



An
Bord
Pleanála

Inspector's Report PL04.247500

Development	Demolish building and construct 4 No. apartments
Location	Ardagh House, Carrigaline Road, Douglas, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/5291
Applicant(s)	William and Anne Horgan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Finbarr Galvin (2) Mary Hayes
Observer(s)	None
Date of Site Inspection	29 th January 2017
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated floor area of 0.0476 ha is located off the Old Carrigaline Road in the Cork City suburb of Douglas and is accessed via the old Carrigaline Road to the south of Douglas Village close to the junction with East Douglas Road. One-way traffic in a south-north direction, only, is permitted on the road. There is a two storey building on the site which according to the local authority planners report is presently in institutional use (Douglas West Garda Youth Diversion Project).
- 1.2. The site is bounded to the west and north by a natural stone wall with wooden fence on top. To the south and east are unrendered block walls. Vehicular and pedestrian access to the site is via an entrance gate at the north of the west boundary wall. Landscaping within the site at present is all tarmac. It is flanked by a single storey commercial building with a modern two storey extension and three storey apartment block to the north, St. Columba's Hall to the rear and single storey residential dwellings to the south. St' Luke's graveyard is directly across the road. There is on-street pay and display parking along the public road either side of the site entrance.
- 1.3. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. The application submitted on 30th May 2016 was for the demolition of a two storey building, Ardagh House (187.7 sqm), and the construction of 4 no. apartments (308 sqm), 3 no. parallel car parking spaces and all associated site works. The application was accompanied by a Design Statement.
- 2.2. In response to a request for further information the applicant submitted the following on the 16th September 2016:
 - Revised drawings providing a reduction in the building footprint, wire mesh trellises along the south east elevation, revised external materials, location of frosted glass windows and balcony treatment
 - Boundary treatment

- Amended car parking and footpath widths
- Details of surface water disposal

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork County Council issued a notification of decision to grant permission subject to 18 generally standard conditions including the requirement that the proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on the 30/05/16, as amended and further detailed on the 16/09/16.

3.2. Planning Authority Reports

- 3.2.1. The **Executive Planner** in their report of 22nd July 2016 recommended that the following further information be sought:
- 1) Revised site layout drawing making provision for a 3.5m wide space width which maintains a 1.8m footpath width to the front of the site.
 - 2) Detailed proposals for the on-site disposal of surface water including a revised site layout drawing and associated design calculations and details.
 - 3) Having regard to the necessary parking layout amendments and on-site surface water disposal requirements it may be necessary to amend the footprint and or reduce the overall density of the development.
 - 4) Detailed proposals to soften the south-east elevation of the building
 - 5) Revised elevation drawings which clearly identify all windows which are to be fitted with frosted glass.
 - 6) Boundary treatment on the southern elevation of the proposed balcony serving apartment nos. 4 and 3
 - 7) Detailed boundary treatment
 - 8) Details of any proposed mitigation/protection measures for the old stone wall on the north-eastern boundary during construction works

- 3.2.2. The **Executive Planner** in their second report of 5th October 2016 and having considered the further information submitted stated that the response submitted adequately addressed the requested details and that the proposed development is considered to be acceptable subject to compliance with attached recommended conditions.
- 3.2.3. The **Area Engineer** in their report of 30th June 2016 recommended that the number of units be reduced to three and the parking spaces increased to minimum 3.5m in width, retaining a minimum 1.8m footpath. Further the applicant shall submit proposals for storm water attenuation in accordance with SUDS guidelines. The **Area Engineer** in their second report of 30th September 2016 and having considered the further information has no objection to the proposed development subject to conditions outlined in the report relating to hours of working, construction works, parking bays, provision of footpath, drainage and surface water.
- 3.2.4. The **Estates Engineer** in their report of 27th June 2016 concluded that the proposed development would appear to be an over-development of the site and very much dependant on the availability of on-street parking spaces. It is considered that the proposal in its present form (i.e. limited on-site parking provisions, etc), should not be permitted. The **Estates Engineer** in their second report of 27th September 2016 and having considered the further information remained of the view that the proposed development would be an over-development of the site and very much dependant on the availability of on-street parking spaces and should not therefore be permitted in its current form.
- 3.2.5. The **County Architect** in their report of 19th July 2016 states that there is no objection to permission being granted with the attachment of the following conditions:
- The building edge to the south of the site overlooking the neighbouring residential buildings needs to be softened to reduce the overbearing 'wall' effect on those properties. This can be in the form of a weldmesh wire trellis and planters to allow growth up the side of the building or timber slats applied to the side of the building from first floor slab level to window lintol level or a mixture of both.
 - The balcony to the upper storey southern apartment is to be enclosed along its southern edge to prevent overlooking.

3.2.6. The **Heritage Officer** in their report of 9th August 2016 stated that due to ongoing workload issues they were not in a position to comment on this file.

3.3. **Prescribed Bodies**

3.3.1. **Inland Fisheries Ireland** has no objection to the proposal provided there is sufficient capacity in the existing public foul sewer so that it does not overload either hydraulically or organically existing treatment facilities or result in polluting matter entering waters.

3.4. **Third Party Observations**

3.4.1. There five objections / observations recorded on the planning file from (1) Mary Hayes, (2) Finbarr Galvin (x2), (3) John Kelly & Viktoria Sharapava, (4)

3.4.2. The issues raised may be summarised as follows:

- potential overlooking from window layout and increase in overlooking and loss of privacy and residential amenity
- overshadowing of neighbouring rear garden space
- blocking of light, impact on natural light and excessive overshadowing
- health effect associated with demolition
- no consultation with neighbouring residents
- height
- out of character with existing buildings and lack of architectural merit
- detrimental visual impact
- lack of detail on communal facilities and bin storage layout
- car parking arrangement, pedestrian safety, inadequate number of parking spaces, non-provision of disabled parking space
- loss of history associated with Ardagh House
- concerns about excavation and encroachment onto Douglas Lawn
- lack of privacy during construction
- intensification of use on site
- loss of residential amenity and devaluation of neighbouring property

4.0 Planning History

- 4.1. There is no evidence of any previous planning application or subsequent appeal on this site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative plan for the area is the Cork County Development Plan 2014 – 2020. The site is located within the development boundaries for Cork City South Environs as set out in the Carrigaline Local Area Plan (2011) and is zoned as an “existing built up area”. Section 14.3.2 Existing Built up Area of the County Development Plan states that within the development boundaries of the main towns, in areas that are not subject to specific zoning objectives, proposals for development will be considered in relation to the following:

- The objectives of this plan;
- Any general or other relevant objectives of the relevant local area plan;
- The character of the surrounding area; and
- Other planning and sustainable development considerations considered relevant to the proposal or its surroundings

- 5.1.2. The site forms part of a designated ACA namely Church Street Architectural Conservation Area.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are two third party appeals from (1) Finbarr Galvin and (2) Mary Hayes. The issues raised may be summarised as follows:

- Overdevelopment of the site
- Overshadowing and blockage of natural light to adjoining residential properties
- Visual impact particularly of the southeast elevation due to its size and bulk in relation to neighbouring bungalows
- Car parking provision outside the sites is unacceptable; its configuration will impact on pedestrian safety and inadequate provision of spaces;
- Heritage and conservation. Ardagh House which is to be demolished has appeared on the OS maps for over 100 years and is within an ACA.
- Concerns over finishes etc
- Lack of privacy during construction
- Noise, dirt and disturbance particularly regarding the excavation of the site
- Increased height of new building
- Overlooking and privacy
- Infringement on adjoining properties by reason of the requirement to raise the boundary wall without consent
- The scheme will lead to overlooking, excessive over-shadowing which will have a severe impact on the amenities that area currently enjoyed in the dwelling “St Patricks”, Douglas Lawn, and its neighbours. The scheme is out of scale for the site involved and as the County Council Estate Report states that it would appear to be an over-development of the site. Combining this with the lack of car parking spaces the proposed development in its current form, according to the County Council Estates Report should not be permitted.

6.2. Applicant Response

- 6.2.1. The first party response to the appeal has been prepared and submitted by applicant's architects; Loic Dehaye Architects. The response may be summarised as follows:
- 6.2.2. **Car Parking** – The design was based on pre planning consultation with the area engineer whereby a maximum of 3 no parallel car parking spaces was suggested. The widths were increased from 2.4m to 3.5m as part of the further information response. The shortfall was to be accommodated within the public car parking along Carrigaline Road. However, the applicants have recently had an offer accepted to purchase the office development directly to the north of the site. They have stated that the shortfall can be accommodated there and will submit written agreements if required.
- 6.2.3. **Overshadowing** – The design statement submitted with the application stated that “overshadowing won't occur accept for a slight increase in late evening during summer months when the sun sets to the northwest. Since this statement the building footprint has decreased with the front of the two storey section pushed back 900mm, further reducing the slight increase.
- 6.2.4. **Privacy** – The proposed development has been designed specifically not to overlook the neighbouring properties.
- 6.2.5. **Visual Impact** – As requested by way of further information the south eastern wall treatment has been softened with the introduction of evergreen planting on wire mesh trellises.
- 6.2.6. **Construction** – All planning conditions relating to construction will be adhered to. The neighbouring properties will not be encroached upon in any way and everything will be conde to ensure that privacy and safety is maintained during construction.

6.3. Planning Authority Response

- 6.3.1. There is no response to the matters raised in the appeal(s) from Cork County Council recorded on file.

6.4. Observations

6.4.1. There is one observation recorded on the appeal file (Section 131 response) from Finbarr Galvin. The issues raised are similar to those in the appeal. Additional comments may be summarised as follows:

- Overdevelopment of the site – no consistency in the application of off street car parking requirements in the area
- Heritage & conservation – disappointing response from the planning authority re the demolition of Ardagh House
- Noise, Dirt & Disturbance – as the proposed development is so close to other properties it is also possible that excessive noise and vibration could cause damage to these properties during both demolition, excavation and construction

7.0 Assessment

7.1. The application as submitted to Cork County Council on 30th May 2016 was amended by further information submitted on 16th September 2016. Accordingly, this assessment is based on the plans received by Cork County Council on 30th May 2016 as amended by further plans and particular received by the Planning Authority on 16th September 2016.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Traffic Impact & Car Parking
- Design & Visual Amenity
- Residential Amenity
- Screening for Appropriate Assessment
- Construction Impact & Methods
- Development Contribution(s)

7.3. Principle / Policy Considerations

- 7.3.1. This is an application for permission for development comprising the demolition of a two storey building, Ardagh House (187.7 sqm), and the construction of 4 no. apartments, 3 no. parallel car parking spaces and all associated site works.
- 7.3.2. The site is located within the Carrigaline Local Area Plan (2011) and is zoned “existing built up area”. The surrounding area offers a diverse mix of uses, including retail / commercial, office, residential, community. There is an existing institutional use on the site. Having regard to the location of the site, its proximity to Douglas Village and the zoning objectives for the site I considered that the development of residential use is an appropriate use at this location.
- 7.3.3. As stated above the proposed development also includes the demolition of the existing house on the site and while the building is not a protected structure the site is located within an Architectural Conservation Area. I consider the building to be of little architectural merit either in its own right or in terms of its contribution to the visual amenity of the area. The building does not in my view enrich or enliven the Church Street Conservation Area; and its visual contribution to the street is, at best, neutral. Overall I have no objection to the proposed demolition of same.
- 7.3.4. I am satisfied that the proposed use and density accords with the land use policies for the area as set out in the County Development Plan. I consider the proposed scheme to be acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.4. Traffic Impact & Car Parking

- 7.4.1. At present there is an existing narrow entrance to the site which is directly opposite a recently installed traffic calming island. There is diagonal on-street parking directly north of the entrance serving the adjacent office building. As part of development works it is proposed to re-configure the existing entrance and boundary wall in order to facilitate provision of 3 no. on-street parallel parking spaces.
- 7.4.2. The County Development Plan standards require 1.25 spaces per apartment which gives a parking requirement of 5 no. spaces for this scheme. The applicant is proposing 3 no. parallel parking spaces to the front of the site. In response to the request for further information a revised site layout drawing was submitted which makes provision for 3 no. car parking spaces 3.5m wide allowing additional width for

car access purposes and a 1.8m wide footpath. It is also noted that having regard to the necessary parking layout amendments and on-site surface water disposal requirements the building footprint has been reduced with the internal apartment dimensions also having been reduced. Having reviewed information submitted I am satisfied that the residential units comply with the minimum standards as set out in the Appendix of the Sustainable Urban Housing: Design Standards for New Apartments –Guidelines for Planning Authorities (2015).

- 7.4.3. While I note that there is a shortfall in the proposed designated car parking spaces to serve this development I am satisfied having regard to the sites location proximate to on-street pay and display parking along the public road either side of the site entrance that a reduction in terms of on-site car parking provision is acceptable in this instance. I am also satisfied that the trip generation associated with the scheme will not have a significant impact and that the adjacent road network has the capacity to accommodate the proposed development. I do not therefore consider that the proposed development will give rise to a traffic hazard.

7.5. Design & Visual Amenity

- 7.5.1. The scheme before the Board represents in my view an appropriate development of an underutilized serviced urban site. Further the proposed site layout is considered to be acceptable from a planning perspective and the design response it is appropriate for the character of the area. I consider therefore that the development would not result in a significant impact on the visual amenity that would justify refusing permission on these grounds.
- 7.5.2. It is noted that in response to the request for further information the applicant proposed to soften the visual impact of the southern building edge with 9 no. 500mm wide wire mesh trellises in addition to climber planting and grey zinc cladding. I agree with the Local Authority Planner and the County Architect that a condition be applied requiring the submission of final details of the treatment of the south-east elevation trellises and landscaping to be agreed in writing with the Planning Authority prior to the commencement of development.

7.6. Residential Amenity

- 7.6.1. The concerns raised regarding impact to adjoining properties is noted. Having regard to the reports on file, the design and scale of the scheme as amended

together with the location of the site I am satisfied that the proposal (as amended) is within the acceptable relevant parameters and will not have an unacceptable undue negative impact on residential amenity by reference to overlooking or overshadowing. In conclusion I consider that the development would not result in a significant impact on the residential amenity or any other property that would justify refusing permission on these grounds.

7.7. Screening for Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site (Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)), it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site. An appropriate assessment (and submission of a NIS) is not therefore required.

7.8. Construction Impact & Methods

- 7.8.1. I note the concerns raised regarding the demolition and excavation works required to accommodate the proposed development. Such concerns are an engineering matter and not a planning issue, whereby it falls to the applicant to ensure that no damage or deterioration occurs to adjoining properties. It is acknowledged that there are significant construction works required to facilitate this development and that there will be general disruption in the area in terms of construction related noise and general disturbance during the construction phase. However, while this impact is considered an inconvenience it is also considered to be short term in nature and therefore acceptable. I am satisfied that this matter can be addressed by way of suitable condition.
- 7.8.2. In this regard should the Board be mindful to grant permission for the proposed development I consider that a construction management plan should be submitted to commencement of development, in order to address construction management concerns. Further noise management measures and hours of construction should also be restricted. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on

neighbouring properties or the wider area particularly as the construction phase is limited. The attachment of these conditions notwithstanding it falls to the relevant Planning Authority to ensure the developer complies with these conditions and that there is no unreasonable disturbance or loss of amenity associated with construction activities.

7.8.3. **Development Contribution(s)**

7.8.4. Section 48 Development Contribution – Condition No 18 of the notification required the payment of a Development Contribution in the amount of €7111.89. This condition has not been appealed. Cork County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). Having considered the exemptions listed in the “Reduced Contributions” Section of the scheme it is my view that the proposed development does not fall under the exemptions listed and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in the amount of €7111.89 in accordance with the Planning and Development Act 2000.

7.9. Section 49 Supplementary Development Contribution - In relation to the Section 49 Supplementary Development Contribution Schemes (re-opening of an operation of suburban rail services on the Cork to Middleton line; provision of new rail services between Blarney and Cork and the upgrading of rolling stock and frequency on the Cobh rail line as demand increases) it is noted that the subject site is located outside the catchment area of these projects (1km corridor) and therefore the Section 49 scheme is not applicable in this case.

8.0 **Recommendation**

8.1. Having considered the contents of the application, the provision of the Development Plan and Local Area Plan, the grounds of appeal and the responses thereto, the planning history, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

9.1. Having regard to the development plan objectives for the area and the pattern of development in the area, it is considered that subject to compliance with conditions attached in the Second Schedule, the proposed development as amended would not seriously injure the amenities of the area, would not be prejudicial to public health, 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 16th September 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination

Reason: In the interest of clarity.

2) Prior to commencement of development final details of the proposed treatment of the southeast elevation and specifically trellises and landscaping shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of visual amenity.

3) Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in

particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 4) 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 demolition and 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.

- 5) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. A suitably sized and sited grease interceptor trap to the specifications of the planning authority shall be installed either inside or on the sewer outlet from all cooking quarters.

Reason: In the interest of public health.

- 6) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 7) All service cables associated with the proposed development (such as electrical, telecommunications and public lighting cables) shall be run underground within the site. Any overhead cables crossing or bounding the subject site shall be undergrounded as part of the site development works.

Reason: In the interest of orderly development and the visual amenities of the area.

- 8) Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 16.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

- 9) The developer shall pay to the planning authority a financial contribution of €7111.89 (seven thousand one hundred and eleven euro and eighty-nine cent) 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.

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.

Mary Crowley,
Senior Planning Inspector
15th February 2017