



An  
Bord  
Pleanála

## Inspector's Report ABP 300800-18

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<b>Development</b>	Cancer care centre and all associated site works.
<b>Location</b>	7-10 Woods Street, Cork City
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	17/37472
<b>Applicant</b>	The Mercy University Hospital Cork Foundation
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellant</b>	Alicia Mulvihill
<b>Observer</b>	Ellen Chambers
<b>Dates of Site Inspection</b>	25th & 26th April 2018
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.2 hectares, has frontage onto Woods Street which is between the North and South Channels of the River Lee linking Lancaster Quay with Dyke Parade in Cork city centre. It comprises of 4 no. two storey gable fronted commercial buildings which are stated to be currently used for storage purposes. There are windows at 1<sup>st</sup> floor level in the front and rear elevations. It is bounded by Woods Alley which is a gated laneway to the south providing access to other commercial properties. There are other single/two storey commercial properties in addition to an entrance to a surface car park to the south of the lane. Dyke Parade bounding the site to the north comprises a terrace of three storey buildings largely in residential use with a retail unit in the ground floor of No.1.

Woods Street is a one way street with vehicular flows from south to north. The junction with Dyke Parade is governed by traffic lights. There is a footpath on one side. The Mercy University Hospital Outpatients Department is located at the corner of Woods Street and Lynch's Street opposite the site with the Hospital Consulting Rooms and Supports Services further east along Lynch's Street.

## 2.0 Proposed Development

The application was lodged with the Planning Authority on the 19/06/17 with further plans and details submitted 29/11/17 following a further information request dated 14/08/17.

As amended the proposal comprises:

- Demolition of 7-10 Woods Street
- Construction of 2 and 3 storey building to house a Cancer Care Centre with offices, counselling rooms and ancillary support facilities. The floor area of the building would be 394 sq.m.

Access is to be from Woods Alley which forms the southern boundary of the site.

The application is accompanied by:

- Planning Report
- Photographic Survey Record
- Architectural Heritage Impact Assessment
- Site Specific Flood Risk Assessment
- Services Report for Planning Stage
- Design Stage Construction and Demolition Management Plan
- Consent from landowner
- Shadow Analysis and VSC Study

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Grant subject to 19 conditions. Of note:

Condition 2: External finishes and signage to be agreed with planning authority.

Condition 3: Archaeological monitoring requirements.

Condition 4: Specifications, method statements and schedules to be prepared by experienced, registered architect.

Condition 9: Flood defence measures to be submitted prior to commencement.

Condition 10: Emergency management plan for flood events to be agreed prior to commencement.

Condition 19: Contribution or roads bond in respect of exceptional costs arising from roads works.

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

##### 3.2.1. Planning Reports

The *1<sup>st</sup> Planner's* report dated 11/08/17 considers the proposed use to be acceptable in principle under the zoning objectives for the area. It is also considered desirable to replace the existing, semi-derelict properties, which do not contribute to the

character of the area, with a new and active use onto the street. The application also includes offices for the Mercy Foundation and are considered acceptable. The design is considered to be of a high standard and an appropriate response to its location in the ACA. Details on signage to be sought by way of further information. The plot ratio at 2.1 is in line with the indicative plot ratio standards of 1.5-2.5 for the city centre as set out in the Development Plan. A Part 8 social housing project has been approved by the City Council comprising of 16 apartments at the opposite corner of Woods Street and Woods Alley. There are no windows directly opposite the proposed student apartment on the Square Deal site (ref. 17/37406). The site is in the city centre where the requirements in terms of residential amenity need to be balanced with wider issues such as removal of dereliction and provision of services to the wider community. The main residential properties affected are the protected structures along Dyke Parade. Impacts on No.2 Dyke Parade are of particular concern. The area to the rear of No.3 Dyke Parade has been filled in. No.1 has a small rear yard which is already compromised in terms of issues of overshadowing and visual overbearing. The desirability of removing the existing semi-derelict properties and providing a decent frontage onto Woods Street is considered to prevail over impacts in this regard. The building height is set down to two storeys directly adjacent to the rear of No.1. The requirement to provide light into the interior through light shafts in the roof, thus removing issues of overlooking is considered a reasonable compromise. In terms of impacts on No.2 there is an existing rear garden area which would be compromised in terms of visual overbearing and overshadowing. At present it is bounded by a single storey element rising to two storeys with 1<sup>st</sup> floor windows overlooking No.2. The proposal to provide a three storey element directly to the site boundary is of serious concern and would be detrimental in terms of issues of overshadowing and visual overbearing. The Shadow Analysis and Vertical Sky Component Study uses what appears to be an inappropriate example to justify a VSC of 4%. It is considered that if the 2<sup>nd</sup> floor element directly adjacent to the boundary with No.2 were removed with the height of the building scaled back, it would reduce impacts of overbearing and overshadowing. It is not considered that the proposal would impact negatively on the setting of the protected structures subject to impacts on residential amenity being dealt with. A special contribution towards the new shared surface on Woods Street is

recommended. Details regarding emergency exit arrangements require clarification. A request for further information is recommended.

The *2<sup>nd</sup> Planner's* report dated 02/01/18 following FI considers the response to be acceptable with some improvements in terms of overshadowing of adjoining properties. It is noted that the Conservation Officer has stated as part of discussions that the treatment of the façade adjoining the rear of the protected structures would be important. A grant of permission subject to 19 conditions is recommended.

### 3.2.2. Other Technical Reports

The *1<sup>st</sup> Archaeology* Report dated 26/07/17 states that given the location, scale of the development and the level of ground disturbance it is recommended that archaeological monitoring of all ground works associated with the development be undertaken.

*Environment* in a report dated 26/07/17 has no objection subject to conditions.

*Drainage Division* in a report dated 03/08/17 has no objection subject to conditions including details pertaining to flood defences and Emergency Management Plan for flood events.

*Road Design* in a report dated 03/08/17 notes the shared surface in accordance with the Cork City Movement Strategy. No objection subject to conditions.

*Transport and Mobility Report* dated 21/12/17 following FI has no objection subject to conditions.

*Conservation Officer* in a report dated 20/12/17 following FI has no objection subject to a condition requiring specifications, method statement and schedule of works prepared by suitably qualified architect.

### 3.3. Prescribed Bodies

Irish Water has no objection subject to conditions.

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

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those in the 3<sup>rd</sup> party appeal and Observation received and summarised in section 6 below.

### **4.0 Planning History**

17/37406 – permission granted for a mixed-use development at the former Square Deal premises immediately to the south-east of the subject site. The scheme comprises offices, student accommodation and ancillary services ranging in height from 2 to 6 storeys. An appeal against the planning authority's decision under file ref. 3001340-18 was withdrawn.

Reference is made in the planning reports to a Part 8 application which has been approved for 16 apartments in a four storey building at nos. 5 & 6 Woods Street to the south of the subject site

### **5.0 Policy Context**

#### **5.1. Development Plan**

The site is within an area zoned ZO 3 - Inner City Residential Neighbourhoods, the objective for which is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions.

These areas include a large quantity of older housing stock, some low end commercial uses and a range of other non-residential types such as large health and education institutions and community facilities, which strongly contribute to the character of these areas. The City Council is committed to protecting the established residential housing stock in these areas by restricting the development of incongruous development types and providing the range of local service provision required to ensure their attractiveness and vibrancy. Civic and institutional functions will also be facilitated where appropriate and new residential development to compliment the established areas will be supported.

The site is within the Mardyke Architectural Conservation Area.

Objective 9.30 - Demolition in Architectural Conservation Areas.

Demolition of structures and parts of structures will, in principle, only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

Objective 9.32 Development in ACAs shall take account of the following:

- 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.
- Features of historic or architectural value should not be removed.

## 5.2. **Natural Heritage Designations**

None in the vicinity.

## 6.0 **The Appeal**

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

The submission by Coakley O'Neill on behalf of the 3<sup>rd</sup> Party appellant who owns No.1 Dyke Parade which bounds the site to the north can be summarised as follows:

- The appellant is not seeking a refusal but rather a modification to ensure the amenities of her property are not compromised.
- The proposal would have a negative impact on the private rear yard which forms part of the curtilage of No.1 which is a protected structure. Relative to the existing situation the proposal would have a more negative impact in overshadowing terms as evidenced in the Shadow Analysis accompanying the application.

- The negative impact is inconsistent with the Inner City Neighbourhood Zoning objective as it does not reinforce the residential character of No.1, will have a detrimental impact on its residential amenity and therefore its residential character. It also contravenes the development plan requirements in terms respecting the scale, character and proportion of the space and adjoining properties.
- The proposed building will be 2.4 metres higher than that existing. There is no setback on the elevation facing No.1.
- The proposal would have an overbearing impact.
- The rear bedrooms and communal space enjoy a good level of daylight/sunlight.
- The applicant has used an inappropriate example on Henry Street to justify a Vertical Sky Component of 4%. The area is characterised by 2 and 3 storey buildings. A higher VSC should be applied. The daylight/sunlight assessment underestimates the impact of the proposed development.
- Were an appropriate VSC applied the results of the daylight/sunlight assessment would correlate more with the results of the applicant's Shadow Analysis and that the adverse impacts on daylight/sunlight to No.1 would not be determined to be minor and would be more significant. The areas lit by the windows would be gloomier requiring more artificial lighting.
- The proposal falls short of the standards set out in the BRE 2011 guidance document.
- The locations considered in the applicant's daylight/sunlight assessment are not all bedrooms/kitchens. Of the 7, 3 are landing areas/stairwells.
- The wall to be demolished to the rear of No.1 forms the rear wall of the ground floor toilet. The applicant does not have the consent for the demolition.
- It is not clear that the applicant would be in a position to construct the proposal without entering 3<sup>rd</sup> party property.



- It is requested that the proposal be setback from the boundary wall so that it is retained and/or lower the height of the proposed development on its northern elevation to at least the height of the existing elevation.

## 6.2. Applicant Response

The response can be summarised as follows:

- The rear yard of the appellant's property appears to be used as a bin store and there is no evidence that it is an amenity space in the true sense of the word.
- A revised Daylight Sunlight analysis was prepared which found that the revised scheme is in line with the recommendations in the BRE Site Layout Planning for Daylight and Sunlight. The revised scheme shows an improvement over the initial application. The report finds that there is no significant basis for a refusal on issues relating to shadow/daylight impact based on the results or existing precedent in the city.
- The impact on the rear yard is consistent with the Inner City Residential Neighbourhood zoning objective.
- The site is located in an urban area undergoing a significant amount of redevelopment and which has, for many years, been underutilised and allowed to fall into a decaying state.
- The area has a mix of residential, commercial and institutional uses and is not solely a residential location.
- A Part 8 housing scheme has been approved on lands to the immediate south at a high density.
- The Shadow Analysis and VSC Study sets out its methodology for calculating daylight/sunlight impact. The report notes that the site is located in a historic area of the city centre in close proximity to residential units.

- Three of the windows to the rear serve stairwells/landings. Others appear to serve bedrooms and the kitchen.
- The report finds that the results of the assessment are typical of what would be achieved in a historic city like Cork.
- The VSC calculations do not include the effect of reflected light from the proposed building as they consider only direct sky light. The proposed light coloured finishes proposed to the building would help mitigate any loss in perceivable visual/environmental amenity.
- The results find that all windows in the rear elevation of No.1 have a VSC greater than the 4% target value.
- The proposed building is approx. 340mm above the existing ridge level. In terms of city centre development this cannot be considered excessive. Essentially one gable elevation is proposed to be replaced by another elevation which is slightly higher. It follows the existing building line.
- Further alterations could result in the proposal not meeting the requirements of the applicant.
- The party wall forms part of No.10 Woods Street. Matters arising with regard to same are civil issues.

### 6.3. **Planning Authority Response**

No further comment.

### 6.4. **Further Responses**

The applicant's response was circulated to the Planning Authority and Appellant for comment.

6.4.1. The Planning Authority has no further comment.

6.4.2. The 3<sup>rd</sup> Party appellant, in addition to reiterating a number of points made in the original appeal, notes:

- No consideration has been given to the protected structure status of No.1 Dyke Parade and the policies that safeguard same. The rear enclosed yard of No.1 Dyke Parade is included in the NIAH description of the property.
- Her property is located within the proposed Mardyke ACA which places further onus on prospective applicants to respect the character of the area in any development proposals.
- No.10 Woods Street historically formed part of the curtilage of No.1 Dyke Parade. The former relationship is evident in the bricked-up alcove feature on the party wall as it faces No.1 Dyke Parade. No assessment was made of this connection in the Architectural Heritage Impact Assessment. Therefore, a key aspect of the architectural heritage of the proposed development remains unresolved. In the absence of this information the need to protect the existing character of the rear yard and its function as the amenity space of No.1 Dyke Parade is more pronounced.
- The rear yard is used for amenity purposes.
- The Board must have regard to the Inner City Residential Neighbourhood zoning objective that applies to the appellant's property in determining the acceptability of the overshadowing impact.
- A similar reduction as what was afforded to No.2 Parade in the further information response is reasonable and will reduce the negative impacts on residential amenity.
- The building to be demolished is 7.81mOD at eaves level whereas the proposed building would be 10.215mOD which is 2.405 metres of a difference. This is the most important and impactful dimension.
- The suggested amendments for a setback and /or lower height of the building to at least the height of the existing elevation would minimise the impact. It is unlikely that these small changes would be so great as to render the proposal unviable.

## 6.5. Observations

The observation from Ellen Chambers of No.2 Dyke Parade which bounds the site to the north can be summarised as follows:

- The proposal conflicts with the Inner City Residential Neighbourhood zoning objective to protect the residential amenities of the area.
- The height is not in keeping with any of the neighbouring properties.
- Her garden is a significant and essential private amenity space.
- The proposed development will result in complete overshadowing. The impact will be increased by the extensive blank wall facing onto her property.
- The measures proposed by way of further information will not reduce the impact significantly.
- There are concerns about the possibility of damage to her property due to the proximity of the proposal. It is acknowledged in the Construction and Demolition Management Plan that the piling activity is both noisy and prone to generating vibration and that vibration generated on site is also associated with risk of causing structural damage to adjoining and nearby properties. The plan does not offer any alternative to this or measures to limit any possible damage that may be caused.
- The proposed works would require surveys of existing properties to assure their owners that the foundations would not be affected. These have not been done and are not addressed by way of condition attached to the planning authority's notification of decision.

## 6.6. Section 131 Notice

Due to the location of the site within an ACA certain prescribed bodies were invited to make a submission/observation. No responses received.

## 7.0 Assessment

I consider that the issues arising can be assessed under the following headings:

1. Compliance with zoning provisions
2. Impact on amenities of adjoining property
3. Other Issues
4. Appropriate Assessment

### **7.1. Compliance with zoning provisions**

The site is zoned Inner City Residential Neighbourhood, the objective for which is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions. The vicinity is characterised by a mix of commercial, institutional and residential uses and is likely to undergo material change in the immediate future due to the redevelopment proposals for sites in the immediate vicinity, notably the Part 8 approval for a residential scheme immediately to the south and the mixed-use development proposals for the former Square Deal site granted permission under file ref. no. 17/37409.

The proposed development would provide for a cancer care centre linked with the Mercy University Hospital. I note that a substantial portion of the ground floor is to be reserved for office space associated with the foundation with counselling rooms, reading room and ancillary facilities on the upper floors. I submit that the proposal is acceptable in principle and would accord with the objective in supporting the provision of institutional functions.

The proposal entails the demolition of the 4 no. existing factory buildings which are currently in use for storage. By reason of the site location within an ACA the application is accompanied by an Architectural Impact Assessment. On the basis of the information provided there is no objection to their demolition and I would concur with the view that they contribute little to the public realm with their condition detracting from the visual amenities and character of the area.

### **7.2. Impact on Amenities of Adjoining Property**

The proposed development as amended by way of further information entails the demolition of the 4 no. two storey gable fronted buildings and their replacement with

a 394 sq.m. 2 and 3 storey building which would occupy almost the entire footprint of the site. It is stated that the design solution is as a consequence of the site constraints, notably the proximity to the residential properties to the north, fire safety requirements and access.

The form of the building follows the site boundary line both to Woods Street and Woods Alley and then steps to the western and northern boundaries where it reduces in height to two storeys. The design provides for two main roof lights so as to bring light down through the building as no windows are proposed in the northern and western elevations. It incorporates a vertical emphasis to the eastern elevation onto Woods Street by means of a 'glazed' cut expressing the lightwells internally and a feature glazed feature above the entrance along the southern elevation. A light coloured brick is proposed to be used.

Within this inner city urban context I consider that a 2 and 3 storey building is acceptable in principle given the scale of the 3 storey houses on Dyke Parade, the permitted and proposed developments to the south as detailed above and the Mercy Hospital facilities to the east along Lynch's Street. Notwithstanding, and as noted above, the context of the site presents specific challenges in terms of its location to the south of, and proximity to the rear of the three storey dwellings that front onto Dyke Parade which are protected structures. Of particular concern is the potential impact in terms of daylighting and overshadowing and change in outlook. On day of inspection I visited and viewed the appeal site from both No.1 Dyke Parade owned by the appellant and No.2 owned by the observer.

No.1 Dyke Parade is an end of terrace unit at the corner with Woods Street. It retains a retail unit to the front with the rear and upper levels in residential use. Access to the residential unit is from Dyke Parade, with a small yard c.13 sq.m. in area to the rear with access from Woods Street. The gable wall of No.10 Woods Street to be demolished forms the back wall of the yard with a blocked-up opening suggesting a previous connection between the two sites noted. The windows in the rear elevation of the dwelling facing the site serve the kitchen at ground floor level with the windows at upper levels serving 3 no. bedrooms and landings/stairs.

No. 10 Woods Street which immediately adjoins the rear yard area has a ridge height of 9.88 metres and eaves height of 7.81 metres. As a consequence the yard

is largely in shade. The proposed building which is to be two storey with flat roof immediately adjoining would have a height of 10.215 metres stepping up to three storeys with a height of 13.535 metres c. 5.5 metres from the rear wall of the dwelling.

No.2 Dyke Parade is served by a rear garden area with an approx. area of c.27.5 sq.m. with a lean-to perspex canopy over part. As in No.1 the windows in the rear elevation serve the kitchen at ground floor level. The observer uses the south-facing room at 1<sup>st</sup> floor level as a living room area with a bedroom at 2<sup>nd</sup> floor level. The buildings to be demolished immediately abutting No.2 are single storey with the existing two storey element of No.7 Woods Street setback c. 15 metres.

As amended, the footprint of the proposed building has been set back from the boundary with No.2 and is largely comparable to that as existing. The L-shaped configuration will result in the 2 storey element being setback c. 5 metres from the windows serving the living room and bedroom stepping up to the three storey element c.11 metres from the rear wall of No.3

The application is accompanied by a Shadow Analysis and VSC Study which was amended at further information stage.

I would make the following observations on the revised Study:

- a) The justification for a relaxation of the 27% Vertical Sky Component refers to Appendix F of the BRE Guidance Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. In my opinion the situation as exists on site is clearly not analogous to one where an adjoining landowner developed very close to the boundary and has significantly impacted on the development potential of adjoining lands. It would appear to me that this is the situation which Appendix F of the BRE document seeks to address and it is my opinion that this does not occur in the case of the appeal site.
- b) Whilst I would accept that a derogation is appropriate in such a city centre location I do not consider that the examples given in support, including the Mercy University Hospital Centre of Nurse Education to the rear of dwellings on Henry Street which has an obstruction angle of 67 degrees, is appropriate or comparable thereby justifying a VSC of 4% against which the revised scheme was assessed. The vicinity of the site is characterised by 2 and 3

storey buildings, albeit that to the south earmarked for imminent redevelopment. I submit that the application of such a reduced VSC is not appropriate in this case.

For these reasons it is my opinion that a derogation in favour of a historic city centre location in line with the BRE guidance where a typical obstruction angle from ground floor window would be 40 degrees which would correspond to a VSC of 18% should be seen as the minimum.

I note that the VSC figures and corresponding images in the said report pertain to Nos. 1-3 Dyke Parade and, as such, the subsequent tables do not strictly correspond with Nos. 1 and 2. Notwithstanding as extrapolated from the details provided the 18% VSC cannot be achieved in the ground and first floor windows in No.1 which serve the kitchen and a bedroom (points 10-12 Table 1). I acknowledge that the windows at ground floor level have an existing VSC value below 18% due to the proximity of the boundary wall. In terms of No.2 Dyke Parade there is a lack of clarity as to the impact on the ground floor in terms of VSC. However I note that points 7 & 8 represent the windows serving living room at 1<sup>st</sup> floor level which would experience a reduction from between 30.1 - 33.3 to 19.3 - 23.2.

Of the 14 locations considered there is a reduction in the VSC to less than 80% of their former values in 9. This does not include the ground floor windows in the kitchen serving No.2 for which no assessment appears to have done. Whilst the BRE state that kitchens and bedrooms are less important than living rooms it states, nonetheless, that care should be taken not to block out too much sun.

On this basis and having regard to the BRE guidance document the reduction will be noticeable and I would suggest that the conclusion that the impact would be minor adverse does not accurately reflect what would result.

From the shadow analysis both properties will experience increased overshadowing notably in the morning periods in March and December. Of particular note is the level of overshadowing of the rear amenity space serving No.2 as calculated for 21<sup>st</sup> March.

In addition, I consider that the massing of the building in such proximity to the dwellings which, in my opinion, is accentuated by the blank wall and absence of any variation in external finish, would have a material overbearing visual impact and



would have a material negative impact on the outlook from the dwellings. I am not entirely convinced that the use of a light brick would address the concerns in this regard.

Whilst I accept that by reason of the site's city centre location that concessions would be required by adjoining properties to allow for the redevelopment of underutilised lands, I consider that to allow the development as currently conceived in terms of the significant impacts, would imply that diminution to the level as proposed is acceptable. I do not believe this to be the case or that a suitable balance has been achieved between benefit and impact especially in the context of the protected structure status of the dwellings on Dyke Parade. The fact that the proposal, as amended, provides for an improvement in terms of light and shadowing over that submitted originally cannot be considered to justify its acceptability. Whilst I note that the provisions of the zoning objective require a balance to be struck between the mix of uses, the need to protect the residential character of the area and, by extension, residential amenities of property, is as an important a consideration as providing for the mix of institutional and civic functions. I therefore recommend refusal in this regard.

### **7.3. Other Issues**

With regard to construction phase impacts, I note the fact that the application is accompanied by a Design Stage Construction and Demolition Plan. I consider that the scope of this submission is appropriate to a planning application and in advance of a detailed assessment of the construction and demolition methodology. Given the proximity of the proposed development it is inevitable that there will be some degree of adverse impact on amenity during the construction phase of the development. In the event of a grant of permission it is considered appropriate that the applicant would be required to submit a more detailed construction management plan for the written agreement of the planning authority and that this plan would include details regarding measures to minimise the impact of the construction phase including vibration.

In terms of the issues arising with the removal of the wall delineating the boundary to No. 10 Wood Street and No.1 Dyke Parade, both the applicant and the appellant

acknowledge that this is a civil matter for resolution through the appropriate legal channels.

#### **7.4. Appropriate Assessment**

Having regard to the nature and scale of the proposed development on a brownfield, serviced and zoned site in Cork city centre it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

#### **8.0 Recommendation**

Having regard to the documentation on file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.

##### **REASONS AND CONSIDERATIONS**

The site is within an area zoned ZO3 Inner City Residential Neighbourhoods the objective for which is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions. Notwithstanding the suitability, in principle, of the lands for the proposed purpose but having regard to the height, scale and proximity of the proposed development relative to site boundaries and the pattern of development in the area, it is considered that the proposed development would have an overbearing visual impact on the existing residences on Dyke Parade and would give rise to unacceptable levels of overshadowing and loss of daylight. The proposed development would, therefore, seriously injure the amenities, depreciate the value of properties in the vicinity and would be contrary to the zoning objective of the area, and would therefore be contrary to the proper planning and sustainable development of the area.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**May 2018**