjoining road is very narrow at this point where vehicles find difficulty passing up and down.
- Heritage wall needs to be maintained and conserved.
- Overlooking of neighbouring residential properties will occur.
- Overshadowing and blocking of daylight from neighbouring properties will occur.

- Light pollution from illumination of proposed development will occur.
- Development is not suitable in this area.
- Concern over growth of invasive species on the site.
- Increased disruption and noise, especially during the construction phase.
- Concern over future management of development on site.

### 6.3. **Applicant Response**

The applicants did not respond to the grounds of appeal.

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

No further comments.

## 7.0 **Assessment**

7.1. I consider that this appeal should be assessed under the following headings:

- (i) Residential Amenity,
- (ii) Access,
- (iii) Other issue (s)
- (iv) Appropriate Assessment.

In the interest of clarity, the assessment below relates to the revised development proposals for three houses, submitted as the further information to the Planning Authority, unless otherwise stated.

### 7.2. **Residential Amenity**

7.2.1. Ground levels vary across the appeal site. From the site sections submitted it is illustrated that the finished floor levels (FFL,s) would be approximately 2.1 metres above those of the neighbouring dwellings to the east and approximately 1.65 metres above the FFL's of the neighbouring dwellings to the south. The existing walled boundaries within the site are to be retained. I am satisfied, given the separation distances between the proposed dwellings and the existing properties to

the south (22.5 metres at the nearest point) and the existence of the established two metre boundary wall between the properties, that the proposed development would not result in overshadowing or overlooking of the adjacent properties.

- 7.2.2. The appellants raise the issue concerns that construction works might cause damage to a Heritage Wall along the eastern site boundary. It is not apparent that this wall has any specific designated status within the Development Plan. The applicants are proposing to retain the wall as part of their proposals. A specific condition could be included to conserve all existing boundary walls in order to respect the amenities of neighbouring residential properties.
- 7.2.3. There is no evidence of the existence of any invasive species on site. A landscaping scheme for the site is a matter that can be conditioned.
- 7.2.4. I am satisfied that any issues in relation to light and/or noise pollution could be addressed by means of a Construction Management Plan which could be conditioned.
- 7.2.5. I, therefore, conclude that the proposal would afford a satisfactory standard of amenity to future residents and that it would be compatible with the pattern of development in the area.

### 7.3. **Access**

- 7.3.1. The proposal would utilise an existing entrance to the north of the existing licensed premises which is to be upgraded as part of these development proposals in accordance with the Design Manual for Urban Roads and Streets (DMURS) standards. The appeal site is accessed off the Gurrabraher Road at a point on this Road where it rises gently to the north and is of straight alignment. The area is governed by the 50 kilometres per hour speed limit. There is a wide footpath onto the adjoining public road, up to seven metre wide. This entrance has a recessed gate, forward of which is the public footpath.
- 7.3.2. The proposal would develop a service road accessed from the existing entrance point, with turning bay. It is stated that these have been developed in accordance with DMURS standards. Each of the dwelling houses would be accompanied by 2 car parking spaces, which would be laid out side-by-side to facilitate independent access/egress from the driveway.

- 7.3.3. The advice offered by the Road Design Engineers was taken on board by the applicants within their further information response. A number of conditions have been included regarding the achievement of sightlines and for the development of a ramp in lieu of the steps adjacent to the site access which are both considered reasonable.
- 7.3.4. I am satisfied that the width of the adjoining public roadway is sufficient to cater for the level of traffic generated by the three proposed residential units. No objections were raised by the Road Design Section of Cork City Council in relation to roads matters subject to a number of matters being conditioned.
- 7.3.5. I am satisfied that the proposed three dwelling houses would be capable of being accessed satisfactorily and that their parking arrangements would, likewise, be satisfactory.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted subject to conditions.

### **9.0 Reasons and Considerations**

Having regard to the zoning objective for the site and the policies and objectives of the Cork City Development Plan 2015-2021, it is considered, subject to the conditions set out below, that the proposed development would not seriously injure the residential 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 as amended by the further plans and particulars submitted on the 20<sup>th</sup> day of August 2019, 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 All existing boundary walls within and on the northern and southern boundaries of the site shall be retained and maintained. The eastern boundary wall shall also be retained and shall be made good where necessary in natural stone to match the existing. Precise details of measures to ensure the protection of this wall during construction works shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

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

- 3 The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which 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.

- 4 The formation of the vehicular access to the site and the provision of a ramp feature to the north of the access on the footpath along the western boundary of

the site frontage shall be constructed in accordance with the requirements of and with the written agreement of the planning authority.

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

- 5 The internal road network serving the proposed development, including the turning area, 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.

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

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

- 7 Proposals for house naming and 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.

- 8 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.

- 9 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.

10 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.

11 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.

12 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.

13 The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of the public open space, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14 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.

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

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

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Fergal O'Bric

Planning Inspector

3rd February 2020

