



An
Bord
Pleanála

Inspector's Report

ABP-308922-20

Development	The omission of turning head to Road 1, from that granted under planning Reg. no. 18258
Location	Hazelwood Park, Foxwood, Kilbarry, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	20705
Applicant(s)	Magna Construction Limited.
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Magna Construction Limited
Observer(s)	None
Date of Site Inspection	25 th of March 2021
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is 0.03ha and is located at the end of a short cul de sac within a new residential estate *Foxwood*.
- 1.2. The houses within Hazelwood are laid out in a rectangular configuration around a large open space area. There is a main spine road to the south with a loop service road to the front of most of the houses.
- 1.3. The subject turning area site is to the north of the houses and positioned outside of the main estate area.
- 1.4. It is positioned behind a boundary fence associated with the estate, on a dirt track that is located at a lower ground level than the estate road.
- 1.5. See attached photos taken during site inspection 25th of March 2021

2.0 Proposed Development

- 2.1. Planning permission to omit the turning head to Road 1 from that granted under planning reference 18258 at Hazelwood Park, Kilbarry, Waterford.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused the development for a single reason:

The proposed development would endanger public safety by reason of a traffic hazard as the proposed development necessitates the service vehicles using the estate road junction to the south of the site to carry out unsafe reversing movements and as such would set an undesirable precedent for future similar types of development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A summary of the relevant points is as follows:

- PD18/258 was planning permission granted for 62No. dwellings, and included a turning head at the end of a short cul de sac.
- The turning area is at the end of a cul de sac 25metres long, serving 3No. dwellings
- The lands to the north of the residential estate are zoned for development.
- The UK's Manual for Streets requires a turning area for cul de sacs longer than 20metres.
- Refusal is recommended.

3.2.2. Other Technical Reports

None

3.3. **Third Party Observations**

None

4.0 **Planning History**

PD18/258

Planning permission granted for 62No. dwellings Policy Context

5.0 **Development Plan**

Waterford City Development Plan 2013-2019, the lands are zoned Residential – To provide for new residential areas and their amenities

5.1. **Natural Heritage Designations**

The subject site is 1022m west of John's River which is a tributary of the R. Suir.

The site is 3.34Km southwest of the Lower River Suir SAC (Site Code :002137);

The site is 6.82km north of Tramore Back Strand SPA (Site Code :004027);

5.2. EIA Screening

Having regard to the nature of the proposed development comprising of one dwelling, in an established zoned urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Waterford City Development Plan requires new housing layouts to comply with DMURS (Design Manual for Urban Roads and Streets) guides designers to minimise vehicular turning movements within developments where possible. By creating short cul de sacs and removing or designing out unnecessary turning head provision, the designer can reduce vehicular turning movements resulting in fewer points of conflicts between vehicles and vulnerable road users. It is also inevitable the turning area could turn into an informal parking area making them redundant and unsuitable for turning large vehicles from the outset.

The provision of the turning head will be difficult because of the variation in levels in Foxwood and the land outside of the boundary. Building up a turning head in the adjoining lands would seriously impede the future design and layout of the adjoining lands and would require retaining walls and barriers, and would be visually obtrusive.

When the turning head was proposed in the previous layout as an interim solution the variation in levels was not apparent, and there was a possibility that Road No. 1 might be continued into the adjoining lands. This is no longer an option due to the variation in levels.

6.2. Planning Authority Response

The planning authority has nothing further to add on appeal.

7.0 Assessment

7.1 Under the original parent planning permission, P18/258, there were 62No. dwellings granted planning permission, and this included a turning area at the end of a short cul de sac (25m) serving 3No. dwellings.

The developer now wishes to remove the permitted turning area because:-

- i) There is a significant difference in ground levels between the housing development and the subject site of the turning area;
- ii) The existing road layout within Foxwood can serve the development in terms of utility and emergency trucks;
- iii) The removal of the turning area is in compliance with DMURS to minimise vehicular turning movements within the development;
- iv) The provision of the turning area would impede the future design and layout of the adjoining lands zoned for residential use to the north of Foxwood.

Having inspected the site and noted the variation in ground levels between the existing housing estate and the proposed site of the turning area, I consider the applicants concerns are warranted.

In addition, the existing road layout is adequate in design to cater for the 3No. dwellings on the short 25metres cul de sac where the proposed turning head would serve. I am concerned that the provision of the turning head will compromise the future layout of the lands zoned for residential development to the north.

The grounds of appeal have correctly argued the underlying principles of the 'Design Manual for Urban Roads and Streets' (DMURS), is to minimise vehicular turning movements within developments where possible. The 3No. dwellings can be readily serviced by the existing road layout. There is no Roads Report on file recommending a refusal on traffic and pedestrian safety grounds. In my opinion, the reason for refusal lacks meaningful technical consideration and the omission of the turning area, is highly unlikely to set an undesirable precedent for future developments as the design of the configuration of the turning head on a lower ground level would be highly irregular.

Appropriate Assessment

The proposed development is located within an urban area on zoned lands that are serviced. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites.

8.0 Recommendation

- 8.1. I recommend the planning authority's decision to refuse be overturned and planning permission be granted by the Board.

9.0 Reasons and Considerations

Having regard to the existing road layout serving the housing development, and difference in ground levels of the lands to the north of the housing estate site boundaries, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions below, the removal of the turning head would be in compliance with the Design Manual for Urban Roads and Streets, and would be acceptable in terms of traffic safety and 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 additional information received dated 30 th 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 development
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
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Caryn Coogan
Planning Inspector

8th of April 2021