



An
Bord
Pleanála

Inspector's Report ABP-308434-20

Development	Construction of 21 apartments in 5 three-storey buildings; 6 apartments in 1 three/four storey building; and 3 two-storey townhouses, together with all associated services and site development works.
Location	Newtown, Ringmeen, Cobh, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/5135
Applicant(s)	Oscar Fusion Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 54 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Raymond Rowe
Observer(s)	Neil & Susan Kelleher
Date of Site Inspection	17 th February 2021
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the north western suburbs of Cobh, on elevated land 1km from the town centre. This site lies in a predominantly residential area with mainly two/ three-storey terraced dwelling houses to the north and east on Willow Bank and Beechwood Mews and semi-detached bungalows to the south on Elmwood Grove. To the west lies a neighbourhood centre, which comprises a EuroSpar and a Texaco filling station, along with a pharmacy, hairdressers/beauty salon, coffee shop, and restaurant. This centre also comprises a bring centre and a freestanding laundrette. The site is bound to the south by the L-2956, which affords access to the neighbourhood centre and which is served by the Cobh Connects bus route. It is bound to the north and to the east by Willow Bank and Beechwood Mews, respectively, and to the west by the car park and service yard to the neighbourhood centre.
- 1.2. The site is of roughly regular shape. It comprises two parts, a larger northern (Site A) and a smaller southern one (Site B). These parts are separated by an access road between Beechwood Mews and the neighbourhood centre. Together, they extend over an area of 0.544 hectares. Each part falls at gentle gradients, generally, from north to south and both are down to grass. The northern part is bound by hedgerows and palisade security fencing. A gated pedestrian access is available from Willow Bank. The southern part is bound by a hedgerow and palisade security fencing. To the south, it is open to the footpath that runs along the northern side of the L-2956.

2.0 Proposed Development

- 2.1. The proposal would entail the development of the site to provide 30 residential units (2914.25 sqm), 27 of which would be two-bed and 3 of which would be three-bed. These residential units would comprise the following:
- 21 apartments in 5 three-storey buildings (Blocks A, B, C, E & G),
 - 6 apartments in 1 three/four storey building (Block F), and
 - 3 two-storey townhouses (Block D).
- 2.2. The northern part of the site would be laid out to provide Blocks A, B, C & D, and the southern part would be laid out to provide Blocks E, F & G. Vehicular access to the

northern part of the site would be from Willow Bank and vehicular access to the southern part would be from the access road that runs from Beechwood Mews to the neighbourhood centre between the two parts of the site. Car parks for residents would be laid out in the north-eastern and central southern portions of the former area and in the western portion of the latter. A children's playground would also be laid out in this north eastern portion and a new pedestrian route between Beechwood Mews and the neighbourhood centre would run through the middle of the northern part of the site. Elsewhere, in both parts of the site, footpaths would run between front gardens and the car parks or landscaped areas.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 54 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following items:

- Justification for the proposed housing mix within the context of the Cluain Ard Estate.
- Statement of compliance with relevant development standards set out in national advice.
- A building lifecycle report on long term running and maintenance costs.
- Relationship between first floor rear windows in Unit 18 and rear garden to Unit 17 to be re-examined.
- Cross sections to elucidated relationships with existing adjacent dwelling houses.
- Sightline over site at junction between L-2956 and Cluain Ard Estate Road (Beechwood Mews) to be examined: Y distance of 80m needed.

- Points of detail with respect to the layout of the site to ensure bin lorries are facilitated, satisfactory pedestrian provision, requisite dimensions for car parking spaces and their allocation, adequate storage facilities, and additional 10% attenuation to allow for climate change.
- Relocation of proposed pumping station to an accessible position away from the proposed public open space.
- Pre-Connection Enquiry to Irish Water and Confirmation of Feasibility.
- Public lighting specifications.

3.2.2. Other Technical Reports

- Inland Fisheries Ireland: Defers to Irish Water.
- Irish Water: Following receipt of further information, no objection: Standard notes added.
- Cork County Council
 - Area Engineer: Following receipt of further information, no objection, subject to conditions.
 - Public Lighting: Following receipt of further information, no objection, subject to conditions.
 - Water Services: Following receipt of further information, no objection, subject to conditions.
 - Housing: No objection: 3 units identified under Part V would be suitable.
 - Estates: Following receipt of further information, no objection, subject to conditions.

4.0 Planning History

- 05/7330: 7 three-bed apartments with car park, site entrance, and associated site works: Permitted.
- 05/7331: 16 units in two-storey dormer building: 8 two-bed apartments on the ground floor and 8 three-bed apartments on the first and second floors with car park, site entrance, and associated site works: Permitted.

- 16/5620: Erection of permanent 2m high metal fence panels and intermediate metal posts together with access gates around lands and all associated site works: Permitted.
- Pre-application consultation occurred on 8th March 2019.

5.0 Policy and Context

5.1. National Planning Guidelines

- Sustainable Residential Development in Urban Areas
- Urban Development and Building Height
- Sustainable Urban Housing: Design Standards for New Apartments

5.2. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), Cobh is identified as a Metropolitan Town in the County Metropolitan Cork Strategic Plan Area and, under the Cobh Municipal District Local Area Plan 2017 (LAP), it is identified as a main town.

Under the LAP, the site is shown as lying inside the urban boundary around Cobh environs and in an existing built up area. Objective ZU 3-1 of the CDP addresses existing built up areas: It states that the Planning Authority will “Normally encourage through the LAP’s development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.”

Objectives HOU 3-1, 2 & 3 of the CDP, variously, address sustainable residential communities, urban design, and housing mix.

5.3. Natural Heritage Designations

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001028)

6.0 The Appeal

6.1. Grounds of Appeal

Raymond Rowe of 33 Willow Bank, Cluain Ard, Newtown, Cobh

- Under further information, a public footpath through site A and into the service yard of the adjacent EuroSpar was added without the opportunity for public comment: An omission that surely should invalidate the application. This footpath would be likely to increase existing problems of loitering and anti-social behaviour to the rear of the EuroSpar, as it would provide a new means of access/egress to the adjoining service yard.
- The provision of only 1 off-street car parking space per unit, when in practise 2 such spaces would be needed, will lead to overflow on-street parking. Given the access to site A would be off Willow Bank, such on-street parking would be likely to occur on this residential street, where spaces are unallocated and used by existing residents.
- Attention is drawn to the second floor apartments Nos. 6 and 7 in Block B and their balconies and in particular the wrap around balcony to apartment No. 6. Attention is also drawn to upper floor windows in the rear elevation of Block A. Views from these balconies and windows would overlook the dwelling houses to the rear of the EuroSpar, including the appellant's, and so result in a loss of privacy.
- Again, given the access to site A would be off Willow Bank, an increase in the incidence of "U" turn vehicular manoeuvres is anticipated on this residential street, which is a cul-de-sac where children play.
- The proposal would entail the construction of blocks, which would be three/four storeys in height and so out of character with the predominantly two-storey three-bed townhouses in the surrounding area. Where three storey buildings occur at present, they are largely around a large green area.

The appellant questions the need for two-bed units as these units are the ones that are taking longer to sell in the existing surrounding residential area.

If the proposal was to be amended by omitting the second floor apartments, then the above cited problems for existing residents would be allayed, apart from the public footpath issue.

6.2. Applicant Response

The applicant begins by describing the site within its context and the proposal and by summarising relevant planning policies/objectives. It then proceeds to respond to the grounds of appeal as follows:

- The public footpath at issue was added-in to the proposal, under further information, at the request of the Planning Authority and with the consent of the landowner of the adjoining neighbourhood centre. (The Planning Authority exercised its discretion not to make the further information, thus received, a matter of public consultation). This footpath would improve connectivity and permeability in line with the Design Manual for Urban Roads and Streets. It would be the subject of passive surveillance by proposed dwelling units along its length.

The appellant's concerns over the service yard would be assisted by the proposal, insofar as this yard would be the subject of passive surveillance by proposed adjacent dwelling units, too.

- Under the proposal, 30 car parking spaces would be provided for residents and 3 for visitors. Under the CDP, apartments should be accompanied by a maximum of 1.25 spaces: The proposal would come within this ceiling.

Additional car parking spaces as envisaged by the appellant would result in car parking becoming unduly visually dominant.

Furthermore, such spaces would be unnecessary, given the proximity of the neighbourhood centre and community facilities in the locality and given, too, the good public transport connections that exist, e.g. the "Cobh Connect" bus service to Cork, the commuter railway station at Rushbrooke, and the ferry service to Passage West.

- The second floor windows on the rear elevation of Block A would be either obscure glazed or, in the remaining case, it would serve a stair landing. Overlooking/loss of privacy would thus be minimal.
- The wrap around balcony to apartment No. 6 would be enclosed by means of a louvred screen on the majority of its western side, behind which would be a drying area. The front of the balcony would be a minimum of 58m away from the appellant's residential property (at an oblique angle), i.e. greater than the conventional separation distance of 22m, and the overlooked intervening area would be a car park to the EuroSpar.
- Elsewhere, an issue of potential overlooking within the proposal itself was satisfactorily addressed at the further information stage and other external relationships were depicted by means of sections that were, likewise, deemed to be satisfactory from a residential amenity perspective.
- On the issue of "U" turns, attention is drawn to the adequate manoeuvring area that would accompany the car parking spaces within Site A and which could be used to turn within.
- The proposal would be predominantly of three storeys in height and, as such, in character with existing three-storey buildings on Beechwood Mews, opposite the site, and on Beechwood Avenue overlooking a large green area.

The four-storey element would be confined to a position adjacent to the junction between Elmwood Grove and Beechwood Mews. The third storey would have a flat roof to limit its incursion of the ridgeline to its host block. It would act as a local landmark and the nearest existing dwelling house would be 34m away.

The Urban Development and Building Height Guidelines support in principle the introduction of three/four storeys within suburban locations.

In urban design terms the location of the four-storey element would define the edge of the site and its corner position.

The housing mix of the proposal responds to the existing preponderance of three-bed dwelling houses in the Cluain Ard Estate and to the proximity of

good public transport connections: Hence the provision of two-bed apartments would be appropriate.

6.3. Planning Authority Response

None

6.4. Observations

Neil & Susan Kelleher of 26 Beechwood Mews, Cluain Ard, Newtown, Cobh

- Attention is drawn to the location of Cobh on an island that can only be accessed by means of the heavily trafficked R624 and a ferry from Passage West, which does not run around the clock.

The current proposal should be assessed in conjunction with recent large-scale housing permissions for Cluain Ard Phase 2, Cooline, Martello, and Inis Alainn (Phase 2).

Additional traffic with no improvements in transport infrastructure will simply exacerbate existing congestion. Within this context, the absence of an ambulance service on the island is a particular concern.

- Schools on the island are at capacity and many secondary school pupils leave the island for schooling. A new 16-classroom primary school has been identified as being needed once 450 dwelling units have been permitted: 500 dwelling units have been permitted and yet no school has been built.

Doctors surgeries are also under strain.

How can additional dwelling units in these circumstances be justified?

- Traffic generated by the proposal would use the existing congested road network, which would be used, too, by Cluain Ard Phase 2: Safety concerns arise over the capacity of this network to cope with any more traffic.

The junction between Elmwood Grove and Beechwood Mews also raises safety concerns, as the proposed 80m sightline would be insufficient and accidents have occurred at this junction in the past.

The prospect of overflow on-street car parking is causing concern locally, as existing on-street car parking spaces are needed by existing residents.

Reliance upon the Cobh Connect bus service is critiqued as follows:

- This service is operated by a private company and so its continuation into the future cannot be guaranteed, and
- The service is to Cork city centre rather than to other employment centres such as Mahon, Douglas, Cork Airport, and Wilton.
- The proposed playground would be likely to exacerbate existing anti-social behaviour in the area.
- The height of the proposal would be out of character with the surrounding residential area and it would, consequently, lead to a loss of privacy.

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of national planning guidelines, the Cork County Development Plan 2014 – 2020 (CDP), Cobh Municipal District Local Area Plan 2017 (LAP), relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that the application/appeal should be assessed under the following headings:

- (i) Procedural matters,
- (ii) Land use, density, housing mix, transportation, and local services,
- (iii) Visual and residential amenity,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Water, and
- (vii) Appropriate Assessment.

(i) Procedural matters

- 7.2. The appellants express concern that, under further information, a new footpath link through the northern part of the site between Beechwood Mews and the neighbourhood centre was introduced without being the subject of public consultation. The applicant has responded by stating that the Planning Authority has discretion in this matter.
- 7.3. Under Article 35(1) of the Planning and Development Regulations, 2001 – 2020, if further information is received and the Planning Authority considers that it contains significant additional data, then a public consultation must be undertaken. Thus, the applicant's response is correct insofar as the judgment call on whether significant additional data has been submitted lies with the Planning Authority.
- 7.4. As in this case the Planning Authority's decision has been appealed, the appellants have had the opportunity to critique the new footpath link and, as the Board's decision is a *de nova* one, the opportunity exists for this critique to be assessed.
- 7.5. I conclude that there is no procedural impediment to the Board assessing/determining the current application/appeal in the normal manner.

(ii) Land use, density, housing mix, transportation, and local services

- 7.6. Under the LAP, the site lies within the urban boundary around Cobh environs and in an existing built up area. Objective ZU 3-1 of the CDP addresses proposals for sites within such areas: Essentially, where they are for the primary land use of the surrounding area, they are encouraged.
- 7.7. The site is surrounded on three sides by residential areas and so its proposed development for residential use would be acceptable, in principle, from a land use perspective.
- 7.8. Under the Sustainable Residential Development in Urban Areas Guidelines, net density is discussed. These Guidelines define brownfield sites as including urban green spaces. They state that such sites, especially where they are close to existing or future public transport corridors, should be developed to "higher densities". The Guidelines also state that, where such sites are within 500m of bus stops and/or 1km of railway stations, minimum net densities of 50 dwellings per hectare should be pursued.

- 7.9. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the location of apartments and the density of apartment developments is discussed. Three categories are set out, the second of which is denoted as an intermediate urban location and is deemed to be suitable for net densities of broadly over 45 dwellings per hectare. This category is characterised by being within 0.8 – 1km of a town centre, 1 – 1.5km of a commuter railway station, and 0.4 – 0.5km of an urban bus service (minimum of 15-minute peak hour frequency).
- 7.10. The site is presently down to grass and so it is an urban green space. This site is 0.9km away from Cobh town centre (1.2km “on the ground”) and it is served by the bus stops on the adjoining L-2956 for “Cobh Connects”, a bus service between Cobh and Cork city centre which runs twice hourly during the am and pm peaks. Cobh is also served by a commuter rail line along which are two railway stations within the wider town, Cobh which is 0.8km away (1.8km from the site “on the ground”) and Rushbrooke which is 1km away (1.5km from the site “on the ground”). Given these factors, I consider that the site is in an intermediate urban location.
- 7.11. Under the proposal, the 0.544-hectare site would be developed to provide 30 residential units and so a net density of c. 55 dwellings per hectares would transpire. In the light of the above cited Guidelines, I consider that, in principle, this density would be appropriate for the site.
- 7.12. Under the proposal 30 residential units would be provided, of which 27 would be two-bed and 3 would be three-bed. The appellant questions the need for two-bed residential units, on the basis that existing units of this description in the area are taking longer to sell. The applicant responds by referring to the further information stage of the application in which it addressed this concern. Thus, the existing surrounding residential area known as Cluain Ard Estate comprises 334 residential units, of which 80% are three-bed semi-detached/terraced dwelling houses with a small number of four-bed detached dwelling houses. The remaining 20% comprise one/two-bed apartments/duplexes. The applicant’s judgement is that there is an oversupply of three-bed dwelling houses and an under supply of smaller units for families/retirees/downsizers.
- 7.13. I note that the two-bed residential units would vary in floor area between 75.60 and 90 sqm, while the three-bed units would be virtually the same area, i.e. 89.74 or

90.58 sqm. Thus, the more numeric two-bed residential units would exhibit a range of sizes. I note, too, the applicant's contextual presentation, which I consider persuasive in justifying the housing mix proposed.

- 7.14. The observers critique the Cobh Connects bus service in terms of its endurance and extent. In relation to the former, they express concern that the operator is a private company and, in relation to the latter, they express concern that employment centres, apart from the city centre, in the Greater Cork area are not served.
- 7.15. Under Section 3.2.40 of the LAP, the Planning Authority recognises the need for the introduction of bus services: Cobh Connects has begun to meet this need. I consider that, insofar as there is a market for the service between Cobh and Cork city centre, its provision by a private operator is likely to be enduring. Likewise, its extension may occur in the future. Both factors would be promoted by additional population within the route corridor of the service, something which the current proposal would facilitate.
- 7.16. The observers also draw attention to the dependence of Great Island upon a single road link with the mainland, which suffers from congestion at peak times. They cite, too, the absence of an ambulance that is based on the Island and the need for additional medical and educational facilities.
- 7.17. The LAP recognises the issue of congestion on the single road link and the need to strengthen medical and educational facilities. This Plan envisages the development of a series of residentially zoned sites on the northern fringe of Cobh environs. These sites comprise the Ballynahoe Urban Expansion Area and they would be developed under two phases in tandem with infrastructural improvements, including road improvements, and school provision.
- 7.18. The subject site is not one of these residentially zoned sites. Instead, it lies within the existing built up area and so its development is not linked to the above cited improvements/provision. The LAP explicitly recognises that such development as this would be likely to occur, as well as on zoned residential sites.
- 7.19. I conclude that the proposal would be appropriate from land use, density, housing mix, and transportation perspectives and its timing is not linked, under the LAP, to infrastructural improvements and school provision.

(iii) Visual and residential amenity

- 7.20. Under the proposal, the site would be laid out to provide 7 three-storey blocks, which would be orientated either north/south or east/west. The northern portion of the site would accommodate Block A towards its north-western corner and Blocks B, C, & D across its southern half. The southern portion of the site would accommodate Blocks E, F & G in its central and eastern portions. Block F would incorporate a four-storey element at its eastern end and in a position adjacent to the junction between the L-2956 and Beechwood Mews.
- 7.21. The appellant and observers express concern over the height of the proposal, which they consider to be out of character with the surrounding residential area. Thus, while they accept that there are instances of three storeys on Beechwood Mews and Willow Bank, most dwelling houses therein are two storeys. Likewise, while three storeys are the norm on Beechwood Avenue and Beechwood Drive to the north-east of the site, these streets overlook an extensive area of public open space. Particular exception is taken to the four-storey element of Block F.
- 7.22. The applicant has responded by citing the Urban Development and Building Heights Guidelines, which, under Paragraph 1.9, support, in principle, general building heights of at least three to four storeys in suburban areas. The presence of three storeys already within the surrounding area would ensure that the proposal is not out of character with it. The four-storey element would be limited in height by the specification of a flat roof and so it would be only slightly higher than the ridgeline. This element would be adjacent to the entrance to the overall Cluain Ard Estate and so it would act as a local landmark for this entrance. Existing dwelling houses to the south would be bungalows comprised in the Elmwood Grove Estate. The nearest of these dwelling houses would be between 30 and 35m away. Existing two-storey dwelling houses to the east would be a minimum of 45m away. These distances would be sufficient to mitigate any overlooking that may arise.
- 7.23. During my site visit, I observed the instance of existing three-storey dwelling houses in the area surrounding the site. I also observed that the site adjoins the surface car park/service yard for the neighbourhood centre to the west. The former instance provides a precedent for three storeys and the latter proximity is such that part of the immediate context is open and so analogous to the grouping of Beechwood Avenue

and Beechwood Drive around public open space. I accept the case for the four-storey element that the applicant has presented and so I consider that the scale and height of the proposal would be sufficiently in character with the surrounding area to be acceptable.

- 7.24. The appellant and the observers express concern over the likely exacerbation in anti-social behaviour as result of the proposal. The appellant identifies the footpath link described under the first heading of my assessment, in this respect, which they envisage as providing an unwelcome new means of access/egress to the rear of the neighbourhood centre. The observers consider that the proposed playground would become a new venue for anti-social behaviour itself.
- 7.25. The appellant also expresses concern that the proposed upper floor windows in the rear (western) elevation of Block A and the proposed balconies to apartments nos. 6 and 7 in Block B would overlook the rear of his residential property at 33 Willow Bank leading to a loss of privacy.
- 7.26. The applicant has responded to the issue of anti-social behaviour identified by the appellant by stating that views from Blocks A and B of the footpath link would ensure the existence of informal surveillance. It also states that, insofar as views would be available of the rear of the neighbourhood centre, informal surveillance would extend there, too. Such views would be from the cited balconies only as the upper floor windows in the western elevation of Block A would be either opaque or they would serve circulation spaces only. These views would be at an oblique angle over a minimum distance of 58m and so privacy would be safeguarded.
- 7.27. I concur with the commentary presented by the applicant. In relation to the issue of anti-social behaviour identified by the observers, the proposed playground would be overlooked by existing dwelling houses and proposed apartments, it would be adjacent to a junction between existing estate roads, and it would adjoin one of the proposed car parks. Consequently, informal surveillance of this playground would occur.
- 7.28. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(iv) Development standards

- 7.29. Under Appendix 1 to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, required minimum floor/private amenity areas are set out. Under further information, the applicant submitted a schedule that interacts with these areas and other relevant factors. This schedule shows that the proposal would be in compliance with this Appendix with respect to the 27 proposed apartments, all of which would have floor areas over 10% greater than the minimum required, and all of which would be dual aspect.
- 7.30. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, recommended minimum floor areas are set out. Under the applicant's aforementioned schedule, the proposed 3 townhouses comprised in Block D would comply/exceed these areas in this Table.
- 7.31. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines define apartments as "a self-contained residential unit in a multi-unit building with grouped or common access." Of the 27 proposed apartments, 18 would be duplexes with their own front doors. However, of these 18, 9 would use the shared bin and bicycle storage facilities with the proposed 9 second floor apartments, which would be accessed on a communal basis. I, therefore, accept that the majority of the proposed apartments would come fully within the stated definition. Bin and bicycle storage facilities for the remaining minority have not been made explicit on the submitted plans and so this should be addressed by condition.
- 7.32. The proposal would be designed and laid out to achieve separation distances between blocks that would vary in length. Where such distances are particularly tight, e.g. between Block C and Blocks B & D, secondary windows would be introduced to the kitchens in apartments nos. 10 and 15, and between Block F and Blocks E & G, secondary windows would be introduced to the kitchens in apartments nos. 22 and 27. As the eastern side elevation of Block B would abut rear gardens to apartments in Block C, the kitchen window in this elevation, which would serve apartment no. 7 would need to be opaque. This specification of such glazing should be conditioned.
- 7.33. The principal elevation of Block B would face north and the upper floor windows in its rear southern elevation would serve either bathrooms or circulation spaces at first

floor level and, in addition, kitchens at second floor level. While habitable room accommodation at first floor level would comprise bedrooms, at second floor level it would comprise kitchen/dining/living rooms, too. The lighting of the living rooms in apartments nos. 6 and 7 would be affected by the northern aspect of their windows and so it should be supplemented by rooflights in the southern roof plane. This, too, should be conditioned.

- 7.34. Communal amenity space would be provided by means of landscaped strips and a children's playground. The former would not be usable for active recreation, only the latter. The siting of the playground is influenced by the siting of an underground pumping station. The submitted landscape sketch plan indicates that the surface above this station could be landscaped. Details of this interface should be the subject of a condition.
- 7.35. I conclude that, subject to certain amendments and additions to the proposal as submitted, it would afford a satisfactory standard of amenity to future occupiers.

(v) Traffic, access, and parking

- 7.36. The proposed 30 residential units would generate vehicular traffic. During the am and pm peaks, I anticipate that such traffic would leave and return to Great Island via the R624. This regional road can be accessed to the south and to the north-west of the site via the L-2956 and the L-2933, respectively. Given the greater geographical convenience of the junction between the R624 and the L-2933, I would anticipate that this junction would be the one that would be more likely to be used.
- 7.37. The observers draw attention to ABP-306131-19, under which 237 residential units were permitted on 9th April 2020 for lands to the north north east of the site. Traffic generated by this proposal would use the same congested road network as would traffic generated by the current proposal.
- 7.38. I note the likely extensive overlap in peak time commuting routes between the two sites. I note, too, that under the permission granted to ABP-306131-19, the key junction between the R624 and the L-2933 would be signalised and so its efficient operation would improve accordingly.
- 7.39. The observers also draw attention to the junction between Beechwood Mews and the L-2956, which would be used by vehicles entering and exiting the site. The

western sightline available to drivers egressing this junction from Beechwood Mews would be 80m and they express concern that this distance would be inadequate.

- 7.40. During my site visit, I observed that the junction in question is on a 90-degree bend in the local road and that this road is, consequentially, the subject of a continuous white centre line. It is also a bus route between Cobh and Cork city centre. I note that under further information the Planning Authority requested the aforementioned 80m distance. I note, too, that this dimension would be a generous one under the advice of the Design Manual for Urban Roads and Streets (DMURS).
- 7.41. The applicant responded to the further information request by submitting plans that show not only the requested sightline, but an alteration to the junction in the form of a build out designed to improve its safety. This build out would slow right hand turning movements into Beechwood Mews and left hand turning movements out of this residential street. It would also narrow the width at the mouth of Beechwood Mews that pedestrians would be required to cross.
- 7.42. The northern portion of the site would be accessed off Willow Bank and the southern portion would be accessed off the link road between Beechwood Mews and the neighbourhood centre.
- The former access would be accompanied by sightlines with y distances of 21m to the east and 55m to the west. This access would be close to the junction between Beechwood Mews and Willow Bank. Approaching vehicles on Beechwood Mews would pass over a speed hump before turning left at this junction onto Willow Bank. I, therefore, anticipate that vehicle speeds would be low in the vicinity of the proposed access. For design speeds of 30 kmph, DMURS advises that a y distance of 23m should be available. This distance would be capable of being achieved, if the north-eastern corner of the site is left open, i.e. any hard or soft landscaping to be below 1m in height. This should be conditioned.
 - The latter access would be accompanied by sightlines with y distances of 42m to the east and 73m to the west. A raised table would be constructed across the eastern end of the link road, which would both serve pedestrians and slow vehicle speeds.

- 7.43. The appellants express concern that the access to the northern portion of the site would be likely to lead to a higher incidence of “U” turns on Willow Bank. The applicant has responded by drawing attention to the scope for turning movements to be made in this portion of the site. Thus, autotrack analysis for a conventional refuse lorry is shown on submitted plans for both portions of the site and the altered junction between Beechwood Mews and the L-2956.
- 7.44. The appellants also express concern over the proposed level of car parking provision. They consider that, rather than 1 space per residential unit, 2 should be provided, if overspill on surrounding residential streets, such as Willow Bank, is to be averted.
- 7.45. The applicant has responded that 30 spaces would be provided for residents along with 3 for visitors. This level of provision would accord with CDP standards, which cite a maximum of 1.25 spaces for apartments and 2 spaces for dwelling houses. It is considered to be appropriate, too, within the context of the public transport options, which are available, and which are described under the second heading of my assessment.
- 7.46. I conclude that traffic generated by the proposal would be capable of being accommodated in the public road network. I conclude, too, that access arrangements for the site and off-street car parking provision would be satisfactory.

(vi) Water

- 7.47. The proposal would be connected to the public water mains and the public sewerage system. Irish Water has issued a Confirmation of Feasibility letter, which advises that their infrastructure would be capable of serving this proposal without the need for any upgrades. An on-site underground pumping station would be incorporated within the design of the proposed foul water drainage system for the proposal. This station would be sited towards the north-eastern corner of the site and it would pump foul water to the proposed connection point to the south under the L-2956.
- 7.48. The proposal would also be served by on-site stormwater drainage arrangements, which would incorporate an attenuation tank that would be sited in the north-eastern corner of the site. This tank would be designed to handle 1 in 100-year (plus a 10% allowance for climate change) flood events. It would be accompanied by a hydro-

carbon interceptor and it would discharge at a greenfield run-off rate into the existing public stormwater sewerage system.

- 7.49. While the above on-site stormwater drainage arrangements would be a sustainable urban drainage system (SuDS), I consider that there would be scope to utilise other SuDS methodologies, such as permeable finishes to the proposed car parking spaces. This should be conditioned.
- 7.50. Under the OPW's flood maps, the site is not the subject of any identified flood risk.
- 7.51. I conclude that the proposal would raise no water issues.

(vii) Appropriate Assessment

- 7.52. The site is neither in nor near to a European site. Nevertheless, Cobh is a town on Great Island which is surrounded by Cork Harbour, portions of which are the subject of Cork Harbour SPA (004030) and Great Island Channel SAC (001028).
- 7.53. The proposal would entail the construction of 30 residential units on a "greenfield" site within an existing suburban area composed of the Cluain Ard Estate and a neighbourhood centre.
- 7.54. Under Stage 1 Screening for Appropriate Assessment the test is whether a proposal would be likely to have a significant effect either individually or in combination with other plans and projects on European sites.
- 7.55. The qualifying interests of the Cork Harbour SPA are as follows:

Little Grebe (*Tachybaptus ruficollis*) [A004]

Great Crested Grebe (*Podiceps cristatus*) [A005]

Cormorant (*Phalacrocorax carbo*) [A017]

Grey Heron (*Ardea cinerea*) [A028]

Shelduck (*Tadorna tadorna*) [A048]

Wigeon (*Anas penelope*) [A050]

Teal (*Anas crecca*) [A052]

Pintail (*Anas acuta*) [A054]

Shoveler (*Anas clypeata*) [A056]

Red-breasted Merganser (*Mergus serrator*) [A069]

Oystercatcher (*Haematopus ostralegus*) [A130]

Golden Plover (*Pluvialis apricaria*) [A140]
Grey Plover (*Pluvialis squatarola*) [A141]
Lapwing (*Vanellus vanellus*) [A142]
Dunlin (*Calidris alpina*) [A149]
Black-tailed Godwit (*Limosa limosa*) [A156]
Bar-tailed Godwit (*Limosa lapponica*) [A157]
Curlew (*Numenius arquata*) [A160]
Redshank (*Tringa totanus*) [A162]
Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
Common Gull (*Larus canus*) [A182]
Lesser Black-backed Gull (*Larus fuscus*) [A183]
Common Tern (*Sterna hirundo*) [A193]
Wetland and Waterbirds [A999]

The Conservation Objectives for each of these Qualifying Interests is to maintain its favourable conservation condition.

7.56. The Qualifying Interests of the Great Island SAC are as follows:

Tidal Mudflats and Sandflats [1140]
Atlantic Salt Meadows [1330]

The Conservation Objective for the former Qualifying Interest is to maintain its favourable conservation condition and the Conservation Objective for the latter Qualifying Interest is to restore its favourable conservation condition.

7.57. In relation to the Qualifying Interests of the SPA, these bird species would not forage or roost in the subject site, which is within a suburban area that is set back from the coastline of Great Island. In relation to the habitat of these bird species and the Qualifying Interest habitats of the SAC, I would comment as follows:

- The public stormwater sewerage system discharges into Cork Harbour. During the construction phase, “best practice” construction methods would ensure that the risk of contaminated water entering this system would be minimised. During the operational phase, the stormwater discharged from the site would pass through a hydrocarbon interceptor and an attenuation tank

before being discharged to the public stormwater sewerage system at the greenfield site run-off rate. The volume of stormwater thus contributed to Cork Harbour would be negligible. All of these measures would be undertaken independently of the presence of the European sites.

- The public foul water sewerage system in Cobh is now connected to the Waste Water Treatment Plant (WWTP) at Shanbally, via a pipeline that passes underneath Cork Harbour, from where fully treated waste water discharges safely into the Lower Harbour. The system within the town is being upgraded under the Cobh Town Networks contract.

7.58. Other permitted developments in Cobh would likewise benefit from the in-situ link to the Shanbally WWTP and the Cobh Town Networks contract.

7.59. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded 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. 004030 and 001028, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- With respect to direct effects, the distance between the site and the nearest European sites, and
- With respect to indirect effects, the habitat of the site, which is unsuited to foraging or roosting by bird species that are Qualifying Interests for European Site No. 004030, the construction phase use of "best practice" methodologies to minimise the risk of contaminated water entering Cork Harbour via the public stormwater sewerage system, the operational phase contribution of negligible volumes of stormwater to Cork Harbour, and recent and on-going improvements to the public foul water sewerage system, designed to ensure that only fully treated waste water is discharged to the Lower Harbour.

In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the following national planning guidelines: Sustainable Residential Development in Urban Areas, Urban Development and Building Height, and Sustainable Urban Housing: Design Standards for New Apartments, the Cork County Development Plan 2014 – 2020, and the Cobh Municipal District Local Area Plan 2017, the Board considers that, subject to conditions, the proposed residential development would be an appropriate use of the site within its context and that its density and housing mix would, likewise, be appropriate. The siting, scale, height, and design of this development would be compatible with the visual and residential amenities of the area. The development would afford an adequate standard of amenity to future residents. Traffic generated by it would be capable of being accommodated on the public road network and proposed access and parking arrangements would be satisfactory. No water or Appropriate Assessment issues would arise. The proposal would thus accord 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 9 th day of September 2020, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Details of bin and bicycle facilities for each of the residential units shall be shown.</p> <p>(b) The kitchen window in the side elevation of apartment no. 7 shall be specified with opaque glazing.</p> <p>(c) Rooflights in the southern roof plane of Block B shall be installed to ensure that the living rooms in apartments nos. 6 and 7 are lit from the south.</p> <p>(d) Details of the children’s playground, including play equipment and the proposed means of enclosure, shall be shown, along with details of the underground pumping station, including any means of access that may be necessary to it.</p> <p>(e) The eastern sightline to the vehicular access to the northern portion of the site off Willow Bank shall have a y distance of 23m. Any hard or soft landscaping within the resulting visibility splay shall be below 1 metre in height.</p> <p>(f) Additional sustainable urban drainage methods shall be specified, such as permeable surfaces to the proposed car parking spaces.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity, road safety and sustainable development.</p>
3.	<p>Subject to Condition No. 2, 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. This scheme shall include the following:</p>

	<p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.</p> <p>(ii) Details of roadside/street planting which shall not include prunus species.</p> <p>(iii) Hard landscaping works, specifying surfacing materials, furniture and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p> <p>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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4.	<p>Prior to the commencement of development, a detailed and site-specific Construction and Waste Management Plan for the proposed development shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interest of amenity and public health and safety.</p>
5.	<p>Prior to the commencement of development, a detailed and site-specific Construction Traffic Management Plan for the proposed development shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interest of traffic management and road safety.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public</p>

	<p>holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Drainage arrangements for the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>(a) The internal road network serving the proposed development, including the turning head, site access point, parking areas, footpaths and kerbs, road markings, and signage shall comply with the detailed standards of the planning authority for such road works.</p> <p>(b) Traffic calming items shown on drawing no. 19224-JBB-00-ZZ-DR-C-00010 revision P02 submitted to the planning authority on the 9th day of September 2020 shall be installed in accordance with a timetable to be agreed in writing with the planning authority.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to facilitate the installation of EV charging points/stations at a later date.</p> <p>Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance</p>

	<p>with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority before making available by the developer for occupation of the residential units in the proposed development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
14.	<p>Proposals for an estate/street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>
15.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p>

	<p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
16.	<p>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.</p> <p>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.</p>
17.	<p>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.</p>

	<p>Reason: To ensure the satisfactory completion of the development.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution of €57,508 (fifty-seven thousand five hundred and eight euro) 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. The application of any indexation required by this condition 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.</p> <p>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.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution of €24,004 (twenty-four thousand and four euro) 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. The application of any indexation required by this condition 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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Hugh D. Morrison
Planning Inspector

15th March 2021