



An
Bord
Pleanála

Inspector's Report ABP-311320-21

Development

Demolition of the existing portal framed structure and construction of 4 three-storey semi-detached houses (change of house type as granted under 10/52013) and associated site works.

Location

Cobh Auto Centre, Lake Road, Cobh, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

20/6084

Applicant(s)

Ray Mills

Type of Application

Permission

Planning Authority Decision

Grant, subject to 30 conditions

Type of Appeal

Third Party -v- Decision

Appellant(s)

John & Elizabeth Russell

Observer(s)

Charles Collins

Date of Site Inspection

13th October 2021

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located to the west of Cobh town centre on elevated lands that rise to the north on either side of Lake Road. This site coincides with the western portion of a former quarry on the northern side of Lake Road. It is enclosed to the west and to the north by rock faces that are overgrown with vegetation. The surrounding area is composed of detached dwelling houses in their own grounds.
- 1.2. The site is amorphous, and it extends over an area of 0.1573 hectares. This site accommodates a single storey, latticed framed, commercial building with a lean-to front extension. The entire building is clad in corrugated sheeting and it has a total floorspace of 434 sqm. This building is in use for vehicle repairs and storage. It is served by a forecourt and a gated entrance in the south-eastern corner of the site. The southern, roadside boundary is enclosed by means of a wall and the eastern boundary is enclosed by the rear elevation to an outbuilding in the adjoining residential property and a further wall.

2.0 Proposed Development

- 2.1. The proposal would entail the demolition of the existing building on the site and the construction in its place of 4 dwelling houses (149 sqm x 4 = 596 sqm). These dwelling houses would form two pairs of semi-detached dwelling houses and each would be of three storey form. They would provide four-bed/seven-person accommodation and they would represent a change of house type from that which was previously permitted for the site under application PD 10/52013.
- 2.2. The proposed dwelling houses would be sited in a row towards the centre of the site. These dwelling houses would be accompanied by an area of communal car parking, which would comprise 8 spaces and which would be accessed by means of a re-sited entrance towards the centre of the roadside boundary. They would each be served by a rear garden and, in addition, the most westerly dwelling house would be served by a front garden.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 30 conditions, including one, which removes domestic exempted development from house plot No. 1.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- Consistency of first floor plans and side elevations.
- Lack of private open space on house plot No. 1.
- Accommodation schedule.
- Landscaping plan.
- Sightlines to be 2.4m x 70m.
- Report on cliff face on the western side and to the rear of the site.
- Proposals for the existing roadside masonry wall.
- Materials comprised in the existing structure.
- Preliminary Demolition and Construction Waste Management Plan to address asbestos.
- Site-specific Hazardous Waste Management Plan to address asbestos, too.
- Details of on-site attenuation system.
- Details of on-site access arrangements for vehicles.
- Details of on-site access arrangements for pedestrians.
- Scheme for public lighting.

3.2.2. Other Technical Reports

- Irish Water: No objection + Standard observations.

- Cork County Council
 - Water Services: No objection.
 - Public Lighting: Following receipt of further information, clarification requested on several points of detail.
 - Area Engineer: Following receipt of further information, no objection, subject to conditions.
 - Environment: Following receipt of further information, no objection, subject to conditions.
 - Estates: Following receipt of further information, no objection, subject to conditions.

4.0 Planning History

- 06/52008: Demolition of existing portal framed structure and construction of 6 three-storey semi-detached houses and 2 two-storey semi-detached houses: Withdrawn.
- 10/52013: Demolition of existing portal framed structure and construction of 4 three-storey semi-detached houses and 2 two-storey semi-detached houses: Permitted following further information stage during which proposed 6 houses were reduced in number to 4.

5.0 Policy and Context

5.1. National Planning Policies and Guidelines

- National Planning Framework: Project Ireland 2040
- Sustainable Residential Development in Urban Areas
- Quality Housing for Sustainable Communities: Best Practice
- Design Manual for Urban Roads and Streets
- Architectural Heritage Protection

5.2. Development Plan

Under the Cobh Town Development Plan 2013 (TDP), the site is shown as lying within the development boundary and in an existing built-up area. Objective HOU-11 states that:

...proposals within the existing built up area will be assessed with reference to:

- *The provisions of this Plan.*
- *The character of the surrounding area.*
- *Other planning and sustainable development considerations considered relevant to the proposal or its surroundings.*

The residential property on the opposite (southern) side of Lake Road from the site is a protected structure (ref. no. 1001022) (NIAH ref. no. 20828141). Objective HE-25 states that:

It is an objective of the Plan to ensure a high quality architectural design of all new development relating to or which may impact on buildings in the Record of Protected Structures.

5.3. Natural Heritage Designations

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

5.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 4 dwellings on a site with an area of 0.1573 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on

its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

John & Elizabeth Russell of Carrigmore Lodge

- The three-storey form of the proposed dwelling houses would be out of scale and out of keeping with dwelling houses in the vicinity of the site.
- Concern is expressed that the siting of dwelling house No. 4 close to a stone boundary wall would potentially undermine this wall.
- Concern is expressed that, notwithstanding the stone wall, the eastern boundary treatment needs to be 1.8m high.
- The stone wall forms part of the appellants' adjoining residential property.
- The en-suite window in the eastern elevation adjacent to the eastern boundary should be opaque glazed.
- The design of the proposed dwelling houses would neither reflect the period dwelling houses in the vicinity nor offer a contemporary addition to the area.

The density of development on a narrow-fronted site would be excessive.

Given the cliff faces to the west and north, the amenity value of the rear gardens would be poor.

External finishes are not cited.

- The proposal would generate an increase in traffic.
- The roadside boundary wall should be replaced by one in keeping with the area.
- With respect to the reports on asbestos and the cliff faces, as access to the relevant parts of the site is impeded, the adequacy of these reports is questioned.

6.2. Applicant Response

The applicant considers that the matters raised in the grounds of appeal were addressed at the further information stage. He does, however, comment on the stone wall to the effect that a combination of metal storage sheds and conifers within the appellants' residential property afford screening and that this would be augmented by a fence that they are in the process of erecting. He also adds that "a cherry picker was used to further assess the cliff faces so as to update the original report carried out."

6.3. Planning Authority Response

No further comment.

6.4. Observations

Charles Collins of Santa Elena, Lake Road, Cobh

- Attention is drawn to Conditions Nos. 9 & 10 of the Planning Authority's permission, which require that the proposed site access be accompanied by sightlines with x and y dimensions of 2.4m and 70m. These Conditions may result in encroachment upon the neighbouring residential properties on either side of the site. In these circumstances, the Board should seek the submission of plans showing these sightlines in advance of making a decision.
- The appellants' concerns over the applicant's engineering report are shared, insofar as it is unclear how the highly vegetated cliff/rock face was inspected. Furthermore, attention is drawn to the absence of any visual depiction of the rock face and any identification of what parts would need to be remediated or stabilised. The observer's residential property is one of a number that could potentially be adversely affected by ill-advised works to this rock face. In this respect, five of the six sub-sections referred to in the report bound his property and, clearly too, the safety of the future residents of the site must be a priority.

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), relevant national planning guidelines, the Cobh Town Development Plan 2013 (TDP), the planning history of the site, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Zoning and planning history,
- (ii) Development standards,
- (iii) Traffic, access, and parking,
- (iv) Safety,
- (v) Conservation and amenity,
- (vi) Water, and
- (vii) Appropriate Assessment.

(i) Zoning and planning history

7.2. Under the TDP, the site is shown as lying within the development boundary around Cobh and in an existing built-up area. As residential uses predominate within this area, the proposed redevelopment of the site would entail the removal of an anomalous commercial use and its replacement with a residential use. From a zoning/land use perspective, this new use would be welcome.

7.3. The planning history for the site indicates that, under 10/52013, the redevelopment of the site to provide, ultimately, 4 semi-detached dwelling houses was permitted. Precedent, therefore, exists for permitting 4 dwelling houses on the site. This figure would be replicated and with it the density of c. 25 dwellings per hectare.

7.4. The appellants draw attention to the density of the proposal, insofar as they consider that it would be excessive for the narrow-fronted site in question. The 2 pairs of semi-detached dwelling houses would be laid out in a row across the site, and they

would be closely spaced in relation to one another and the side boundaries to the site. I will discuss the appropriateness of their design and layout under the fifth heading of my assessment. I do not consider that, in principle, the density of the proposal for an urban area would be excessive.

- 7.5. The proposed residential after-use of the redevelopment site would be welcome. Its density would be appropriate, in principle, for an urban site.

(ii) Development standards

- 7.6. Each of the dwelling houses would be of three-storey form and each would provide four-bed/seven-person accommodation over a floorspace of 149 sqm. Under further information, the applicant submitted an accommodation schedule in which a breakdown of this figure is set out.
- 7.7. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, three-storey four-bed/seven-person dwelling houses should have a minimum total floorspace of 120 sqm. Clearly, the proposed dwelling houses would exceed this figure and they would, likewise, exceed the relevant floorspace thresholds for aggregate living accommodation, aggregate night time accommodation, and internal storage.
- 7.8. Under further information, drawings entitled “landscape plan” and “proposed detailed site plan” were submitted. The former plan states the area of the rear gardens that would serve dwelling houses denoted as Nos. 2 – 4. These areas would range between 132 and 178 sqm. The latter plan states the area of the rear garden that would serve the dwelling house denoted as No. 1. This area would be only 42 sqm and so it is shown as being supplemented by a front garden with an area of 74.3 sqm.
- 7.9. The appellants have expressed concern over the amenity value of the proposed rear gardens, which would be enclosed to the north and to the west by the rock faces left by a historic quarry. However, the rear gardens to Nos. 2 – 4 would extend on a north/south axis and their elongated form would ensure that some sunlight penetration would occur clear of the shadow line of their accompanying dwelling houses for periods in the day. The front garden to No. 1 would, likewise, receive sunlight. The position of this garden would make privacy rather than lighting an

issue, as it would abut the roadside and the communal car park. The landscape plan shows walls to these boundaries, which would resolve this issue.

- 7.10. I conclude that the proposal would meet relevant development standards and so it would afford a satisfactory standard of amenity to future households.

(iii) Traffic, access, and parking

- 7.11. The appellants express concern that the proposal would lead to an increase in traffic.

- 7.12. The existing use of the site is for vehicle repairs and storage and so it generates vehicular movements throughout the working day. During my site visit, I observed that, due to open storage of tyres and vehicles on the site, the parking and manoeuvring space for customers vehicles was limited and so on-street parking of vehicles was occurring with associated reversing manoeuvres either to or from the public road. In these circumstances, vehicles movements are greater in number than would otherwise be the case.

- 7.13. Under the proposal, 4 dwelling houses would be provided. The 4 households could be expected to generate traffic. However, I do not anticipate that the resulting vehicular movements to and from the site would be greater than at present. Furthermore, the proposal would provide 8 off-street parking spaces and associated manoeuvring/turning space and so all movements to and from the public road would be capable of being undertaken in forward gear. Likewise, the incidence of on-street parking would be reduced/eliminated.

- 7.14. The proposed vehicular access to the site would be re-sited to the west of its existing position and so further away from the bend in Lake Road that lies to the east. The observer expresses concern that the conditioned sightlines (2.4m x 70m) may, in the case of the westerly one, encroach upon land in his ownership. Under Section 4.4.5 of the Design Manual for Urban Roads and Streets (DMURS), visibility splays or sightlines are discussed. If it is assumed that Lake Road has a design speed of 50 kmph, then, under Table 4.2, a y distance of 45m would be appropriate. The x distance should be 2.4m, but a concessionary 2m could be entertained, and so *prima facie* the proposed access would be capable of achieving the required sightlines under DMURS without encroaching upon the observer's land.

- 7.15. The proposed vehicular access would be accompanied on either side by footpaths, which would lap around the two rows of car parking spaces to connect with a

footpath in front of the row of dwelling houses. In turn this footpath would connect to footpaths that would afford access to the rear gardens of each of the dwelling houses.

- 7.16. I conclude that the proposal would be satisfactory with respect to traffic, access, and parking.

(iv) Safety

- 7.17. Under further information, the applicant submitted A Demolition Management Plan, A Construction and Demolition Waste Management Plan, and Details of Asbestos Removal Works. These documents would provide a basis upon which the existing building on the site could be removed and the site cleared in a safe manner both to site operatives and local residents.
- 7.18. Under further information, the applicant also submitted a survey and report on the cliff faces that enclose the western and northern sides of the site. This survey and report sub-divides these faces into sections denoted as Areas A – F (inclusive) (cf. drawing entitled “Cliff report site plan”). A description of each of these areas is given in the report along with remedial action.
- 7.19. Both the appellants and the observer draw attention to the heavily vegetated cliff faces and their accompanying embankments and they, consequently, question whether the applicant’s engineer was able to survey these faces adequately. The applicant has responded that the engineer used a cherry picker as a platform from which to survey them.
- 7.20. The observer’s residential property lies above five of the six areas identified in the report and he expresses concern over its stability if ill-advised works were to be undertaken to the cliff faces. In this respect, he draws attention to the absence of any visual depiction of these faces and any identification of which parts may need to be remediated or stabilised.
- 7.21. The case planner reports that the Area Engineer raised no objection to the applicant’s survey and report of the cliff faces. The Planning Authority’s Condition No. 7 attached to its permission refers to the need to fully comply with this report. A further condition, denoted as No. 8, refers to a monitoring programme to check any possible movement of the rock face that may be caused as a result of works on the site.

7.22. I note from a comparison of the drawings entitled “Cliff report site plan” and “Proposed site plan” that the north western corner of the dwelling house No. 1 and the private footpath around this corner would encroach beyond the bottom of the bank within Area C. I note, too, that based on the description of this Area the remedial action includes the following items:

...Due to the near vertical slope of the rock face, it is recommended that no building work that could undermine the rock face should be carried out, unless suitable stabilising measures have been carried out by specialist contractors...

It is expected that the proposed building work should not undermine the rock/cliff face provided that the above measures are carried out by competent specialist contractors...

7.23. The layout of the site would entail the siting of the 2 pairs of semi-detached dwelling houses in a row across the site. Given the need to ensure that front-to-rear access is available to these dwelling houses, there would be no scope to re-site them within the confines of the site should the need to do so arise because of the proximity of No. 1 to the rock face. I, therefore, take the view that it is incumbent upon the applicant to demonstrate that the proposed siting of No. 1 would be consistent with maintaining the stability of the rock face in Area C. The applicant’s engineer has reported on this matter to the effect that he “expects” with the involvement of competent specialist contractors that such consistency would arise. I consider that such expectation cannot reasonably be relied upon and that for all 4 dwelling houses to be permitted he needs to demonstrate that the siting of No. 1 would be feasible within the context of ensuring the stability of the rock face.

7.24. I conclude that, insofar as the applicant has not demonstrated the consistency of the siting of dwelling house No.1 with the stability of the rock face in Area C, it would be premature to grant permission for the proposal overall.

(v) Conservation and amenity

7.25. The appellants express concern over the three-storey form of the proposed dwelling houses and the standard of their design within the context of Lake Road. During my site visit, I observed that within the vicinity of the site dwelling houses tend to be detached and set within their own grounds. These dwelling houses display a considerable variety of designs. Their streetscape presence/visibility varies in accordance with their siting, the topography of their sites, and the extent of

accompanying vegetation. The character of the area is shaped by the spaciousness of these residential properties and their eclectic mix of styles.

- 7.26. The proposal would entail the introduction of a higher density of development than exists at present and a uniform design of housing, which would be atypical of the area. That said, this area is not an ACA and, although there are protected structures within it, they do not have a strong relationship with the site. In this respect, the 19th century dwelling house, known as “The Brake”, on the opposite (southern) side of Lake Road from the site is a protected structure. The rear elevation of this dwelling house, which faces/abuts Lake Road, comprises a 20th century extension. I consider that, provided the roadside wall to the site is rebuilt to a high standard in stone and accompanied by tree planting that the ensuing mediated relationship between the proposed dwelling houses and this protected structure would be satisfactory.
- 7.27. While the appellants describe the proposed dwelling houses as being of three-storey form, this would not be obvious, as the third storey would be within the roofspace. Their principal elevations would address Lake Road to the south and they would feature front gable elements within which the openings would be slightly offset in their vertical alignment underneath the ridgeline. A first-floor window over each front door would be inserted under the join between the diagonal and horizontal eaves. This window would line through at cill and head heights with the first-floor window underneath the gable. It would be a single light. The presence of this single light window within a “cramped” portion of the elevation would appear awkward. I consider that the introduction of a horizontal glazing bar through the middle of this window would acknowledge the horizontality of the eaves line above and, thereby, improve the aesthetic of the elevation.
- 7.28. While the submitted plans do not specify the finishing materials of the proposed dwelling houses, the front elevations denote the use of two such materials. I consider that the specification of stone or brick to the ground floor elevations would be important to add variety and interest to these elevations.
- 7.29. The appellants also express concern that the dwelling house denoted as No. 4 would be sited too close to the common boundary of the site with their residential property. No. 4 may undermine the stability of this wall, which they consider should be 1.8m

high. Likewise, the en-suite window in the eastern side elevation of No.4 should be obscure glazed.

7.30. Under the proposal, the eastern side elevation of No. 4 would be set back between 0.8 and 1m from the appellants' wall. Clearly, it would be incumbent upon the applicant/developer to ensure that he did not, as an adjoining landowner, undermine this wall. During my site visit, I observed that this wall has recently been capped and metal shoes for the addition of a fence above it have been inserted in the cap. On the appellants side of the wall, I observed a man-made structure and trees, which ensure that their dwelling house and garden is screened. The proposed fence would further screen their residential property. The en-suite window would as a matter of course be obscure glazed to safeguard neighbour privacy.

7.31. I conclude that the proposal would be compatible with the conservation interest of the area and the visual and residential amenities of this area.

(vii) Water

7.32. The site is connected to the public water mains and the public foul water sewer at present and, under the proposal, this would continue to be the case. Irish Water has raised no objection in this respect.

7.33. Under the proposal, on-site stormwater drains would be connected to the public stormwater sewer under Lake Road. Stormwater from the roofs of the proposed dwelling houses would pass through an attenuation tank with a hydro-brake, which would be sited under the western row of car parking spaces. Stormwater from the forecourt would discharge directly into the public stormwater sewer. While a cross section of the attenuation tank has been submitted, no supporting commentary on its size and capacity for dealing with flooding events has been submitted. I consider that such a commentary is needed and so, if the Board is minded to grant, should be conditioned, along with a redesign of the on-site stormwater drainage system to ensure that the forecourt is served by the attenuation tank, too.

7.34. Under the OPW's flood maps, the site is not identified as being at risk from flooding.

7.35. I conclude that, subject to the revisions to and a commentary upon the on-site stormwater drainage system, the proposal would raise no water issues.

(vii) Appropriate Assessment

- 7.36. The site is an urban one, which is fully serviced. The proposal is for its redevelopment to provide for residential use in accordance with the predominant surrounding land use. This site is neither in nor beside a European Site. The nearest such sites are in Cork Harbour, i.e. Cork Harbour SPA and Great Island Channel SAC. No source/pathway/receptor routes exist between this site and these or any other European Sites. Insofar as the site would be connected to public services, I am not aware of any capacity issues relating to the relevant WWTP.
- 7.37. Having regard to the nature, scale and location of the proposal, the nature of the receiving environment, and the proximity of the site to the nearest European Sites, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

Having regard to siting of the proposed four dwelling houses in a row across the site and to the encroachment of the proposed dwelling house denoted as No. 1 upon the bottom of the slope to the western rock face of the site, it is considered that it would be premature to grant permission for the four dwelling houses until the applicant has demonstrated that the siting of the proposed dwelling house No. 1 would be compatible with the stability of the adjacent rock face. In the absence of such demonstration, the feasibility of the proposal is not assured and any risk that it would pose to public safety has not been allayed. The proposal would thus not accord with the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

7th December 2021