



An
Bord
Pleanála

Inspector's Report ABP 306765-20

Development	Demolition of workshop and construct 3 no. houses.
Location	184 Lower Glanmire Road, Tivoli, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	19/38818
Applicants	Bruce & Judith Perkin
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellant	Orla Freyne
Observer(s)	None
Date of Site Inspection	18/05/20
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The appeal site is located to the north-east of Cork city centre close to Tivoli Bridge. The site is accessed via a narrow cul-de-sac laneway (Woodside) off Trafalgar Hill which provides access to a number of terraced two and three storey buildings, many of which have been converted into apartments. The apartment complex of Cois Coille is accessed at the end of the lane. A three storey building providing for 8 apartments permitted under ref. 18/37724 is currently under construction immediately to the west. The lane runs parallel and at a lower level to Lower Glanmire Road with on-street parking on one side limiting unimpeded vehicular movements.

The site, which has a stated area of 0.0255 hectares, is roughly square in shape and is occupied by a 1 and 2 storey building and yard area currently in use as an antique/furniture restoration shop and workshop. A retaining wall delineates the boundary with the property to the north.

Glenarm House which is 2 and 3 storeys in height bounds the site to the east. It is subdivided into apartments. The building is setback from the lane with surface parking to the front. Mature trees delineate its western boundary with the appeal site. The lands to the north, accessed from Trafalgar Hill, are elevated over the site with a detached dwelling (Clairlee) presenting as three storey to its rear, overlooking the site. The dwelling has a balcony availing of views of the River Lee to the south. Planting and bamboo delineate its rear boundary.

2.0 Proposed Development

The application was lodged with the planning authority on the 22/10/19 with further plans and details received 08/01/20 following a request for further information dated 16/12/19.

The proposal entails the demolition of existing buildings on the site and construction of 3 no. 3 bedroom three storey dwellings ranging in size from 149 to 168 sq.m. Each unit is to have a garage at ground floor level providing for 1 parking space and a private amenity space of 22 sq.m. to the rear. 1st and 2nd floor balconies with a total floor area of 8 sq.m. are proposed to the front (southern) elevations.

The dwellings are flat roofed with a parapet height of 12.65 metres matching that of the apartment building under construction to the west.

The external finishes are to be of brick with hardwood doors to the garages.

Trellis and planting to the retaining wall is proposed to prevent overlooking into the dwelling to the north.

The application is accompanied by a Planning Design Report.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission for the above described development subject to 12 conditions including:

Condition 2: Prior to commencement of development swept path analysis and Stage 1/2 Road Safety Audit to be submitted. Applicant to confirm that all vehicular and pedestrian access points are to be designed in accordance with DMURS.

Condition 3: Construction management plan to be submitted.

Condition 4: Contribution in respect of Cork Suburban Rail supplementary contribution scheme.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The **Assistant Planner's** report dated **05/12/19** considers the overriding concern to be the site coverage of 80%, lack of open space, substandard private amenity space, design finishes and access to daylight. It is considered the current proposal is overbearing. The cumulative affect with the existing apartment block is unacceptable. A refusal of permission for 1 reason recommended. This recommendation is endorsed by a **Senior Executive Planner** in a report dated **11/12/19** with 2 reasons for refusal recommended. A further **Senior Executive Planner's** report notes the preceding reports. It is considered that the proposal is in keeping with the 3 storey apartment block adjoining and the proposed development to the west of that again for 2 apartments in the void beneath the existing apartment.

The site is brownfield where a flexible approach can be taken. Deferral of the application recommended. The **Senior Executive Planner** in a report dated **04/02/20** following further information notes that the requirements of transport and amenity were mistakenly not included in the further information request but can be addressed by way of condition. A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Drainage Division has no objection subject to conditions.

Transport and Mobility in a report dated **02/12/19** recommends further information on access to proposed garage spaces, submission of Road Safety Audit, compliance with DMURS and submission of Construction Management Plan. It is considered that the development and road itself poorly serves the needs of pedestrians.

Road Design in a report dated **05/12/19** recommends further information on achievement of sight lines of 45 metres from a setback of 2.4 metres. A **2nd report** dated **06/12/19** details the applicable development contribution scheme. The **3rd report** dated **04/02/20** following further information considers that the issue of sight distances has been adequately addressed. No objection to permission subject to conditions.

Environment in a report dated 09/12/19 recommends further information on whether waste collection providers can access the road.

3.3. Prescribed Bodies

Transport Infrastructure Ireland states that it relies on the planning authority to abide by official policy in relation to development on/affecting national roads. It advises that the NTA be contacted with regard to the implementation of the Cork Metropolitan Area Transport Strategy in the vicinity of the site.

Irish Water has no objection subject to conditions.

3.4. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd party appeal summarised in section 6 below.

4.0 **Planning History**

I am not aware of any previous planning applications on the subject site.

18/37724 – permission granted for 8 apartments immediately adjoining the appeal site to the west. The scheme is nearing completion.

19/38662 – permission granted for studio apartment and 1 bed apartment in the void beneath an existing apartment on the site immediately to the west of the above permission.

5.0 **Policy Context**

5.1. **Development Plan**

Cork City Development Plan 2015

The site is within an area zoned Z04-Residential, Local Services and Institutional Uses. The objective of the zoning is to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.

Section 16.42 - The residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare responding to the nature of their context and are more likely to be controlled by other considerations. These will include plot ratios (see Table 16.1), and other planning and design considerations.

Section 16.59 - Infill Housing

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In

general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Have an appropriate plot ratio and density for the site;
- Provide adequate amenity.

Section 16.64 Private Open Space for Residential Development

The requirements for the provision of private open space for residential developments are set out in Table 16.7. A reduction in private open space standards may be considered to facilitate the development of small infill sites in City Centre and inner-urban areas. In townhouse and mews developments private open space should be provided in small rear yards and balconies.

Table 16.7 set out the private open space standards for Inner Urban Areas. A minimum of 30 sq.m. is required for townhouses/terraced houses.

Table 16.8 Car Parking Standards. The site is within parking zone 3 where 2 spaces per 3 bedroom dwellings are required plus 0.25 space per unit for visitor parking.

5.2. **Natural Heritage Designations**

The nearest designated site is Cork Harbour SPA site code 004030 c. 2km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd party appeal can be summarised as follows:

6.1.1. Access and Parking

- The layout of the garage spaces on a busy lane where the surface is shared would preclude safe vehicular manoeuvres and would result in a traffic hazard.
- Any narrowing or parking on the road has the potential to cause obstruction and result in a health and safety risk including access by emergency vehicles.
- Waste collection vehicles often cannot obtain access.
- The removal of on-street parking along the lane would assist in alleviating the hazard.
- The plans accompanying the application do not fully disclose the available space or dimensions for each parking unit or details on how vehicles can manoeuvre in and out.
- The swept path analysis and Stage 1/2 Road Safety Audit as required by condition 2 should have been sought and assessed prior to any grant of permission.
- The 45 metre sightline drawings submitted by way of further information do not detail the specifics of the assessment nor does it take on-street car parking into consideration.
- The site is within car parking zone 3 as set out in the City Development Plan. 2 spaces per dwelling unit, in addition to visitor parking, is detailed therein. To allow for a relaxation would have a significant adverse effect on neighbouring amenities which is contrary to the requirements in terms of infill housing.
- 10 no. apartments are being developed on an adjoining site with no parking provision.

- All the developments will compound the parking and vehicular issues prevalent.
- The junction at Lower Glanmire Road/Woodside/ Lovers Walk (Trafalgar Hill) is a serious hazard. It is poorly configured resulting in dangerous vehicular movements. Prior to further development this junction should be improved.

6.1.2. **Quantum of Development**

- The density is considered excessive. 80% site coverage results in insufficient private amenity space. It constitutes overdevelopment of this sensitive area.
- It would produce a substandard form of development.
- Save for the adjoining residential scheme the proposal does not reflect the housing typology in the area. The site would be more appropriately developed for 1 dwelling.

6.1.3. **Visual Amenity**

- The design of the scheme is inappropriate, has a poor relationship to its location and is out of character.
- Coupled with the adjoining apartment scheme it will result in a significant dominant presence on a narrow road where other dwellings of this height are stepped back significantly.
- The proposal is directly adjacent to an Area of High Landscape Value primarily for the view of the Montenotte/Tivoli Ridge, VLT7 (Lower Glanmire Road). The proposal, combined with the apartment scheme adjoining in terms of scale and bulk, would be an intrusive feature and would impact on the visual amenities of the area.

6.1.4. **Other Issues**

- There is a lack of adequate services and public facilities to accommodate new development.

6.2. Applicant Response

The submission can be summarised as follows:

- The road is relatively narrow at 5.53 metres. The proposed development will be stepped back 300mm from the existing road edge which will increase the road width to 5.83 metres.
- Traffic movements will not be adversely affected.
- The garages will increase visibility along the road and make it safer for road users as it will remove cars from parking along this area of the street.
- Access by emergency vehicles will not be affected.
- There will be no impact on existing road users from vehicles entering and exiting the garages. There is adequate turning radius. As cars will no longer be parked in front of the proposed dwellings visibility will be more than adequate for vehicles entering and exiting.
- The proposal accords with the City Development Plan residential strategy as set out in chapter 6 and infill development set out in section 16.59.
- The existing buildings are dilapidated. The design will have less of an impact on the area than other permissions granted, notably the apartment block adjoining. The proposal will add to the streetscape.
- As cited by the Senior Executive Planner a flexible approach should be taken.
- The junction to which the appellant refers is 100 metres from the site.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Zoning Provisions
- Quantum of Development and Prospective and Existing Residential Amenities
- Suitability of Design
- Access and Parking
- Other Issues

7.1. Zoning Provisions

The site, accessed by a lane off Lower Glanmire Road in Tivoli, is considered to comprise an inner suburban location largely in residential use with a mix of detached dwellings and terraced buildings, some of which have been converted to apartment use, and more recent apartment development including Cois Coille accessed at the end of the lane and the small scheme currently nearing completion immediately adjoining the appeal site to the west.

The site is within an area zoned Z04-Residential, Local Services and Institutional Uses. The objective of the zoning is to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.

The proposal comprising the demolition of existing workshop and shop which is in a somewhat dilapidated condition and construction of 3 no. dwelling units would accord with the zoning provisions for the area and is, therefore, acceptable in principle.

7.1.1. Quantum of Development and Prospective and Existing Residential Amenities

I submit that the proposal comprises an infill development. In this context I have regard to the city development plan provisions for same as set out in section 16.59. Obviously, any development of the site will bring about a change in the streetscape and character of the immediate area and I accept that the site strictures are notable in terms of limited size and context. I submit that the challenge is to be sure that the

design complements and does not detract from the area and provides for an appropriate form of development ensuring an acceptable level of residential amenity for prospective occupants, whilst protecting those of adjoining properties.

The proposal would have a plot ratio of 1.8 which is somewhat higher than the indicative provisions of the city development plan of 1.0 - 1.5 for such an inner suburban site. However, as noted in the plan plot ratio is secondary to other built form and planning considerations and should not be used to justify a particular built form as qualitative standards (such as scale, building height, enclosure ratio, space provision and quality etc.) will be overriding considerations.

In terms of density the proposal for 3 units on a 0.0255 hectare would equate to 117 units per hectare. Whilst high, there is no impediment in terms of maximum densities on such an inner suburban site with section 16.42 of the city development plan stating that residential density in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare. Notwithstanding and as stated above with respect to plot ratio, the acceptability or otherwise of the proposal is predicated on other planning considerations being met including the acceptability of the design solution, impact on amenities of adjoining property, the securing of adequate amenities for prospective occupants and access and traffic.

The dwellings range in size between 149 and 168 sq.m over three levels. Each unit is to have parking at ground floor level and a private amenity space of 22 sq.m to the rear with 1st and 2nd floor balconies totalling 8 sq.m. proposed to the front (southern) elevations. This accords with the requirements of the city development plan which states that in townhouse schemes private open space should be provided in small rear yards and balconies with a minimum requirement of 30 sq.m. I would accept that the amenity value of the rear space is somewhat compromised by its northern aspect and dominance of the retaining wall along the rear boundary, but this is counterbalanced by the dual aspect of the properties and the amenity value of the balconies to the southern elevation which will avail of views of the river. I submit that the compromise as allowed for by the city development plan in terms of relaxation of standards in the interest of developing such an underutilised site is entirely reasonable in this regard.

In terms of amenities of adjoining property, the site backs onto Clairlee, a detached dwelling that presents as 3 storey to the rear. In view of the level differentials, existing boundary treatment on top of the retaining wall and further screening proposed, I submit that no issues of overlooking or loss of privacy would arise.

Whilst the dwellings, in replicating the existing building line to the lane save for a 300mm setback, will be forward of Glenarm House to the east the existing mature trees along the boundary are to be retained which will effectively screen the proposed development from same.

On balance, therefore, I consider that the proposed dwellings would provide for an acceptable level of amenity for the prospective applicants and would not adversely affect the residential amenities of other property in the vicinity in terms of overlooking or loss of privacy.

7.2. Suitability of Design

The site is within an area characterised by a mix of building design ranging from the older buildings in the terrace to the east characterised by two and three storey buildings in residential use, some of which have been converted to apartments, to the more recent developments to the west including Cois Coille scheme at the end of the lane and the apartment scheme nearing completion immediately adjoining the appeal site to the west. The elevated lands to the north are characterised by large, detached dwellings availing of views of the river to the south. As such there is no dominant architectural style which defines the area. I note that it is not within an Architectural Conservation Area with none of the buildings in the vicinity designated as protected structures.

The design of the dwellings in a modern idiom with a height which is comparable to that of the apartment building immediately adjoining is, in my opinion acceptable, and whilst forward of Glenarm House to the east the boundary to same is delineated by mature trees which provide for effective screening. I also consider that the external finishes of brick (details of which were provided by way of further information) with timber garage doors are acceptable and provide for a variation to the render finish which prevails thereby providing for visual interest.

I would not subscribe to the view that when taken in conjunction with the apartment building immediately adjoining the proposal would be out of scale and would

constitute an intrusive feature in the streetscape. On the contrary I consider that the proposed development would be appropriate in design terms and would make a positive contribution to and would integrate successfully within the existing streetscape.

7.2.1. **Access and Parking**

The site is accessed from a cul-de-sac lane that runs parallel to, and below Lower Glanmire Road. It is relatively narrow without the benefit of footpaths with on-street parking hampering vehicular movement. Vehicular speeds are low as a consequence. As it stands the current commercial property on the site, which is open to the public, does not provide for off street parking.

I submit that the small residential scheme which provides for 1 no. off street parking space per unit and the removal of on-street parking provision along the site frontage would not exacerbate the prevailing conditions along same. I would accept that the vehicular movements generated by the three dwellings would be less than the existing shop and workshop during working hours.

I submit that a relaxation in terms of the city development plan parking requirements of 2 spaces per dwelling in addition to visitor parking provision is entirely appropriate at this inner suburban location so as to ensure the redevelopment of this underutilised site. I consider that there is sufficient space to allow for the necessary manoeuvres in and out of the garages and I do not consider same would introduce such a level of conflicting vehicular movements as to be of concern particularly having regard to the very low speeds prevailing. I note that internal parking spaces accord with the minimum dimensions of 2.4 x 4.8 metres.

I would concur with the appellant that on-street parking is currently problematic and its removal would, no doubt, assist in ameliorating the obstruction issues currently experienced. However, this is not within the remit of this appeal, and is a matter for the relevant Road Authority.

I would also concur with the appellant that the junction of the access lane, Trafalgar Hill and Lower Glanmire Road is poorly configured resulting in poor sight lines for vehicles exiting from the lane. However, I consider that the vehicular movements from the 3 dwellings would be no greater than what is generated by the commercial

premises currently on the site and, therefore, would not exacerbate the prevailing situation.

7.2.2. **Other Issues**

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development on an infill, zoned and serviced site within Cork City, 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.

Appropriate Assessment

Having regard to the nature and scope of the proposed development on an infill, zoned and serviced site in Cork City, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

In conclusion, I consider that the proposed development provides for an appropriate form of infill development on an inner suburban site in accordance with current city development plan requirements as set out in section 16.59, would provide for an acceptable level of residential amenities for prospective occupants and would not adversely impact the amenities of existing property. The provision of 1 no. off street parking space per unit is acceptable and the proposal would not exacerbate the prevailing conditions along the lane from which access is proposed. The design and finishes are considered acceptable and would not detract from the visual amenities and character of the area.

Having regard to the foregoing, I recommend that permission for the above described development be granted for the following reasons and consideration, subject to conditions.

9.0 Reasons and Considerations

Having regard to the zoning objectives for the site as set out in the current Cork City development, to the general character and pattern of development in the area and to the overall scale, design and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 8th day of January, 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 shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of public health and surface water management.

3. The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. The garage doors shall not open outwards.

Reason: In the interests of amenities, public health and safety

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0800 and 1400 on Saturdays, and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of area(s) identified for the storage of construction materials and refuse;

- (b) Details of security fencing and hoardings;

- (c) Details of off road car parking facilities for site workers during the course of construction;
- (d) Details of the timing and routing of construction traffic to and from the construction site and to include proposals to facilitate the delivery of abnormal loads to the site.
- (e) Measures to obviate queuing of construction traffic on the adjoining road network;
- (f) Measures to prevent spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels;
- (h) Off-site disposal of construction/demolition waste.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Pauline Fitzpatrick
Senior Planning Inspector

June, 2020