



An
Bord
Pleanála

Inspector's Report

ABP-319529-24

Development

Permission for the demolition of an existing single-storey dwelling and the construction of three 3-storey terraced houses along with new vehicular entrances and ancillary site works.

Location

Saint Margaret's/Cooladerra, 75 College Road, Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2342319

Applicant(s)

Hugh and Neil McSwiney

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First Party

Appellant(s)

Neil McSwiney

Observer(s)

None

Date of Site Inspection

30 September 2024

Inspector

Gillian Kane

1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of College Road, a mostly residential suburb in the vicinity of two large Hospitals and UCC. On the northern side of College Road is a large student accommodation development. The southern side of the road onto which the subject site has direct access, is undergoing some re-development with a number of sites under construction.
- 1.1.2. The subject site accommodates a single storey bungalow of non-standard construction, with a large vacant area to the side, behind construction railings. A two-storey dwelling has recently been constructed (ABP-306539-20) to the south. As noted in that Inspectors report, the rear boundary of the site abuts a detached dwelling known as “Arden” set on a large, landscaped site. There are a number of mature trees along the boundary between the site and the subject site.
- 1.1.3. Double yellow lines runs the length of both sides of College Road at the site alongside partial pedestrian pathway. There are two bus stops within 40m of the site.

2.0 Proposed Development

- 2.1. On the 25th September 2023, planning permission was sought for the demolition of an existing single storey dwelling (79.3sq.m.) and the construction of three 3-storey dwellings (227sq.m.) in a terrace, all on a site of 0.082ha.

3.0 Planning Authority Decision

3.1. Planning Authority Reports

- 3.1.1. **Environment Report:** No objection subject to 6 no. standard conditions.
- 3.1.2. **Drainage:** Further information required regarding green and blue infrastructure, soakaways and a connection agreement with Uisce Éireann.
- 3.1.3. **Housing:** No objection.
- 3.1.4. **Contributions:** Condition recommended
- 3.1.5. **Urban Roads & Street Design:** Further information required showing the removal of two of the three new entrances onto College Road due to their location 60m between two high priority junctions and 40m from a bus stop.
- 3.1.6. **Traffic Regulation & Safety:** Endorses the report from Urban Roads dept. and recommends Further Information requested. Requires no more than four car parking

spaces due to the good quality walking, cycling and public transport infrastructure in the vicinity of the development.

- 3.1.7. **Planning Report:** States that height is excessive and out of character, should be reduced in line with permitted dwelling to the west. Requires information on minimum room sizes / layout, omission of first-floor bedroom windows on north-eastern elevation, use of opaque glazing on stairwell windows, contiguous elevation, boundary treatment on western boundary. Notes internal reports recommending Further Information.

3.2. **Prescribed Bodies**

- 3.2.1. None on file.

3.3. **Third Party Observations**

- 3.3.1. Two submissions on the application raise concerns about overlooking, overshadowing, lack of contiguous elevations, excessive height, traffic, and development of adjoining site.

3.4. **Further Information**

- 3.4.1. On the 20th November 2023, the applicant was requested to address the matters raised in the initial reports. On the 29th February 2024, the applicant responded to the Further Information request as follows:

- 1 engineers report with justification for demolition
- 2 reduction in overall height
- 3 contextual elevation drawing
- 4 boundary treatment and landscape plan
- 5 Compliance with Quality Housing for Sustainable Communities Guidelines
- 6 Updated elevation drawings showing omission of first-floor bedroom windows on north-eastern elevation, opaque stairwell and WC windows.
- 7 Correspondence from Uisce Eireann
- 8 2 vehicular entrances to house no.s 1 and 2 removed and replaced with pedestrian entrances and retention of entrance to house no. 3, with additional pedestrian gate.

3.5. Reports on File Following submission of Further Information

- 3.5.1. **Drainage:** No objection subject to standard conditions.
- 3.5.2. **Urban Roads & Street Design:** No objection subject to 3 no. conditions
- 3.5.3. **Traffic Regulation & Safety Report:** one vehicular entrance and one pedestrian entrance only for the purposes of road safety. Limiting the the amount of access and exit points from the development will lead to less locations for potential conflict between vehicles, cyclists and pedestrians. No objection subject to condition being attached.
- 3.5.4. **Contributions:** condition recommended.
- 3.5.5. **Planners report:** Considers response to item numbers 1,2, 4, 5 and item number six sufficient. With regard to revised contextual elevation drawing, the planner notes the traffic report requiring the consolidation of the proposed 3 pedestrian entrances into one pedestrian entrance with updated drawing to reflect same. States that this matter can be dealt with by condition. Notes the report of the drainage department and the urban roads and streets design department. Notes the further information response from the traffic and safety department and recommends a condition attached to address. Recommendation to grant permission subject to conditions.
- 3.5.6. **Acting SEPlanner:** Concurs with the report of the Assistant Planner to recommend a grant permission subject to conditions.

3.6. Decision

- 3.6.1. On the 27th of the 3rd 2024 Cork City Council issued a notification of their intention to GRANT planning permission subject to 22 number conditions. Conditions of note:

Condition no. 3: The entire development is to only have one vehicular entrance and one pedestrian entrance for the purposes of road safety. Limiting the amount of access and exit points from the development will lead to less locations for potential conflict between vehicles, cyclists and pedestrians. The applicant is to provide designs that reflect this condition. **Reason:** In the interest of Traffic Safety.

Condition no. 4: The consolidation of the proposed 3 no. pedestrian entrances into 1 no. pedestrian entrance will require a reconfiguration of the external area to the front of the scheme. Prior to the commencement of development revised details and drawings shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of proper planning and sustainable development.

4.0 Planning History

- 4.1.1. Adjoining site to south: **ABP-306539-20**: Planning permission granted to Peter McSwiney for the construction of a detached dwelling (change of house type as granted under planning register reference number 08/33601, An Bord Pleanála appeal reference number PL 28.234275) and associated site works at Glencaragh, College Road, Cork.

5.0 Policy Context

5.1. Cork City Development Plan 2022- 2024

- 5.1.1. The site is zoned 'ZO 1 – Sustainable Residential Neighbourhoods' with a stated objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.
- 5.1.2. The site is located in Parking Zone 2 which applies to 'areas accessible to mass transit alongside public transportation corridors' where the maximum number of parking spaces permitted for 1–2-bedroom houses is 1, while houses with 3 or more bedrooms can have a maximum of 2 parking spaces.
- 5.1.3. Chapter 3 of the development plan refers to Transport and Mobility, with strategic Objective 3 being to support the Cork Metropolitan Area Transport Scheme.
Objective 4.4 refers to Active Travel, seeking "To actively promote walking and cycling as efficient, healthy, and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient, and safe cycle routes and footpaths across the city. To support the 15-minute city concept and walkable neighbourhoods with adequate walking and cycling infrastructure connected to high-quality public realm elements, including wayfinding and supporting amenities (benches, water fountains, bike stands). To support the expansion of the Cork Bikes scheme. To accommodate other innovations such as electric bikes, public car hire, and other solutions that will encourage active travel. To support the rollout of the NTA 5 Year Cycle Plan. To support and engage with the Safe Routes to School programme".
- 5.1.4. **Objective 4.5** refers to Permeability, stating: "a. All new development, particularly alongside the possible routes identified for public transport improvements, shall include permeability for pedestrians, cyclists, and public transport so as to maximise

its accessibility. b. To maximise permeability, safety, security and connectivity for pedestrians and cyclists by creating direct links to adjacent roads and public transport networks in accordance with the provisions of statutory guidance as prescribed. c. Prepare a permeability strategy for areas throughout the city”.

5.2. **Cork Metropolitan Area Transport Strategy**

5.2.1. The Cork Metropolitan Area Transport Strategy (CMATS) 2040 has been developed by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII), Cork City Council and Cork County Council.

5.2.2. CMATS has several key objectives:

- **Reducing Car Dependency:** CMATS seeks to **reduce dependency on private cars** within the CMA. By promoting sustainable transport options, such as public transit, cycling, and walking, the strategy aims to create a more environmentally friendly and efficient transportation system¹.
- **Efficient Transport Network:** to **support the future growth of the CMA** by providing an **efficient transport network**. This network will accommodate the projected population increase (50% to 60% by 2040) and associated economic growth, ensuring that Cork remains an attractive place to live, work, visit, and invest in.

5.2.3. In summary, CMATS strives to deliver an **accessible, integrated transport network** that enables the sustainable growth of the Cork Metropolitan Area as a dynamic, connected, and internationally competitive European city region, as envisioned by the National Planning Framework 2040. Long-term investments in sustainable mobility, including projects like BusConnects, light rail, heavy rail, and cycling, are central to achieving these objectives

5.2.4. The site adjoins the ‘**University College Cork (UCC), College Road and Magazine Road ACA**’, which describes the area as ‘institutional in nature’ and the primary focus of the ACA is on those buildings. Section 1.224 states that ‘College Road acts as the main thoroughfare with Magazine Road acting as the secondary thoroughfare, and the two are connected by relatively narrow roadways’.

5.3. Natural Heritage Designations

The subject site is 4.5km from the Cork Harbour SPA (004030).

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal against condition no. 3 of the decision by Cork County Council to grant permission has been submitted by the applicant. It is submitted that three individual entrances as per the original layout submitted to Cork City Council is the best option in terms of traffic safety, convenience and practicality for the future residents of the development. It is stated that previously granted planning applications on the site and neighbouring sites are in line with the existing style of developments along College Road. The board is requested to grant permission as per the original layout plan submitted to the City Council on the 25th of September 2023 or as per the revised layout represented to Cork City Council with a realigned front boundary wall to reduce existing traffic conflict 2023 drawing number 10123-1019 refers.
- 6.1.2. The appeal submission provides a background to the application presenting it as the most logical entrance design based on the existing style of private residential dwellings along College Road. It notes there is no street parking available nor is there a footpath on the side of the road on which the site is located. The appeal notes the reports from the urban roads and street design engineer and traffic and safety engineer requesting the removal of two of the three vehicular entrances on the basis of decreasing traffic conflict. It notes that provision for up to four car parking spaces was still allowed within the site by the engineer. The appeal refers to a

meeting with the Urban Roads and Street Design dept. during which the option of realigning the existing front boundary of the wall of the site to gain additional Rd. width and remove an existing pinch point on the road was presented. It was submitted that this would gain an additional 700mm in carriageway with which would eliminate the current need for buses and other heavy vehicles to stop along the road in order to pass each other and therefore would significantly help reduce existing traffic conflict along the road. Photo submitted.

6.1.3. The grounds of the appeal can be summarized as follows:

- Precedent for previously granted developments on site granted by cork City Council and ABP include:
 - **TP 0125791** permission granted for an entrance and off street parking at Saint Margarets,
 - **TP 0732148** permission to construct 2 new dwellings at Saint Margarets and Glencarragh granted with individual vehicular entrances to College Road.
 - **TP10 34519** permission granted for a detached dwelling at Saint Margaret's College Road. Condition number two of the decision required a set back of the front boundary by 1m with appropriate sight lines to be agreed and 1m footpath with appropriate dropped curbs along the full length of the street frontage at the developer's expense.
 - **TP20 39500** permission for the construction of a detached dwelling at Saint Mary's College Road, including an individual vehicular entrance.
 - In all cases the provision of off-street car parking was noted to be in the interest of Traffic Safety. This is contradictory to the current Cork City Council's decision to remove vehicular entrances.
- Precedent for previously granted developments on adjoining site granted by Cork City Council and ABP include:
 - **TP 0833601** new dwelling house at Glencorragh, College Road. With the statement made by the ABP inspector that the proposed development would not seriously injure the amenities of the area of property in the vicinity would be acceptable in terms of Traffic Safety and would be in

accordance with the proper planning and sustainable development of the area new line

- **TP 1938647** permission to change dwelling at Glencorragh, College Road. Original entrance layout for this application had the front boundary wall set back 1m from the existing road. ABP inspector made the following comment on their decision to grant: “the proposed development would not seriously injure the amenities of the area or of the property in the vicinity would be acceptable in terms of traffic safety and convenience. The proposed development therefore being accordance with the proper planning and sustainable development of the area.”
- **TP 0731872** demolition of existing dwelling construction of new house and all incendiary works at Denson College Road. ABP inspector stated “in this case I consider the off street parking provision to be necessary in the interest of highway safety and therefore accept the proposed arrangements to be reasonable”.
- It is submitted that the vast majority of private residential dwellings along College Road have individual entrances. Sketch included illustrating the amount of existing privately owned residential dwellings with private vehicular entrances. It is submitted that the main contributor to existing traffic is not the private vehicular entrances but the daily commuter traffic entering and exiting the various UCC and hospital car parks along College Road.
- It is submitted that the addition of two vehicular entrances to single residential houses will have little to no impact on the existing level of traffic conflict on a daily basis. The condition will have no benefit in terms of increased traffic safety along College Road. but will have far more injurious implications in terms of safety convenience and practicality for the residents of the homes.
- It is submitted that the Cork City Council condition forces the development to have a common parking area in front of the houses. It is submitted that there is insufficient space to the front of the development to facilitate a safe functional common vehicle parking area that allows for both vehicular maneuvering and pedestrian walkways within the property. Therefore the only solution to meet the councils condition will result in just one of the properties

having off street parking - house no. 3 and the other two houses not having any off-street parking. It is noted that in previous applications cork City Council allowed for the front wall of the property to be set back in order to construct a foot back to the front of the development. This was stated to be in the interest of pedestrian and traffic safety. It is noted that recent applications specifically requested that the boundary wall be rebuilt in its current location without any provision for full footpath.

- It is submitted that one pedestrian entrance introduces a number of safety concerns as follows:
 - Condition no. 3 will result in pedestrian accessing or egressing the site through one pedestrian gate with no footpath on the side of the road they would be forced to stand on the road itself, close the gate behind them, before turning around to try and cross the road to the safety of the footpath on the opposite side. This is a serious safety concern that is not has not been considered by cork City Council and sitting in the condition.
 - The revised entrance proposal submitted to Cork City Council on the 6th of December 2003 with individual access to each developments allows pedestrians to safely cross the road without having to stop to open a gate.
 - The lack of any footpath or off-street parking creates issues associated with waste collection. Without provision for a footpath or individual means of access to each property there is nowhere to store bins for easy collection. This will result in waste collection trucks stopping on the side of the road with significantly increased amount of time, leading to an increase in traffic conflict along the road.
- It is submitted that a significant concern which has not been taken into consideration by the council is that there is no existing street parking along the road. The proposed development is designed to accommodate individual families where private vehicular ownership will be requirement regardless of the quality of the local public transport networks full stop with no on street

parking residents of the dwellings will have to park in adjacent streets where parking is limited.

- It is submitted that the request to remove 2 vehicular entrances is inconsistent with the recommendation of the traffic and safety engineer report where it was stated that spaces for four number cars is acceptable. It is logical to assume that the same amount of traffic conflict would be caused by 4 vehicles, regardless of the number of entrances.
- The proposed boundary wall design included for the demolition of the existing 1.5m high stone wall and its replacement with the low stub table wall with railings on top. This would facilitate clear and unobstructed sight lines for any vehicle exiting from the development of. It is submitted that this is an improvement on the existing entrances along the road with the majority having high walls and hedges resulting in insufficient sight lines.
- It is noted that the revised entrance layout presented to the council in December 2023 was large enough to allow a vehicle to fully turn around while remaining within the boundaries of the property eliminating the needs for cars to reverse onto the road would exiting the property. This addressed the main concern of the Cork City Council Urban Roads and Street Design Engineer in the further information request, which stated that the proposed introduction of two number new direct access results in an intensification of vehicular movements particularly reverse from maneuvers which could lead to an increased in conflict. It is submitted that there would be minimal increase in traffic caused by the additional vehicular entrances.
- In conclusion the board is requested to grant planning permission without the addition of condition no. 3.

6.2. Planning Authority Response

6.2.1. None on file

6.3. Observations

6.3.1. None on file

7.0 Assessment

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. Section 139 of the Planning and Development Act 2000- 2016 provides that where an appeal is made to the Board against only conditions of a permission and where the Board is satisfied that a de novo assessment of the appeal is not required, that the Board may issue a direction to the Planning Authority relating to the attachment, amendment or removal of the condition.
- 7.1.2. In the case of the current appeal against condition no.3 only, I am satisfied that the appeal accords with the criteria of section 139 and therefore I restrict my assessment of the appeal to condition no. 3 only.

7.2. Condition no. 3

- 7.2.1. As noted above condition number three of the Cork City Council decision requires the applicant to only have one vehicular entrance and one pedestrian entrance for the purposes of road safety, with the condition noting that limiting the amount of access and exit points from the development will lead to less locations for potential conflict between vehicles, cyclists and pedestrians.
- 7.2.2. The appellant seeks to Board to omit this condition, and grant permission as per the original layout plan submitted to the City Council on the 25th of September 2023 or as per the revised layout submitted to Cork City Council during the FI process - drawing number 10123-1019 refers.
- 7.2.3. The appellant submits that planning history on the subject and adjoining sites has provided for individual vehicular entrances for single dwellings along College Road, and requests that this precedent be maintained. I note the examples and comparisons provided by the appellant and note none of these decisions were made under the current 2022-2028 City Development Plan. The promotion of active travel, of a 15-minute city of walk-able neighbourhoods with adequate walking and cycling infrastructure connected to high-quality public realm elements is clearly outlined in Objective 4.4 of the current plan. Likewise, one of the key objectives of CMATS is to reduce dependency on private cars within the CMA by promoting sustainable transport options, such as public transit, cycling, and walking, the strategy aims to create a more environmentally friendly and efficient transportation system. The

move from private car-based transport to improving pedestrian and cyclist transport options to a point where they become preferable, the promotion of sustainable and active transport options, increasing connectivity between existing and proposed residential areas, are all key tenets of Active Travel. The increasing residential development along College Road results in higher demand for improved transport infrastructure, improved transport services and safe active travel infrastructure.

- 7.2.4. The proposed development for three vehicular entrances would involve the introduction of additional traffic movements on to a heavily trafficked road. The appellant makes the case that these movements will occur at the same intensity through one entrance as they will through three. I do not accept this. One point at which pedestrians / cyclists / vehicular traffic must watch for exiting traffic in a forward motion is safer than three points of potential conflict. Likewise, three pedestrian gates inserts three conflict points, with currently no footpath. One pedestrian entrance reduces this conflict.
- 7.2.5. I see no reason why a communal waste service cannot be provided on the subject site. I do not consider this to be a traffic hazard. Likewise, I see no evidence that cars can not turn on site and therefore avoid the need to reverse on to a busy, heavily trafficked road.
- 7.2.6. The appellant requests the option to provide a set back from the road edge. This would be a very welcome opportunity to provide a footpath along this side of College Road. Should the Board decide to attach condition no. 3 I recommend it be amended to provide for a set-back and footpath along the length of the subject site. This opportunity can also be used to address a clear and unobstructed boundary treatment.

8.0 AA Screening

- 8.1.1. Having regard to the nature of the development, its location in a serviced urban area, the planning history in the area and the separation distance to any 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.

9.0 Recommendation

- 9.1.1. Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** condition number 3 as follows:

- 3: Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:
- (a) only one vehicular entrance and one pedestrian entrance for the purposes of road safety. The consolidation of the entrances into one number pedestrian entrance will require a reconfiguration of the external area to the front of the scheme, allowing for the provision of a footpath along the length of the subject site,
 - (b) 4 no. car parking spaces shall be provided within the site. The location(s) and layout of these spaces shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: in the interest of proper planning and sustainable development, ensuring traffic safety within the subject site and along the length of College Road.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the nature and scale of the proposed development, the pattern of development in the area, it is considered that the imposition of condition no. 3 is in keeping with the key objectives of the Cork City Development Plan 2022-2028 with regard to Active Travel and the Cork Metropolitan Area Transport Strategy, would not contravene any provisions of the development plan, would not set an undesirable

precedent and is in keeping with the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gillian Kane
Senior Planning Inspector

10 October 2024

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	demolition of an existing single-storey dwelling and the construction of three 3-storey terraced houses along with new vehicular entrances and ancillary site works		
Development Address	75 College road, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No			No EIAR or Preliminary Examination required
4. Has Schedule 7A information been submitted?			
No			

Inspector: _____

Date: _____