



An
Bord
Pleanála

Inspector's Report

ABP-307572-20

Development	Demolish outhouses and construction of 3 houses and all associated siteworks.
Location	Courtstown, Little Island, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	1905522
Applicant(s)	Ruden Homes Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Michael and Bridie Rea.
Observer(s)	None.
Date of Site Inspection	31 st August 2020
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of .146 hectares and is located at the eastern end of Little Island approximately 10km east of Cork City Centre. The site comprises part of the rear plot of an existing single storey semi-detached dwelling and adjoins to the west of a small infill housing development of three dwellings of recent construction. The appeal site's southwestern boundary fronts onto the access road serving these dwellings. The appeal site is grassed with a number of outbuildings located towards its south-eastern corner. The site boundary to the north and east comprises a sod and stone ditch. There are a number of ESB power lines traversing the site with an existing pole located at the site frontage.

2.0 Proposed Development

2.1. The proposal as set out involves demolition of existing outhouses and construction of three dwellings. The proposed dwelling designs are in keeping with the recently constructed designs to the west incorporating a smooth plaster finish and slate roof.

2.2. Amendments were made to the proposal during the course of the application in response to a request by the local authority for additional information. The proposed house type A1 was revised to provide for a westerly orientation to mitigate overlooking of the established dwellings to the south and southeast. The design of proposed house type B was also revised to eliminate potential overlooking. Existing sod and stone boundary is to be retained with provision for 2m high post and panel fence and additional landscaping.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 23/06/2020 Cork County Council issued notification of its decision to grant permission subject to 15 largely standard conditions including Condition 15 which required the payment of a Development Contribution of €9,565.30.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's initial report expressed concerns with regard to the impact on the established dwelling to the south east and also noted that the proposed rear amenity space of house type B was significantly overlooked by house type A. Further information sought to address this and also detail boundary treatment proposals, proposals in respect of ESB Powerlines traversing the site and surface water proposals. Second planner's report recommends a request for clarification of additional information with regard to storm water discharge. Final planner's report recommends permission subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Area Engineer's initial report sought further information regarding storm water attenuation which should cater for existing and proposed development. The second report notes that existing storm water discharges to the wastewater network. Individual soakways are not favoured and consideration should be given to connection to the Courtstown Industrial Estate storm water network. Final report indicates no objection subject to conditions.

3.2.2.2 Cork National Roads Office – no observations.

3.3. Prescribed Bodies

3.3.1 Irish Water no objection subject to connection agreement and infrastructure capacity requirements.

3.4. Third Party Observations

3.4.1 Submission from Patrick Cashman and Associates, Architecture and Project Management on behalf of Mr Michael Rea and Mrs Bridie Rea who reside within the dwelling adjoining the site to the east. Concerns in relation to overlooking by south facing windows of house type A and eastern window of house type B. As the sheds proposed for demolition adjoin the observer's sheds measures are required to

ensure that the adjoining sheds are not destabilised. Concern regarding boundary treatment- No consent to removal of common boundary.

4.0 **Planning History**

17/4038 Outline permission for construction of 2 no dormer bungalows with new shared entrance and associated site works to the rear of property. (Included access via established semi-detached dwelling to the south.)

Adjoining lands to the west.

17/06500 Erection of 4 bed dwellinghouse, change of plan to part of development permitted under 15/05789.

15/5789 Conditional Permission granted 15/9/2019 for demolition of dwellinghouse and outbuildings and construction of 3 no detached dwellinghouses, new site entrance, roads /services and ancillary site works.

15/4833 Refusal of permission for demolition of dwellinghouse and outbuildings and construction of 3 no detached dwellings, new site entrance, roads / services and all ancillary site works. 17/6/2015. Refusal reason on basis of traffic hazard due to restricted sightline to the west.

Nearby recent decision by the Board. (Site to the southwest)

ABP304271-19 The Board refused permission to Ruden Homes for a residential development comprising the construction of 75 no dwellinghouses, a creche and all associated ancillary site development works. Grounds for refusal was on grounds of the density proposed at less than 20 units per hectare being inappropriate to provide for an acceptable efficiency in serviceable land usage contrary to Ministerial Guidelines and to the Cork County Development Plan regarding the achievement of sustainable residential communities.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 The Cork County Development Plan 2014 and Cobh Municipal District Local Area Plan 2017 refer. The site is zoned existing built up area within the settlement

boundary of Little Island. Little Island is designated a 'Main Town' in the LAP and is recognised as being one of the principal employment centres in Cork. Although a strategic employment area, it is noted that the Island has a significant residential element and that there is potential for limited residential development to support expansion of employment in the area.

5.2. Natural Heritage Designations

The site is not within a designated area.

Cork Harbour SPA (Site Code 004030) is within 600m of the site.

The Great Island Channel SAC (Site Code 001058) within c600m of the site.

5.3. EIA Screening

Having regard to the site size, the limited scale of the proposed development, the fully serviced nature of the proposed development, its location within the development boundary of Little Island, and the nature of the receiving environment within that context, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Patrick Cashman and Associates Architecture Planning Consultancy and Project Management on behalf of Mr Michael Rea and Mrs Bridie Rea owners of the existing dwelling to the east – (eastern unit of semi-detached dwelling pair.) The submission indicates no objection in principle however outlines concerns with regard to overlooking of amenity space from the two-storey dwelling referred to as type A which have south facing windows on its projecting gable. In regard to boundary treatment proposals are acceptable.

6.2. Applicant Response

6.2.1 The response of Ruden Homes is summarised as follows:

- Note that the first-floor bedroom window is approximately 32m from the rear of the appellant's dwelling and is angled substantially away from direct line of sight between the properties.
- The bay was introduced to orient the upstairs bedroom window in a more westerly direction away from the adjoining property.
- Hedging and plant growth will be retained on the eastern side of the site and all existing dividing wall structures will remain in place and made good where necessary. A 2m fence is proposed 0.08m inside the existing eastern boundary and along the southern boundary.
- Existing outhouses to be removed in accordance with good construction practices and existing party walls will be retained.
- Approval in principle from ESB to re-routing of powerlines and a transformer and cabling will be placed in this area within the south-eastern part of the site.

6.3. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.0 Assessment

7.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal and all submissions, I consider that the key issues arising in this appeal relate to the principle of development, the quality of the proposed design and layout, impact on established residential amenity and the issue of appropriate assessment.

7.2 As regards the principle of development the site is within the existing built up area adjacent to established residential development and is currently overgrown and underutilised and therefore the proposal to provide three dwellings is appropriate in terms of expediting the more efficient use of currently underutilised serviced land.

The delivery of residential development is generally consistent with the policies of the Development Plan and the National Planning Framework and is therefore acceptable in principle subject to detailed matters.

- 7.3 As regards the quality of the design and layout I note that the proposed dwellings provide for a reasonable standard of residential amenity for future occupants, and the designs are in keeping with those of the adjacent dwellings to the west. In my view the proposal provides for an appropriate infill.
- 7.4 As regards impact on established residential amenity the proposal seeks to mitigate overlooking of the adjacent dwellings to the south by design. I note that the proposal as revised in response to the Council's request for additional provides for no first floor windows to southern or eastern elevation of proposed house type B. Proposed House type A is reorientated westwards with the introduction of a bay window oriented westwards to mitigate overlooking of house type B and established dwellings to the southeast. I consider that having regard to the orientation and separation distance I am satisfied that the proposal appropriately mitigates overlooking and will not give rise to any undue loss of residential amenity. As outlined in the further information submission it is proposed to retain the established sod and stone boundary and make good as necessary and provide for a 2m high screen fence. Landscaping will provide additional screening.
- 7.1. On the issue of appropriate assessment, having regard to the nature and scale of the development and location within a fully serviced area it is reasonable to conclude 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.
- 7.7.1 Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

Reasons and Considerations

Having regard to the location of the site within the existing built up area and within the settlement boundary of Little Island, the design and form of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be generally in accordance with the Cork County Development Plan 2014 and Cobh Municipal District Local Area Plan 2017, would not seriously injure the amenities of adjacent residential neighbourhoods or of the property in the vicinity, would not be prejudicial to public and environmental health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further information submitted on 19th day of December 2019 except as may otherwise be required in order comply with the following conditions

Reason: In the interest of clarity.

2. Prior to the commencement of development details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and 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 and to ensure a proper standard of development.

4. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard ducting shall be provided to facilitate the provision of broadband infrastructure within the development.

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

5. Site development and building works shall be carried out only between the hours of 0700 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.

6. Prior to the commencement of development, the developer shall submit and obtain the written agreement of the planning authority to a plan containing details for the management of waste within the development.

Reason: In the interest of the residential and visual amenities of the area.

7. 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 "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.

Reason: In the interest of sustainable waste management.

- 8 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. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall include the following
 - (a) A plan to scale of not less than 1:500 showing:
 - (i) the species variety, number, size and locations of all proposed trees and shrubs
 - (ii) Details of screen planting which shall not include *cupressocyparis x leylandii*
 - (iii) A timescale for implementation.

Reason: In the interest of residential and visual amenity.

10. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting the 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contributions Scheme made under section 48 if the Act be applied to the permission.

Bríd Maxwell
Planning Inspector

15th October 2020