



An
Bord
Pleanála

Inspector's Report ABP-304084-19

Development	9 duplex dwellings
Location	Bridgefield Close, Bridgefield, Ballinaspig, Curraheen Road, Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/06126
Applicant(s)	Bride View Housebuilders Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Catherine Twomey
Observer(s)	Vadym Horobets & Tomasz Matias
Date of Site Inspection	17 th June, 2019
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located within an existing residential complex, 'Bridgefield, at the western end of Bishopstown in Cork. The site is located at the south-western end of the residential scheme backing onto a slip road which forms part of the N40 Curraheen Interchange. Bridgefield comprises a mix of apartments and townhouses. The overall development permitted under ABP Ref. 04.208644 was for 108 residential units of which 96 have been constructed. The appeal site constitutes the land area associated with the remaining plot originally proposed for a 12 unit apartment block.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of 9 duplex dwellings consisting of 6 no. three bedroom, two storey units and 3 no. three bedroom single storey units over. The total floor area of the development would be 975 square metres on a site 0.0487 hectares in area. The proposal seeks to utilise the existing internal road network and parking as provided for under a previously permitted development (ABP Ref. PL 04.208644).
- 2.2. In response to a further information request the application was revised to 6 units, comprising four duplex units and two apartments over. Details submitted at that time included a Traffic and Transport Assessment, a Shadow Casting Analysis, and Construction and Environmental Management Plans.

3.0 Planning Authority Decision

3.1. Decision

On 4th March, 2019, Cork County Council decided to grant permission for the proposed development subject to 25 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, the policy context, reports received and public submissions. It was noted that a four storey apartment block with 12 apartments was permitted on the site by a previous permission. It was further noted that the proposed block would be lower in height than that previously permitted and closer to the southern boundary. The housing mix and density of development was considered acceptable. The key issues were seen to be proximity to the N40, the character of the development, overlooking/overshadowing/design, residential amenity, and impact on the existing boundary. A request for further information was recommended seeking details that included those issues raised in other reports to the planning authority, traffic and environmental management plans, changes to the building line, layout, windows and bin storage, a shadow analysis, pedestrian movement, compliance with design standards, hedgerow maintenance and landscaping, and contextual elevations.

The Senior Executive Planner concurred with the recommendation of the Planner.

Following the receipt of further information, the Planner considered the further information response was adequate and recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

The Estates Section noted that development of the lands under a previous permission had been completed except for the application site and that the site area under that previous permission was to be developed as a four storey building with 12 apartments. Overall parking was considered adequate and it was acknowledged that open spaces, boundary treatments and the storm water system had been constructed as per the previous application. It was recommended that further information be requested on clarifying that a management company will be responsible for the development and that details are provided on cleaning and maintaining the bin storage area.

The Cork National Roads Office repeated the concerns set out by TII on impact on the nearby national road.

The Public Lighting Section requested information on public lighting for the proposal.

The Area Engineer considered parking and turning space was a potential concern and sought information showing that there is enough car parking and turning space and enough spaces for neighbouring neighbours to avoid cluster in the area.

Following the submission of further information, the following reports were received:

The Public Lighting Section had no objection to the proposal subject to conditions.

The Area Engineer had no objection to the proposal subject to conditions.

The Estates Section had no objection to the proposal subject to conditions

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) submitted that the application is at variance with official policy in relation to control of development on/affecting national roads as the proposal would adversely affect the operation and safety of the national road network because it would create an adverse impact on a national road and associated junction and because a Traffic and Transport Assessment was required to be carried out to assess the impacts.

Health and Safety Authority did not advise against the granting of planning permission.

Inland Fisheries Ireland had no objection to the proposal provided Irish Water signifies there is sufficient capacity in the foul treatment system to accommodate the development.

Irish Water had no objection to the proposal.

Following the receipt of further information TII requested that the development be undertaken in accordance with the recommendations of the submitted Traffic and Transport Assessment and Road Safety Audit.

3.4. Third Party Observations

Objections to the proposal were received from Liam Fitzgerald, Olga and Branko Maljkovic, Geethamma Liju, Val and Valentina Seleznova, Tomasz and Joanna Matias, Vadym and Galyna Horobets, Residents of Bridgefield Close, Patrick

Crowell, and Marion Burton. The issues raised related primarily to impact on residential amenity and traffic and parking.

4.0 Planning History

The planning history associated with the appeal site includes the following:

ABP Ref. PL 04.208644 (P.A. Ref. 03/6948)

Permission was granted by the Board for the construction of 117 residential units a crèche and a community unit in March, 2005. A four-storey apartment block containing 12 apartments, located on the current appeal site, formed part of the permitted development.

P.A. Ref. 10/4156

Permission for an extension of the duration of permission under 03/6948 was granted by the planning authority.

P.A. Ref. 12/4318

Permission was granted for an extension of the duration of permission under 03/6948 and originally extended under P.A. Ref. 10/4156.

5.0 Policy and Context

5.1. Ballincollig Carrigaline Municipal District Local Area Plan 2017

Cork City South Environs

Zoning

The site is zoned 'Existing Built-up Area'.

5.2. Appropriate Assessment

It is reasonable to conclude that 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 designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be synthesised as follows:

- Bridgefield Close is a Respond Housing complex mainly for the elderly and the proposal will be very disturbing for their peace of mind.
- The height of the development will result in overshadowing and will reduce natural light in residents' dwellings.
- Privacy will be infringed as front windows of the building will directly face residents' bedroom windows and a wall will be provided outside of some residents' windows.
- Parking is limited, residents will lose existing spaces and it will be very tight to manoeuvre in and out of spaces.
- Residents will be deprived of views they have enjoyed and will be boxed in.
- There will be a rat infestation as there is a waterway nearby.
- There are few young people living in the complex and they have no play area.

6.2. Applicant Response

The applicant notes that permission was in place for a residential block consisting of 12 units when residents were moving into the Respond Housing complex and that the current proposal is for a smaller scale development of 6 units. The response to the appeal may be synthesised as follows:

- The proposed development will not have a negative impact on adjoining properties in terms of disturbance, overshadowing, height and natural light. It is noted that the proposed development would be on a vacant site 31 metres away from the Respond complex.
- The development has been accompanied by a high quality plan and will be implemented to ensure the privacy of existing properties. It is noted that the closest windows facing the Respond Housing complex are set back a minimum of 23 metres and no windows are proposed on either gable.
- Car parking spaces have been provided for in accordance with the Cork County Development Plan 2014 standards.
- The proposed development will not have an impact on any scenic views or other impacts. No evidence has been submitted to prove a rat infestation would occur as a result of the development.
- The planning application was accompanied by a very comprehensive list of supporting material which was prepared to a very high standard and contains all the information required/sought by the planning authority.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

6.4. Observations

The observers raise concerns relating to public safety at the construction phase and the reduction of natural daylight to their gardens and the impact on the quality of interior natural light levels of their properties. A two-storey development is submitted as being more suited to the site.

7.0 Assessment

- 7.1. I consider that the principal planning issue relating to the proposed development is the potential for impact on residential amenity.

- 7.2. I first note that this is a vacant plot that formed part of the overall development of Bridgefield. A four-storey apartment block containing 12 apartments was previously permitted on this site by the Board under ABP Ref. PL 04.208644. The development permitted by the planning authority, constituting 6 units in duplex form within a three-storey block, constitutes a building form that would have significantly less potential impact on the established amenities of residents due to its reduced height and bulk. Furthermore, the proposed block would present itself as being more compatible in form with the established dwellings to the east and visually less overbearing to the residents of apartments to the north and north-west within Bridgefield. In my opinion, it is evident that the proposed development would have a significantly less intrusive impact for established residents than the apartment building that was previously permitted on this site.
- 7.3. Having regard to the potential impact of the proposed development on residents in Bridgefield, I note the location of the proposed block relative to the appellant's property (5 Bridgefield Close to the north) and observer's properties (5 and 7 Bridgefield Place to the east). I note again that the proposed development would be similar in scale and height to the observer properties and significantly lower than the apartment blocks that would be forward of it. The separation distance between the front of the proposed block and the front of the established apartment block to the north would extend to between 20 metres and 35 metres. The western gable of the building would be in excess of 8 metres from the front of the apartment block to the west and the eastern gable would be in excess of 12 metres from the rear of properties on Bridgefield Place. I note for the Board that there would be no window or door openings or balconies on the gable elevations of the proposed block. It is clear from the location and design of the proposed development that it would not result in any significant adverse impacts on the amenities of residents in the vicinity by way of any loss of privacy.
- 7.4. Having regard to the scale and height of the proposed development and the separation distance between the proposed block and neighbouring residential properties, the proposal would not cast significant shadow over residential buildings in the vicinity. The Board will again note that this is a site on which a substantially higher building was previously permitted. The scale of development now proposed reduces substantially potential overshadowing of properties to the east.

- 7.5. Reference has been made in submissions to the Board to car parking concerns. The overall development of Bridgefield is nearing completion, with the development of this site a principal outstanding component. Car parking has been provided within the overall scheme to serve the overall development, inclusive of residential development on the appeal site. There is no necessity to revisit the parking issue.
- 7.6. Finally with regard to other issues raised, I firstly can find no reason to conclude why the development of this site and the effective completion of the estate development would be disturbing for the peace of mind of established residents as this unkempt site will be replaced by compatible residential accommodation. There is no reason to suggest that the proposed development would result in rat infestation for residents of the area and it is clear that the residual amenity spaces in the vicinity would be finished to tie in with adjoining development. Regarding views from established residential properties, such private views are not an issue for consideration by the Board. The impact on residential amenity, in terms of the building's presence, would not be significant in the context of the overall development of Bridgefield.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the Ballincollig Carrigaline Municipal District Local Area Plan 2017 and to the design, character and layout of the development proposed, it is considered that the proposed development would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety, and would otherwise be in accordance with the provisions of the current Local Area Plan. The proposed development 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 drawings and details submitted to the planning authority on the 8th February, 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed duplex units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity

3. Water supply and drainage arrangements, including the 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.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) Screen walls/fences bounding and separating residential units;

- (b) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (c) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 5. 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 noise and vibration management measures, maintenance of boundary walls to be retained, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

- 6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public 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. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any accommodation.

Reason: In the interests of amenity and public safety.

8. 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.

Kevin Moore
Senior Planning Inspector

25th June 2019