



An  
Bord  
Pleanála

## Inspector's Report ABP-306230-19

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<b>Development</b>	Construction of ten apartments over flexible ground floor commercial unit and all associated site works.
<b>Location</b>	20-21 Kyle Street, Cork City
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38781
<b>Applicant(s)</b>	Karl Shane Diskin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	Karl Shane Diskin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> March 2020
<b>Inspector</b>	Fergal O'Bric

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of Kyle Street, south of Kyrl's Quay and adjacent to the Bridewell Garda Station, approximately four hundred metres west of Patrick Street within Cork City Centre. The area is urban in nature with a mix of residential and commercial uses and a variety of house styles and types. The site is bound to the east by a service yard serving the North Main Street Shopping Centre. To the west is a single storey commercial building. To the south are established three-storey terraced houses. To the north of the site is a five-storey multi-storey car park building associated with the North Main Street Shopping Centre.
- 1.2. The site has a stated area of 0.017 hectares and comprises a vacant brownfield site with remnants of stone buildings. There is a two metre palladine fence facing onto the street frontage.
- 1.3. Vehicular access to the site is off Kyle Street, which is a narrow one-way street that connects North Main Street to the west with Cornmarket Street to the east. There are footpaths on both sides of the street and streetlighting.

## 2.0 Proposed Development

- 2.1. It is proposed to construct ten one bedroomed apartments over five upper storeys with a ground floor flexible commercial unit, bin and bicycle storage underneath (six storeys in total).
- 2.2. The proposed block fronts directly onto Kyle Street. The block would have a maximum height of 18.55 metres above street level, with the 5<sup>th</sup> and 6 storey's set back. All of the apartments are of dual aspect. External finishes would comprise of red brick at ground floor level and white and dark grey render on the upper floors. A zinc roof is proposed for the top floor where there are box dormers in a mansard style roof. The side facades are blank with no fenestration detail. Private open space is provided for each apartment in the form of cantilevered balconies on the rear elevation and the upper two floors have front and rear balconies.
- 2.3. At ground floor level a flexible commercial unit (65.5 square metres) is proposed which under the provisions of the Cork City Development Plan could provide for

bars/restaurants, small scale retail, small to medium scale office space, cultural business. The ground floor also provides for bin storage and fifteen bicycle parking spaces, a lift shaft for accessing the upper floor residential accommodation.

- 2.4. A Planning and Urban Design Statement and a Flood Risk Assessment were submitted to accompany the planning application.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Permission was refused for two reasons.

Reason Number 1: The proposed development by reason of its height, massing and scale has not demonstrated compliance with the Cork City Development Plan 2015-2021 nor with the Ministerial Guidelines for Urban development and Building heights 2018. The proposals fail to successfully architecturally integrate or enhance the character of the designated Architectural Conservation Area and would detract from the setting of adjacent protected structures. The proposals would contravene objectives 9.29 and 9.32 of the Development Plan.

Reason Number 2: The proposals represent the provision of sub-standard accommodation with inadequate unit sizes and private amenity space, would provide a low amenity living environment and would be contrary to the provisions of the Cork City Development Plan and the Ministerial Guidelines for Sustainable Urban Housing 2018.

### 3.2. **Planning Authority Reports**

#### 3.2.1. ***Planning Reports***

The report prepared by the Senior Executive Planner accepts the principle of the re-development of this site for commercial and residential purposes given its city centre location and underlying land use zoning objective. She raised a number of concerns pertaining to an excessive massing, scale and height, two-storey's above what was advised of during pre-planning consultations. She considered the height would be in excess of the existing established built fabric and would adversely impact upon the

character and setting of the Architectural Conservation Area and adjacent Protected Structures, in particular St Peter's Church, which is located on North Main street, to the west of the appeal site. Other concerns related to the quality of residential accommodation being provided, particularly the upper floor residential units which she states would not comply with minimum floor area for apartments and also concerns regarding the quality and disposition of the balcony areas accessed off bedroom spaces. She stated that the changes required would have been of a scale too significant to warrant a request for further information and therefore a refusal of planning permission was recommended subject to two reasons as synopsised in Section 3.1 of this report, above.

### 3.2.2. **Other Technical Reports**

Road Design Section: No objection, subject to conditions.

Transport and Mobility Section: further information recommended, regarding submission of construction management and mobility management plans.

Drainage Section: No objection, subject to conditions.

Environment Section: No objection subject to conditions.

Archaeology Section: Further information recommended regarding test-trenching, preparation of historical background report, possible mitigation procedures if remains were to be uncovered.

Conservation Report: Recommended refusal of permission as the building would be visually incongruous due to its excessive height and impact upon the tower of St Peter's, a protected structure.

Housing Section: No objection.

### 3.3. **Prescribed Bodies**

Irish Water: No objections, subject to conditions.

### 3.4. **Third Party Observations**

Two third party submissions were received by the Planning Authority. The concerns raised within the submissions related to the following: That the proposals due to their

height would block light into a residential property on the opposite side of the street; The development would block views towards the Shandon Steeple; The proposals would result in further traffic congestion as there are limited parking spaces in the area; Noise and traffic congestion would arise from construction activities on the site if permitted: Proposals would be out of character in this area: Proposals would impact upon development potential of adjacent lands; Proposals could impact on amenity of future residents if adjacent lands were re-developed in the future; Supportive of the principle of the re-development of infill sites.

#### **4.0 Planning History**

I am not aware of any planning history pertaining to this application site.

#### **5.0 Policy Context**

##### **5.1. Cork City Development Plan, 2015**

- 5.1.1. The site is located in an area zoned - 'City Centre Retail Area' with the associated land-use objective: 'To provide for the protection, upgrading and expansion of retailing, in particular higher order comparison retailing, as well as a range of other supporting uses in the city centre retail area. Relevant policies in the plan include the following: -

Objective 4.3: City Centre retailing

Objective 6.1: Residential Strategic Objectives

Objective 6.8: Housing Mix

Objective 6.9: Housing Density

Objective 16.3: Urban Design

Objective 16.9: Sustainable Residential Development

Chapter 16 – Development Management also sets out development management standards, of particular relevance is section 16.59 which relates to apartments.

- 5.1.2. In Chapter 2: Core Strategy Goal number one is to increase population and households to create a compact sustainable city.

5.1.3. Chapter 6: Residential strategy. Objective 6.1 sets out the residential strategic objectives and includes: To encourage the use of derelict or underused land and buildings to assist in their regeneration.

5.1.4. The appeal site is located within the North Main Street Architectural Conservation Area (ACA)

Objective 9.29 Seeks - To preserve and enhance the designated Architectural Conservation Areas in the city.

Objective 9.32 sets out the consideration for works within ACA's as follows:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc, shall not be generally permitted,
- Acceptable design, scale, materials and finishes for new developments,
- Original materials and methods of construction should be retained. For example, timber barge boards, windows and doors should not be replaced with PVC, original roofing material types should be retained along with original forms and locations of openings etc.
- Features of historic or architectural value should not be removed.

5.1.5. The specifics in relation to ACA's are set out with Volume Three of the Plan. There are a number of smaller area ACA's designated throughout the city within the Plan. One of these is the North Main Street ACA. It is the site of the original medieval city with the present-day street and lane layout reflecting the early medieval burgage plots. Beneath the current street and building fabric there is a rich archaeological repository of the City's medieval past. Building heights are mainly between 3 and 4 storeys, with commercial premises on the ground floors. Buildings on the secondary streets are similar, but with a mix of commercial premises and domestic houses. The area continues to suffer from the continuing decline of its traditional economic and social role despite the uplift generated by the 1994 Historic Centre Action Plan. That initiative needs to be followed up with a sustained effort on the part of the City Council, local residents, business owners and the general community who use the area.

- 5.1.6. The site is also located within the zone of archaeological potential.
- 5.1.7. Strategic Objective 13.1 of the Plan relates to development of the city centre and docklands area where the objective is: To sustain and enhance the vitality and attractiveness of Cork City Centre as the healthy heart of the region and as a quality place to live, work and visit.
- 5.1.8. Section 15.7 of the Plan sets the following in relation to retail development: The City Council is committed to the reinforcement of the City Centre's role in the retailing hierarchy by supporting existing retailing and facilitating the development of new floor space to meet projected demand. Retailing is prioritised in this area but not to the exclusion of other land use types. Other uses such as residential, hotel, office and cultural and leisure facilities etc. which complement the retail function of the Cork City Retail Area (CCRA) and promote vibrance in the city centre are also permitted, subject to the policies to promote city centre retailing in chapter 13.
- 5.1.9. Section 16.25 of the Plan pertains to building heights. The current proposals would be categorised as a medium-rise building (less than 32 metres in height, 4-9 storeys approximately). Buildings which are taller than the general building height in any area will be considered taller even where they are less than ten storeys.
- The city centre typically has a general building height of 3-5 storeys. Due to the importance of the city centre as an area of historic and architectural character, the building height of any new development within the city centre should generally respect the area's existing character and context and should be in accordance with the prevailing hierarchy/character of buildings.
- 5.1.10. Objective 16.3 of the Plan relates to Urban Design. Where the objective is:
- To deliver high quality-built environment through good place making.
  - To ensure that development is designed to high qualitative standards and is cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.
- 5.1.11. Section 16.42 in relation to density states: The residential density of developments in central and inner suburban (pre 1920) areas of the city will normally be higher than 75 dwellings per hectare responding to the nature of their context and are more likely

to be controlled by other considerations.. These include plot ratio and other planning and design considerations.

- 5.1.12. Section 16.6 states: The City Council will generally require Visual Impact assessments (VIA's) to be completed to illustrate the visual impact of proposals likely to have an impact on protected views and other views of special amenity value identified by the Planning Authority of a strategic or local significance.
- 5.1.13. Kyle Street is located within the Cornmarket Street Action Plan Area. This plan was prepared in 2005. The main aim of the plan was to promote the expansion of the central retail area into the Cornmarket are, to expand the market to optimise its potential and improve the public realm. Kyle Street was identified as an area with potential for infill development and the creation of new active frontages with potential for residential uses on upper floors.

## 5.2. ***National Planning Framework***

The relevant policies of the National Planning Framework which relate to creating high quality urban places and increasing residential densities in appropriate locations are set out below.

- Policy Objective 4: Attractive, liveable well-designed high-quality urban places.
- Policy Objective 6: Regenerate and rejuvenate cities.
- Policy Objective 11: Encourage more people and generate more jobs and activity within cities.
- Policy Objective 33: Prioritise new homes at locations that can support sustainable development.
- Policy Objective 35: Increase residential density through a range of measures including reductions in vacancy and infill development schemes.
- Among the National Strategic Outcomes for Cork City are the realisation of compact growth and a strong economy.
- A key growth enabler for Cork City is: Identifying infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas.

- Section 4.5 Achieving Urban Infill/Brownfield Development.

### 5.3. **National Guidance**

- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DHPLG 2018).
- Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG 2018).
- Design Manual for Urban Roads and Streets (DTTAS & DoECLG 2013).
- Urban Design Manual, A Best Practice (DOEHLG, 2009).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG 2009).
- Architectural Heritage Protection Guidelines for Planning Authorities (DoEHLG 2004).

### 5.4. **Natural Heritage Designations**

The site is located approximately five kilometres west of Cork Harbour SPA (004030).

### 5.5. **Environmental Impact Assessment- Preliminary Examination**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of the first party appeal may be synopsised as follows:

- The general building heights in the area vary from one to seven storeys with the most common type being flat fronted buildings of four storeys with a recessed fifth storey.
- It is not appropriate to designate this application as being in the taller building category given the established building heights in this area.
- This application should be considered under the Ministerial Guidelines for Urban Development and Building Heights criteria under at the scale of the relevant city rather than at the scale of district/neighbourhood centre or at the scale of the site/building. Reference is made to Sections 1.9 and 1.10 of these Ministerial Guidelines where in relation to city centres it states: In such areas it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective. Given the underlying land use zoning objective pertaining to the site is: City centre retail area, building heights of at least six storeys are the appropriate default objective and must be supported by the Development Plan.
- Section 16.29 of the Development Plan states that an increase in building heights can be justified on sound urban design or architectural grounds. The current proposals adhere to the built form guidelines set out within the Cornmarket Street Action Area Plan 2005. Section 1 of the Urban Design Manual 2009 sets out that rather than replicating existing scale, opportunities presented by landform or adjacent urban development forms should be exploited to create more intensive development patterns.
- Section 1.4 of the Cork Heritage Plan 2015-2020 states that it is important to balance the need for change with the desire for protection of our heritage,
- The massing and height of the proposal is acceptable when considering context with the height of the adjacent multi-storey car park to the north and stepped massing of the area ranging from 4-6 storeys. The proposal represents a contemporary evolution of the character of the area as well as responding to current societal needs and use. The proposals respond well to national policy objectives and address the issues of dereliction and site vacancy in the area. Reference is made to a previously permitted mixed use development on Castle Street.

- The proposals will create a sense of enclosure on Kyle Street and although may create a building of prominence in the short term, only until further re-development on adjacent sites occurs.
- The upper two floor residential accommodation would provide for studio apartments rather than conventional one bedroomed apartments. The proposals should be assessed accordingly in terms of living space, floor area and private open space provision.
- The location of the balconies on the rear elevation is a sympathetic design response to the sensitivity of the area. It was considered that the placing of the balconies on the front elevation would have had a negative visual impact upon the character and integrity of the ACA. Juliet balconies have been provided as a compromise measure on the front/street elevation. The placing of balconies on the side elevations would compromise the future ability of the sites to the east and west of the appeal site to re-develop in the future.
- A number of the balconies are north-west facing and though not ideal from a sunlight optimisation perspective but are generously sized and proportioned.
- The Planning Officer of the Local Authority with her report is broadly supportive of the proposals where she states that notwithstanding the excessive height of the building, the general building form would be acceptable on Page 24 of her report.
- That the risk of anti-social behaviour within the bicycle rack area could be addressed by means of a gated access, however this was specifically designed as being open to respect the strong tradition of pedestrian laneways off streets within Cork City centre.
- The Building Control Regulations have dictated the location of the bin store in terms of ventilation, distance set back from street, separation of bin storage areas from access to the remainder of the building etc.
- The location of the bicycle store is in compliance with Section 4.17 of the Sustainable Urban Housing Guidelines for New Apartments 2018.
- That the flexible commercial unit was proposed after consultation with the Planning Authority and is provided for with Section 4.5 of the Sustainable Urban

Housing Guidelines for New Apartments 2018 and Section 13.23 of the Development Plan.

- The appellant is willing to use the ground floor commercial unit as provided for within Class 1, Schedule 2, Part 4 Exempted Development-Classes of Use as a shop, as set out with the Planning and Development Regulations 2001, as amended.
- This development would not hinder the re-development of any of the adjoining sites.
- To date no masterplan has been prepared or approved for the North Main Street shopping area.
- In the absence of a masterplan, the comprehensive re-development of the north Main street area is not likely to occur in the short term. The development brief for Site no 4 of the Cornmarket Street Action Area Plan area does not include the current appeal site.
- National Policy Objective 11 of the National Planning Framework states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities.

## **6.2. Planning Authority Response**

No further comments.

## **6.3. Further Submissions**

Comments were invited by the Board from the Development Applications Unit, the Heritage Council., the Arts Council, An Taisce and Fáilte Ireland in relation to the ACA and archaeological potential and no comments were received.

## **7.0 Assessment**

- 7.1. The main issues in this appeal relate to design and layout, residential and visual amenity, traffic and water services. Appropriate Assessment requirements are also

considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Design and Layout
- Residential and Visual Amenity
- Traffic
- Appropriate Assessment

## 7.2. ***Principle of Development***

7.2.1. It is proposed to construct ten apartments over a commercial ground floor unit in a single block. The site is located in the south city centre, approximately four hundred metres west of Patrick Street. The appeal site is bound by buildings which range in height from one to four-storey on Kyle Street, though with buildings as high as seven storeys on neighbouring Streets including North Main Street. Kyle Street comprises of many underused/derelict sites, dilapidated buildings, a small number of operating commercial premises and residential uses.

The site is zoned ZO 1- 'City Centre Retail uses'. The Development Plan states that: retailing should be prioritised in this area but not to the exclusion of other land use types. Other uses such as residential, hotel, office and cultural and leisure facilities etc. which complement the retail function of the Cork City Retail Area and promote vibrancy in the City Centre are also permissible.

7.2.2. Having regard to the city centre zoning objective for the site and the mixed commercial and residential nature of the proposed development, the principle of the development is considered acceptable.

## 7.3. ***Design and Layout***

7.3.1. The design of the scheme is of a contemporary style, with the upper two floors set back, a mansard type roof with box dormers proposed on top, large windows with a vertical emphasis on the front elevation, consistent with neighbouring residential properties. It has a maximum height of 18.55 metres above street level (excluding plant). The external finish would comprise red brick at ground floor level with white

and grey render on the upper floors with elements of zinc cladding. The ground floor area comprises bin and bicycle storage areas openly accessible from the street front.

- 7.3.2. It is an objective of the National Planning Framework to increase residential densities in appropriate locations (Policy objective 35) to avoid the trend towards predominantly low-density commuter-driven developments. Section 16.41 of the development plan notes that residential density in city centre areas should be in excess of 75 dwellings per hectare. However, subject to constraints imposed by the character of the surrounding area, densities along bus routes should be a minimum of 50 dwellings per hectare.
- 7.3.3. The appeal site is located within the city centre, therefore, I am of the opinion that a high-density development is acceptable at this location. However, higher density should not be considered in isolation, it must be delivered in tandem with high quality urban design and layout. Plot ratio is another tool to manage the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. The Development Plan sets an indicative plot ratio of 1.5-2.5 for the city centre and docklands areas. The proposed development has a plot ratio of 3.36 and, therefore above the upper end of the indicative range. However, this single quantitative tool must be considered in the context of other qualitative and quantitative criteria. The development has a site coverage of 100%. The Development Plan does not set out standards for site coverage, however, in my opinion having regard to the location within a city centre context, that this level of site coverage is sustainable and acceptable
- 7.3.4. The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) state that: Analysis of urban housing need points to the fact that into the future, a majority of households will comprise 1-2 persons (Section 2.8). The relevant Specific Planning Policy Requirement (SPPR) in this instance is SPPR 2 where it states: For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:
- Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units;

- 7.3.5. The proposed scheme provides for 4 (40%) studio apartments and 6 (60%) 1-bed apartments, it is apparent that the mix proposed has had regard to the Design Standards Guidelines in terms of unit mix. Section 2.24 refers to adapting greater flexibility in relation to heights and separation distances where it states: It is recognised that there is a need for greater flexibility in order to achieve significantly increased apartment development in Ireland's cities. In accordance with the Ministerial Guidelines for Apartment Development 2018, infill development is encouraged and to make the most sustainable use of urban lands, the normal planning standards may be relaxed in the interest of developing vacant, derelict and under-utilised lands. It is noted that the floor areas of the studios/apartments reach and exceed the minimum requirements as set out in the guidelines.
- 7.3.6. It is recognised that the amenity value afforded to some of the proposed terraces which are accessed directly off bedroom spaces within the first to fifth floor level apartments is not ideal. However, it is also noted that all upper floor apartments have Juliet style balconies facing onto the Kyle Street (front) elevation. I am satisfied that this issue could be addressed by way of an appropriate planning condition, whereby the upper two stories of the proposed building could be omitted and the scale revised to provide for a four storey building and the stepping back of the upper fourth floor to provide for a street front balcony area accessed off the living space areas. These modifications would be beneficial in order to provide an appropriate and acceptable form of amenity for future occupants at a height more appropriate for this site in the centre of Kyle Street and immediately adjacent to many three storey buildings.
- 7.3.7. In conclusion, having regard to the sites zoning objective, the location of the site in Cork City Centre and to national and local policy objectives, I have no objection in principle to the provision of a high-density residential development (as revised to four storeys) on the site. as indicated being acceptable to the Planning Authority within their report.
- 7.3.8. I note the report received from the county archaeologist. I consider that these are matters that can be addressed by means of appropriate planning condition.

#### 7.4. ***Residential and Visual Amenities***

- 7.4.1. Concerns have also been raised that the height of the development is out of character with the area and would have a negative impact on the character and setting of the North Main Street Architectural Conservation Area and on St Peters Church, a protected structure, which is located approximately 200 metres west of the appeal site. The Urban Development and Building Heights Guidelines outline the following in this regard: It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. The proposed development is six storeys in height, with the upper two storey's set back. While I have no objection in principle to the proposed height, I am satisfied that a revised building height of four storey's would be considered much more appropriate on this site, having regard to the context set out above.
- 7.4.2. A submission was received by the Planning Authority from a neighbouring resident on the opposite side of the street regarding the potential for overshadowing and blocking of light into their property. The residential properties on the opposite side of the street are three storeys tall. In my view, having regard to the sun path, that there is sufficient separation distance (eight metres to the nearest residential property) to ensure that undue overlooking does not occur.
- 7.4.3. The proposed bin and bicycle storage areas are located on the ground floor and area openly accessible to the street frontage. This has been left open as a design response to reflect the many open laneways that exist throughout Cork City. However, given that this laneway would not provide connectivity nor linkages to other adjacent streets, it is considered that this design response could encourage anti-social behaviour and therefore should be conditioned to be managed by means of controlled access.
- 7.4.4. Concerns were also raised regarding the potential noise disturbance generated by the proposed use. Having regard to the location of the development within an urban context and the nature of the proposed uses, I am satisfied that these matters can be addressed by a Construction Management Plan which can be conditioned.
- 7.4.5. In conclusion, having regard the location of the site within an urban area, it is considered that a quality contemporary design (subject to a height reduction of two

storeys) would enhance the vibrancy and character of this city centre street area and have a positive impact on the public realm.

## 7.5. **Traffic**

7.5.1. The proposed development does not provide for any on-site car parking. Car parking on the surrounding streets is generally restricted with a limited number of designated on-street spaces adjacent to the appeal site.

7.5.2. Section 4.19 of The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) states: In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. a reduced car parking provision should be applied. Having regard to the limited number and size of apartments proposed within the scheme, the location of the site in the city centre and the provision of 15 no. bicycle parking space on site, I note the comments from the Road Design Section of the Local Authority. Similarly, I have no objection to the lack of on-site car parking proposals.

7.5.3. Having regard to the urban nature of the site, it is my view that refuse collection/service deliveries could be managed from the public road and would not result in the creation of a traffic hazard.

## 7.6. ***Appropriate Assessment***

Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 **Recommendation**

I recommend that permission be granted subject to the following conditions.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the Sustainable Residential Development in Urban Areas Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the Design Heights Guidelines, the Design Manual for Urban Roads and Streets, and the policies and objectives of the Cork City Development Plan 2015 – 2021, it is considered that, subject to conditions, the proposal would fulfil the City Centre retail zoning objective for the site and it would be of an appropriate density and height (subject to a reduction by two storey's) to this site within its context.
- 9.2. The proposal would be designed and laid out in a manner consistent with safeguarding the development potential of neighbouring sites and it would be compatible with the visual and residential amenities of the area. The standard of amenity that would be afforded to future occupiers would be satisfactory and the level of cycle parking space provision would comply with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines. Access and egress arrangements and water supply and drainage arrangements would be satisfactory, and no Appropriate Assessment issues would arise. The proposal would thus accord 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 10<sup>th</sup> day of October 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 Archaeological monitoring by a qualified archaeologist shall be in place for all

ground disturbance associated with the development. The name of the archaeologist shall be submitted to the Planning Authority four weeks in advance of the commencement of any site works. Should archaeological material be found during the course of monitoring, the archaeologist may have work on site stopped, pending a decision as to how best to deal with the archaeology. The Department of Culture, Heritage and the Gaeltacht and the local authority archaeologist shall be informed. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigation action and shall facilitate the archaeologist in recording any material found. On completion, a satisfactory archaeological report detailing the works shall be submitted to the Planning Authority and to the Department of Culture, Heritage and the Gaeltacht.

**Reason:** In the interest of natural heritage and the proper planning and sustainable development of the area.

- 3 The proposed development shall be amended as follows:
  - (a) Detailed floor and elevation plans of a four-storey building, with the fourth floor recessed and cross sections of the proposed works from Kyle Street shall be prepared.
  - (b) Details of the materials, colours and textures of all the external finishes to the proposed apartments
  - (c) Detailed plans of a controlled means of access for the bin and bicycle storage areas shall be provided.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of natural heritage and the proper planning and sustainable development of the area.

- 4 The use of the ground floor unit shall be as specified under Class 1, Schedule 2, Class 4 of the Planning and Development Regulations 2001 as amended. Precise details of the signage associated with the retail use shall also be submitted for the written agreement of the Planning Authority.

**Reason:** In the interest of proper planning and sustainable development.

- 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 traffic management, including timing and routing of construction traffic, measures to obviate queuing of construction traffic, details of materials and staff compounds, *details of hoardings and security fencing, intended construction practice for the development*, including noise, dust and vibration mitigation measures and off-site disposal of construction / demolition waste. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

- 6 Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

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

**Reason:** In the interest of public health.

- 8 The applicant shall enter into water and waste-water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

- 9 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 amenities of property in the vicinity.

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

**Reason:** In the interests of visual and residential amenity.

- 11 Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 12 The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

- 13 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths,

watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

14 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

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Fergal O’Bric  
Planning Inspector

20<sup>th</sup> April 2020