



An  
Bord  
Pleanála

## Inspector's Report ABP-304977-19

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<b>Development</b>	The construction of a residential development consisting of 26 apartments and 5 townhouses and all ancillary site development works.
<b>Location</b>	Site between No. 83 and No. 86 Evergreen Road, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	18/38082
<b>Applicant(s)</b>	Patrick O'Leary
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 27 conditions
<b>Type of Appeal</b>	First Party -v- Condition 1 Third Parties -v- Decision
<b>Appellant(s)</b>	Patrick O'Leary Andrzej Chmielowski Kevin Orbell-McSean John O'Donovan
<b>Observer(s)</b>	None

**Date of Site Inspection**

2<sup>nd</sup> October 2019

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in the southern inner suburbs of Cork in a predominantly residential area composed of street-fronted traditional dwelling houses. This site is accessed off the south western side of Evergreen Road, which forms part of the R851, an arterial route into the city centre from the south east. This Road rises gently in a north westerly direction on its approach to the site and frontage development on its south western side is at a higher level than on its opposite north eastern side.
- 1.2. The site itself is an unused and vacant, 0.3 hectare, backland site, which is accessed via a gateway between the pair of dwelling houses at Nos. 82 & 83 Evergreen Road and the row of three dwelling houses at Nos. 86 – 88 Evergreen Road. This site is at a higher level than the Road with the ramp to the gateway and the passageway between Nos. 83 & 86 combining to span the difference in levels. It continues to rise at a gentler gradient towards its south western corner. The site is of regular shape, except where it abuts the variable depths of existing rear gardens to the north east. To the south, this site abuts a playing field to Deerpark CBS Secondary School, while to the east and west it, variously, abuts a commercial yard and another similar backland site. The boundaries to the site are denoted by means of mature hedgerows and trees, except for the north eastern one where a variety of boundary treatments are in evidence.

## 2.0 Proposed Development

- 2.1. The proposal would entail the construction of 26 apartments and 5 townhouses (total floorspace 2556.1 sqm) and all ancillary site development works. As such, it would be composed of 2 blocks which would comprise the following elements:
  - Block A which would be sited over the southern and western central portions of the site. This Block would range in height between three and four storeys and it would consist of 7 one-bed, 15 two-bed, and 4 two-bed duplex apartments.

- Block B which would be sited in the northern portion of the site. This Block would be two storeys in height and it would will consist of 5 two-bed townhouses.

2.2. Ancillary site works would include landscaping, provision of bin storage area, covered bicycle storage, and 9 surface car parking spaces. Access to the site would be provided from an existing entrance off Evergreen Road in the north eastern corner of the site.

2.3. Under further information the design of Block A was revised. Thus, the number of apartments contracted to 23, i.e. 5 one-bed, 14 two-bed, and 4 two-bed duplex apartments.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Following receipt of clarification of further information, permission was granted subject to 27 conditions. The first and second conditions are set out below.

*1. The development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on 10/10/2018 as amended by the further information plans and particulars submitted to the Planning Authority on 15/02/2019 and clarification of further information plans and particulars submitted to the Planning Authority on 27/05/2019 and 06/06/2019 except where otherwise required by the conditions of this schedule.*

*Reason: To define the scope of permission, in the interest of orderly development.*

*2. Prior to the commencement of development on site revised drawings shall be submitted to and agreed in writing with the Planning Authority which show the floor area of Unit 3 increased in size so that it exceeds the minimum floor area for such a unit by 10% as outlined in the DoHPLG document Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018).*

*Reason: In the interests of ensuring compliance with Paragraphs 3.8 and 3.12 of these Guidelines.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

Further information was sought with respect to the following:

- i. A Housing Quality Assessment (HQA) that interacts with the Sustainable Urban Housing: Design Standards for New Apartments (SUHDSNA) Guidelines.
- ii. Revisions to the proposal to ensure that the development potential of adjoining sites to the north west and to the south east is not prejudiced and that connectivity to these sites exists. The area of communal open space within the site itself is to be increased.
- iii. A comprehensive site survey and proposed landscaping plan.
- iv. A contextual elevation and a photomontage of the proposal from Evergreen Road, greater detail on the proposed entrance, and a photomontage of the Protected View OC7 of Callanan's Tower from South Douglas Road near to its junction with Capwell Road.
- v. An ecology report with respect to the native frog and knotweed.
- vi. Sightlines at the proposed entrance, cycle storage facilities, the number of car parking spaces, and the logistics of refuse collection.
- vii. The adequacy of bin storage facilities and site conditions, i.e. any evidence of contamination and corresponding remediation.
- viii. Revised stormwater drainage arrangements to ensure that combined sewer is not inundated.

Clarification of further information was sought with respect to the items (i), (ii), (iii), and (vi).

### 3.2.2. Other Technical Reports

- Irish Water: No objection: standard notes + public sewer proposed for diversion is 300 mm in diameter and so it should be replaced by one of the same diameter.
- Cork City Council:

- Environment Waste Management & Control: No objection, subject to conditions.
- Transport & Mobility: Following receipt of clarification of further information, no objection, subject to conditions.
- Drainage: Following receipt of clarification of further information, no objection, subject to conditions.
- Road Design: Following receipt of further information, no objection, subject to conditions.
- Archaeology: The site is within the Zone of Archaeological Potential for Cork City (CO074-122): No objection, subject to a condition.
- Ecologist: Following receipt of further information, no objection, subject to conditions.
- Housing: Following receipt of further information, no objection, subject to a condition.
- Parks: Following receipt of further information, no objection, subject to a condition.

## 4.0 Planning History

Site:

- Pre-application consultation occurred on 3<sup>rd</sup> July 2018.

Adjoining site:

- 00/24724: Demolition of derelict dwelling houses at Nos. 84 & 5 Evergreen Road: Permitted.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is shown as lying within an area zoned ZO4, wherein the Objective is “To protect and provide for

residential uses, local services, institutional uses, and civic uses...”, and in Sub-Area D, Evergreen Road & Quaker Road, of the South Parish Architectural Conservation Area (ACA).

The CDP provides the following commentary on the aforementioned Sub-Area D:

*This sub-area consists of informally designed housing set out along medieval and post-medieval arterial routes to the old city. Its character is given by the eclectic but attractive mix of house types, sizes and styles, varied but coherent. Set into larger sites among them are schools, churches and old graveyards. Typically, buildings are built of brick or rendered rubble-stone originally with stone slate roofs and timber windows and doors.*

It also discusses issues facing the ACA and it observes that “There are...some vacant and under-utilised plots in the area, with scope for development to increase amenity and to reinforce the strong existing character of the area.”

## 5.2. Natural Heritage Designations

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

## 5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 31 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.3-hectare site to provide 9 dwelling units. 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. First Party Grounds of Appeal

The applicant draws attention to the contraction in the number of dwellings that the proposal would comprise from 31 to 28, as a result of the further information and clarification of further information exercises that occurred at the local level. He contends that the Planning Authority was overly concerned with the impact of the proposal upon the development potential of adjoining sites and, by contrast, failed to give sufficient weight to SPPR 1 of the Urban Development and Building Heights (UDBH) Guidelines. Consequently, he now requests that the Board amend draft condition no. 1 to refer only to the proposal as originally submitted. In effect he has appealed this condition on the following grounds:

- The original proposal is fully in accord with national and local policies and it would represent the sustainable redevelopment of an infill site.
  - The proposal responds well to Objective 35 of the NPF, as a compact urban development, which would represent an efficient use of scarce urban land.
  - Notwithstanding the density of the proposal, it would respond well to the ACA with the lower Block B orientated towards existing dwelling houses and the higher Block A orientated towards schools and playing fields.
  - The proposal would accord with Section 16.59 of the CDP's criteria for infill development.
  - The proposed dwellings would meet relevant development standards and 70% of the apartments/duplexes would be dual aspect.
  - The original density of 103 dwellings per hectare would accord with the CDP's advice that inner city developments be in excess of 75 dwellings per hectare.
  - The site would comply with the SUHDSNA Guidelines definition of what's central and/or an accessible urban area insofar as:

- The submitted connectivity map illustrates the array of services, amenities, schools, colleges, and hospitals that lie within a 15-minute walk.
- The nearest bus stops lie a 5-minute walk from the site and the main transport hubs within the city centre are conveniently placed, too.
- The site would also benefit from bus and cycle proposals set out in the draft Cork Metropolitan Transport Strategy.
- Compliance with residential development standards
  - The applicant contends that the originally submitted HQA was adequate for the size of the proposal on the subject site. Nevertheless, a more detailed HQA was submitted at both further information and clarification of further information stages. While the former reflected revisions to proposed Block A, the latter is viewed as having been borne of an “unclear, onerous, and disproportionate” request.
- The Planning Authority has overstated the impact of the proposal on adjoining sites, as it would not prejudice their development potential.
  - Attention is drawn to the second item in the Planning Authority’s request for further information. This item is regarded as having been subjective and not based on any provisions of the CDP, e.g. with respect to separation distances from site boundaries. The approach thus required is insufficiently flexible and it militates against the delivery of infill development to the scale envisaged by national policies, e.g. Section 2.24 of the SUHDSNA Guidelines.
  - The Planning Authority also sought the omission of upper floor east and west facing windows, even though these would have been sited at a high level within the spaces they would have served.
  - Nevertheless, the applicant did set back proposed Block A from the adjacent north western boundary, only for the Planning Authority to reiterate its request in this respect. Further set backs ensued from both

the said boundary and the south eastern one with a consequent loss of 3 dwelling units.

- The developability of the adjoining site to the north west is questioned, due to its irregular and narrow layout. Its development potential is thus limited. In this respect, the applicant refers to an approach that he made to the landowner to combine the two sites, which was declined.
- Likewise, the developability of the adjoining site to the south east is questioned, for similar reasons and notwithstanding its dedicated access from Evergreen Road.

## 6.2. Third Party Grounds of Appeal

### (a) Andrzej Chmielowski of No. 80 Evergreen Road

- Statistics are cited which suggest that, when percentage reductions in car commuting are weighed against population increases, actual commuting would rise. Thus, more cars in Cork City are in prospect and so the proposed provision of only 9 car parking spaces is ill advised. Once built the opportunity to increase the number of spaces would not arise, regardless of any ensuing demand. Furthermore, existing on-street parking is already under pressure.
- Whereas the proposal may meet notional targets set out in Guidelines, the impact on the existing community, which is composed of mainly elderly residents, has not been sufficiently allowed for. Procedurally, time periods to respond to further information and clarification of such information are too short and the cost of representation is prohibitively high. In any event, it should be sufficient for the Planning Authority itself to represent the interests of local people in its decision making.

### (b) Kevin Orbell-McSean of No. 79 Evergreen Road

Objection is raised to proposed Block A.

Accessibility and proximity to city centre amenity

- Attention is drawn to in particular Paragraph 4.20 of the SUHDSNA Guidelines. Thus, the appellant contends that the site is not within a 15-

minute walking distance of the city centre, the four nearest bus stops are not within a 5-minute walking distance (for the average walker), and none of the 3 relevant bus services operate to a high frequency, i.e. 10-minute intervals during peak periods. Consequently, the criteria for allowing higher/denser development set out in the aforementioned Paragraph would not be met and so Block A should be omitted in favour of development resembling proposed Block B.

#### Loss of amenity to residents

- Attention is drawn to the City Council's budget and the lack of funds available to ensure that public transport and infrastructure are insitu so that realistic alternatives to the car exist. In these circumstances, the lack of proposed car parking on the site would be retrograde.
- Based on 2016 Census figures, the proposal should have an extra 28 car parking spaces. In this respect, it could be argued that the proposal would accommodate those less dependent upon the car or, alternatively, if households are composed of adults, then a higher than average car ownership rate may feature. Under this latter scenario the competition for limited on-street parking would intensify.
- The CDP's commentary upon the ACA acknowledges that "the area is under increasing pressure from traffic, has difficulties with parking, and has a poor-quality public realm which detracts from its amenity for residents and businesses."
- Attention is drawn to examples of successful residential development in the area, which respect to its pre-existing scale, i.e. Evergreen Court and off the foot of Evergreen Street.

#### ACA

- Attention is drawn to the character of the ACA, which arises from "the eclectic but attractive mix of house types, sizes and styles, varied but coherent." These dwelling houses are typically finished in brick or render or rubble-stone under slated roofs. Proposed Block A would, due to its scale, design, and

materials, form a stark contrast and so it would be an inappropriate addition to the ACA.

- Any justification for the scale of proposed Block A based on school buildings to the south west fails to acknowledge that these buildings lie outside the ACA.
- While the visibility of the proposal from within Evergreen Road would be limited by existing frontage development, it would be visible within longer distance views of the site from elsewhere in the surrounding area.

### **(c) John O'Donovan of 4 Tower Street**

#### Height

- The appellant's property adjoins the site along the entirety of its north western boundary. He draws attention to the extent of the relevant ACA, which does not include the multi-storey school buildings to the south west shown on the submitted contextual elevations. Consequently, these buildings should be excluded from any consideration of the proposal upon the ACA.
- The proposed part three/part four storey block would lead to a loss of sunlight and privacy to the appellant's single storey dwelling house and that of his neighbour's bungalow "O'Connorville" to the west of the site. This block would loom large from within the appellant's land and from the living room window to the said bungalow. It would also impede the future development of his land, which he intends should be too a smaller scale and so in keeping with the neighbourhood.

#### Density

- Sub-Area D of the ACA has an area of 5.97 hectares and a total of 269 dwellings, hence a density of 43.4 dwellings per hectare. The site has an area of 0.3 hectares and under the proposal 31 dwellings would be provided yielding a density of 108.7 dwellings per hectare. This excessive density would be at the expense of proper car parking provision, so opening up a scenario of stress for existing and prospective residents, as competition for on-street car parking spaces is heightened. In this respect the 2016 Census

indicated that the average household comprises 2.75 persons and 44% of the population owns a car. Applying these figures to the proposal, the need for an extra 28 car parking spaces emerges.

- Population projections/targets for Cork City underline the need to avoid overburdening existing infrastructure. In this respect, existing buses are overstretched with services to, for example Cork Airport Business Park, often being full by the time they reach the nearest bus stop to the site during the morning peak.

#### Boundary wall

- There is a lack of clarity as to whether the proposal would entail the removal of the existing mature trees and hedgerow along the site's north eastern boundary and their replacement with a 1.8m high fence. Objection is raised to such removal on the grounds of aesthetics, privacy, and biodiversity. However, objection is not raised to the proposed fence *per se* provided it is routed in manner that allows the retention of the said vegetation.

### 6.3. Applicant Response

#### Scale, height, and density

- The size of the proposal would accord with the overarching aims of the NPF.
- The submitted Connectivity Map is based on a sound methodology, i.e. ArcGis Drive – Time Analysis algorithm and on the advice of the SUHDSNA Guidelines. Thus, it can be relied upon.
- Existing public transport services would be improved under proposals cited in the draft Cork Metropolitan Area Transport Strategy.
- Precedent for the height of proposed Block A is provided by the Board's decision on ABP-300697-19, in which student accommodation in three and four storey blocks was permitted within a context of one-and-a-half to three storey buildings.

- The height and density of the proposal would be necessary if national policies for the densification of existing urban areas are to be adhered to on the subject site.

#### Impact to residential amenity – car parking

- Objective 27 of the NPF is cited with respect to alternatives to car usage.
- The applicant expects that prospective residents of the proposal would tend to be drawn from “a growing demographic of individuals who are non-car owners.”
- The Planning Authority granted permission (19/38231) for 26 dwelling units on Boreenmanna Road.
- The proposal would seek to reduce car dependency by providing only 9 car parking spaces. By contrast the provision of covered stands would promote cycling.

#### ACA

- While the site lies in an ACA, none of the dwelling houses in its vicinity are protected structures. While Nos. 79 & 80 Evergreen Road are identified in the NIAH, their settings would be no more impacted upon by the proposal than arises at present.
- ACA’s are intended to protect existing buildings of which there are none on the site. The proposal would be of contemporary design and so, in accordance with good conservation practice, there would be no confusion with existing dwelling houses in the ACA.

#### Boundary treatment proposals

- Existing hedgerows and trees along boundaries would be retained and supplemented by the erection of a weld mesh fence.

### 6.4. Planning Authority Response

No comments.

## 6.5. Observations

None.

## 6.6. Further Responses

None.

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, density, height, and conservation,
- (ii) Development potential and amenity,
- (iii) Development standards,
- (iv) Public transport, traffic generation, access, and parking,
- (v) Water, and
- (vi) Stage 1 Screening for AA.

### **(i) Land use, density, height, and conservation**

- 7.2. The site is located within a predominantly residential area of the southern inner suburbs. Under the CDP, it is zoned ZO4 for residential, local services, and institutional uses. Accordingly, there is no, in principle, land use objection to the development of this site for residential use.
- 7.3. The site has an area of 0.3 hectares. Under the proposal, as originally submitted and subsequently revised, variously, 31 and 28 dwellings would be provided and so net residential densities of either 103 or 93 dwellings per hectare would arise.
- 7.4. The site lies within a pre-1920 area of the inner city. Paragraph 16.42 of the CDP addresses residential density within this area to the effect that it 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 will include plot ratios



(see Table 16.1), and other planning considerations.” Under the said Table, the indicative plot ratio standards for pre-1920 areas are 1.0 – 1.5, although the accompanying commentary, in Paragraph 16.16, cautions that plot ratio is secondary to other built form and planning considerations. As originally submitted, the proposal was for the provision of a total of 2556.1 sqm, which would represent a plot ratio of 0.85.

- 7.5. National planning guidelines address density, too. Thus, the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines do so directly by citing figures and the Sustainable Urban Housing: Design Standards for New Apartments (SUHDSNA) Guidelines do so indirectly by describing areas within which apartments can be developed.
- 7.6. The applicant has submitted a connectivity map<sup>1</sup>, which shows the site in relation to bus stops/routes and communal, educational, and employment centres. Walking time bands are also shown for 5, 10, and 15-minute distances.
- 7.7. The former Guidelines state that public transport corridors are constituted by, amongst other things, 500m walking distances of a bus stop. Under the above cited connectivity map, the nearest bus stop to the site would be on Summer Hill South, c. 300m away, and so this site would lie within a public transport corridor. Within such corridors, 50 dwellings per hectare is the minimum net residential density appropriate. As a backland site within a predominantly residential inner suburb, the site would also be an “infill” one and so the following advice is relevant: “In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of established character and the need to provide residential infill.”
- 7.8. The latter Guidelines identify central and/or accessible urban areas for apartment developments. These areas are described as being, amongst other things, within walking distance (up to 15 minutes) of a city centre or significant employment location and within walking distance (up to 5 minutes) from high frequency (i.e. minimum of 10-minute peak hour frequency) urban bus services. The above cited connectivity map shows that both these factors would pertain to the subject site.

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<sup>1</sup> Refer to Page 2 of the Planning and Design Statement.

- 7.9. In the light of the above local and national planning advice, I consider that there is no in principle objection to the density of the proposal or to the incorporation within it of apartments.
- 7.10. Paragraph 16.33 of the CDP recognises that buildings in pre-1920 areas are generally of 1.5 – 3 storeys in height. It states that “New development should respect this scale of development due to the important character of these areas and their high visibility from the city centre and historic approach roads.”
- 7.11. Paragraph 1.9 of the Urban Development and Building Heights (UDBH) Guidelines states that general building heights of at least three to four storeys in locations outside city/town centres must be supported in principle. Paragraph 3.2 of these Guidelines sets out development management criteria, which state, amongst other things, that “Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views...” The accompanying Specific Planning Policy Requirement 3A states that, where these criteria are fulfilled, permission may be granted even where specific objectives of the CDP may indicate otherwise.
- 7.12. The proposal would comprise two blocks: Block A, which would be part three storey and part four storey, and Block B, which would be two storey. In the light of the above national planning advice, I consider that there is no in principle objection to the height of the proposal.
- 7.13. Under the CDP the site lies within Sub-Area D, Evergreen Road & Quaker Road, of the South Parish Architectural Conservation Area (ACA). The commentary on this Sub-Area recognises that “Its character is given by the eclectic but attractive mix of house types, sizes and styles, varied but coherent.” It also recognises that “Set into larger sites among them are schools, churches and old graveyards.”
- 7.14. The proposal would entail the siting of Block B in the northern portion of the site, where it would be adjacent to existing two storey dwelling houses on Evergreen Road, and the siting of Block A in the southern and central portions of the site, where it would be in the vicinity of the three storey buildings comprised in the St. Vincent de Paul’s (SVP) Deerpark Hostel and the Christian Brothers Deerpark School (CBS).

- 7.15. The appellants express concern that the proposal would be excessive in its scale and height within the context of the ACA, which does not include within it either of the above cited three storey buildings. They insist that this proposal should be shaped by the context of two storey buildings within the ACA and, in this respect, they commend the precedent set by developments at Evergreen Court and Evergreen Street, which have thus been shaped.
- 7.16. The applicant has responded by stating that the dwelling houses adjacent to the site are not protected structures and that the intention of the ACA designation is to protect existing buildings of which there are none on the site. It insists that the siting of the two blocks on the site would be appropriate insofar as the lower one would be adjacent to the nearest dwelling houses and the higher one would be further away from them.
- 7.17. Under further information, the applicant submitted a photographic document that utilises view-points within Evergreen Road to depict the visual impact of the proposal. The resulting photomontages illustrate that this proposal would be largely screened by frontage development along the south western side of Evergreen Road, which is elevated above the level of the Road itself. This development comprises rows of two storey dwelling houses, which provide the public face to the south western edge of the ACA. Thus, while the ACA extends over the backlands to the rear of these dwelling houses, these undeveloped lands are not visible from this Road, other than when their gated entrances are left open.
- 7.18. During my site visit, I observed that the three storey SVP Deerpark Hostel was visible over the gate to the site and so at present there is the profile of a higher and larger building in the background to Evergreen Road. I also observed that this Road rises gently in a north westerly direction towards the site and so, along with the higher level of frontage development on its south western side, this has a bearing on how visible the proposal would be. Furthermore, the submitted plans show that the level of the site itself would be lowered as part of the overall development.
- 7.19. I consider that the ACA has a context within the wider inner suburbs and that the three storey SVP and CBS buildings lie within this context as examples of higher and larger buildings on backland sites to the rear of single storey, one-and-a-half storey, and two storey dwelling houses. Under the proposal, the subject site would reflect

this pattern, which would become more pronounced within the ACA, insofar as the SVP building that is presently visible in conjunction with this site would be replaced by one on the site itself. In the light of Paragraph 3.2 of the UDBH Guidelines, I do not consider that the substitution of a more distant view of a higher and larger building by a closer view of a similarly proportioned building would be objectionable on conservation grounds.

- 7.20. The above cited photographic document also shows that the proposal would not impact upon a protected view of Callanan's Tower from South Douglas Road, i.e. further to the south east on the R851.
- 7.21. I conclude that the proposal would raise no in principle objection on land use, density or height grounds and that, when viewed in the light of national planning guidelines and within the context of the site, it would not prompt objection on conservation grounds.

**(ii) Development potential and amenity**

- 7.22. The applicant has effectively appealed the first condition attached to the draft permission, insofar as this condition refers to plans and particulars submitted at the further information and clarification of further information stages. He now takes the view that the proposal as originally submitted would accord to a greater degree with national planning guidelines and that the resiting and contraction in the size of proposed Block A was unreasonable as too much weight was given to the notional developability of adjoining sites to the north west and to the south east.
- 7.23. As noted under the first heading of my assessment, national planning guidelines seek to ensure that the development potential of inner suburban sites is realised. I have reviewed the progression of the current proposal at the application stage and I note that the Planning Authority sought and secured a set back in the long north eastern arm of this Block from its corresponding north western boundary and a contraction in the extent of the short north eastern arm of this Block. I note, too, that a measure of redesign occurred, as well, to ensure that the relationships between upper floor habitable openings and corresponding site boundaries would be eased.
- 7.24. The lands to the east and west are of similar depth to the subject site, but of narrower width. Clearly, if these lands were to be developed in conjunction with this site an optimal quantum of development could be achieved. In the absence of such

site assembly, if they are to be developed in the future, then this would occur in an independent fashion. If the subject site were to be developed without regard to the implications for the potential future development of these lands, then their subsequent development would be prejudiced and so national and local planning objectives across these lands would fall short. I, therefore, consider that the Planning Authority's measured intervention to ensure that the development potential of adjoining lands is safeguarded to a reasonable extent under the current proposal is justified and so I am not minded to accede to the applicant's request that his original proposal be supported after all.

- 7.25. Appellant (c) draws attention to his cottage at No. 4 Tower Street and adjoining land to the south of this cottage and to a more recent bungalow, "O'Connorville". He expresses concern that these dwellings would be adversely affected by proposed Block A, in terms of loss of light and view.
- 7.26. I note the said cottage would lie c. 60m to the north of proposed Block A and that the said bungalow would lie c. 38m to the west. Given these separation distances, I do not consider that the proposal would have any appreciable affect upon the amenities of the residential properties in question.
- 7.27. I note, too, that under the landscape master plan the existing hedgerows and trees along the southern and north western boundaries of the site would be retained in conjunction with the erection of a 1.8m high weldmesh fence and on the inside of this fence a beech hedge. On the remaining north eastern and south eastern boundaries, 1.8m high walls would be erected. Along the former boundary, existing treatments include a wall, fencing, and an intermittent hedging and trees. While a consistency of treatment would be desirable, I consider that there would be scope for more tree planting, than that shown on the masterplan, along this boundary to compensate for the loss of existing hedging and trees. Along the latter boundary, within the vicinity of a specimen deciduous tree adjacent to the site entrance, a stretch of weldmesh fence and beech hedge would substitute for the said wall. Presumably this substitution is related to the need to safeguard the adjacent tree, which is of importance both in its own right as a fine tree, but also insofar as it would partially screen proposed Block A from Evergreen Road. The reworking of site levels within its vicinity in conjunction with access arrangements and service provision would thus

need to be handled carefully and to this end the retention and safeguarding of this tree should be conditioned.

7.28. I conclude that the proposal in its finally revised form is of importance as it is this version that would be consistent with safeguarding the development potential of adjoining lands. I conclude, too, that the proposal would be compatible with the visual and residential amenities of the area, provided tree planting is increased along the north western boundary and a specimen deciduous tree is retained adjacent to the site entrance.

### **(iii) Development standards**

7.29. The finally revised proposal would comprise 28 dwelling units of which 5 would be one-bed/two-person ones, 2 would be two-bed/three-person ones, and 21 would be two-bed/four-person ones. The resulting mix would not infringe Specific Planning Policy Requirement 1 of the SUHDSNA Guidelines.

7.30. At the clarification of further information stage, the applicant submitted a Schedule of Accommodation and Housing Quality Assessment (HQA) for the finally revised proposal. This HQA shows that the proposed apartments would be compliant with relevant standards set out in the SUHDSNA Guidelines and the proposed townhouses would be compliant with relevant standards set out in the Quality Housing for Sustainable Communities Best Practice Guidelines.

7.31. The proposal would be served by a total of 270 sqm of communal open space, whereas a minimum of 209 sqm would be required under the above cited Guidelines. This space would be laid out centrally within the site and it would be accompanied by seating.

7.32. Under condition no. 3 attached to the draft permission, apartment no. 3 is required to be increased in size so that it exceeds the relevant minimum floorspace by 10% rather than 7.63% as at present. The accompanying reason cites Paragraphs 3.8 and 3.12 of the SUHDSNA Guidelines.

7.33. I note from the HQA that 11 of the 23 proposed apartments would have a floorspace that would be greater than 10% of the relevant minimum in the SUHDSNA Guidelines. *Prima facie* a majority of apartments should exceed this threshold – hence the above cited condition. I note, too, that the HQA aggregates the floorspaces of the proposed apartments and thereby demonstrates that overall the

resulting floorspace would exceed the 10% threshold, i.e. it would be 12.65%. in these circumstances, it is not self-evident to me that condition no. 3 is needed to ensure compliance with these Guidelines. Furthermore, under Paragraph 3.15, a degree of latitude is, in any event, introduced for urban infill schemes on sites of up to 0.4 hectares for between 10 – 49 residential units, where design quality permits. The proposal would come within these parameters and, as the effect of condition no. 3 would be to complicate disproportionately the design quality of proposed Block A, I consider that this Paragraph is applicable and so condition no. 3 can be omitted.

7.34. I conclude that the proposal would comply with relevant development standards that seek to ensure that future occupiers would be afforded a satisfactory standard of amenity.

**(iv) Public transport, traffic generation, access, and parking**

7.35. As discussed under the first heading of my assessment, the nearest bus stops to the site are within c. 300m of the subject site on Summer Hill South. Appellants question the applicant's contention that these are within 5-minutes walking time of the subject site and they draw attention to the absence of any one bus service that runs on a 10-minute basis during peak times to and from these stops.

7.36. The applicant has responded to the former question by insisting that the technology/methodology used is reliable in measuring walking time bands. He is thus confident that for the average walker the said stops would be within a 5-minute time band.

7.37. I acknowledge that the most frequent bus service in attendance at the said stops operates at a 15-minute interval during peak times. However, there are multiple bus services in attendance with some duplication in the routes served, i.e. into and out of the city centre, and so, in aggregate, a high frequency service exists.

7.38. Appellants are most concerned over the potential for traffic generation and attendant overspill car parking in the surrounding area that would be at risk of emanating from the proposal. They report that traffic congestion and pressure on limited on-street car parking spaces exists at present and that this should not be exacerbated. They express alarm over the scenario of proposed off-street car parking on the developed site proving, in practise, to be insufficient and yet there being no opportunity to remedy the situation.

- 7.39. Under the CDP, the site is shown as lying within Zone 3 for car parking purposes, although Zone 1 extends to Tower Street just to the north of the site. Consequently, the Planning Authority has regarded this site as effectively lying within Zone 1. Maximum car parking standards for the former Zone are set at 1.25 spaces for one/two-bed dwellings and for the latter Zone at 0.5 spaces.
- 7.40. The SUHDSNA Guidelines address car parking. Thus, under Paragraph 4.19, they state that “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.” Paragraph 4.24 goes on to state that ““Car free” development is permissible and if developed, must be communicated as part of the subsequent apartment sales and marketing processes.”
- 7.41. Under the proposal, 9 car parking spaces would be provided, including 1 mobility impaired space, for 28 one/two-bed apartments/townhouses. This approximates to 1 space per 3 dwellings. Under Paragraph 4.23, the need to provide for drop off, service, visitor parking spaces is emphasised and so the proposal presents as tending towards a car free one.
- 7.42. I acknowledge the apprehension of appellants over the approach to car parking embodied in the proposal. Nevertheless, it does reflect advice set out in the above cited Guidelines and there is at least anecdotal evidence of increasing numbers of households within inner cities where car free lifestyles are being pursued. In this respect, I note that the design of the proposed dwellings would lend itself to occupation by young adult households where such lifestyles are more likely to be practical. I note, too, the provisions of Paragraph 4.24 of the Guidelines cited above, in this respect, and the need to encapsulate these in a condition.
- 7.43. The SUHDSNA Guidelines address bicycle parking. Thus, under Paragraph 4.17, a general minimum standard of 1 cycle storage space per apartment bedroom shall be applied for residents and 1 cycle parking space per 2 dwellings for visitors. Under the proposal, 23 apartments would be provided of which 5 would be one-bed and 18 would be two-bed. These apartments would be served by 52 bicycle parking spaces in two covered storage sheds. The aforementioned standards would thus be



complied with, i.e. 41 spaces for residents and 11 for visitors. Cycling, as a sustainable mode of transportation, would thereby be promoted.

- 7.44. The sole access/egress to the site is and would continue to be from/to Evergreen Road (R851). This access point is off a straight portion of this Road where forward visibility is correspondingly good. On-street parking exists on both sides of the carriageway to the south east of this point and to the north west, the carriageway narrows and on-street parking is only on the far side. Double yellow lines accompany the nearside kerb.
- 7.45. Under the proposal, the existing access point would be formally laid out and reworked to be accompanied by a slope up into the site at a 1 in 20 gradient. Under the Design Manual of Urban Streets and Roads (DMURS), visibility splays with x and y distances of 2m and 45m, respectively, should accompany the egress point. The achievement of these splays would require the removal of at least 1 on-street car parking space to the south east and the reworking of the space vacated to ensure that it would not, subsequently, impede visibility.
- 7.46. The proposed access arrangements to the site have been revised in the light of a Stage 1/2 Road Safety Audit (RSA) and under conditions numbered 10 and 11 of the draft permission they would be finalised under this Stage and taken further under a Stage 3/4 RSA.
- 7.47. I conclude that, as the site is well placed with respect to both public transport and walking and cycling to the city centre, that the proposed minimal provision of on-site car parking spaces can, under the SUHDSNA Guidelines, be acceded to. Sufficient cycle parking spaces would be provided and access arrangements to the site would be capable of being upgraded satisfactorily.

#### **(v) Water**

- 7.48. The proposal would be serviced by the public water mains and the public sewerage system. Irish Water raises no in principle objection to the connections that would thus be necessary. It draws attention to an existing public sewer that crosses the site and which, under the proposal, would be diverted. It advises that the proposed replacement one should be of 300 mm diameter, too.

- 7.49. The proposal would be served by a stormwater drainage network, which would incorporate 2 on-site infiltration tanks to the size required to cope with the full range of foreseeable rainfall events.
- 7.50. Under the OPW's flood maps website, the site is not shown as being the subject of any identified flood risk.

**(vi) Stage 1 Screening for AA**

- 7.51. The site is neither in nor near to a Natura 2000 site. The nearest such sites are Cork Harbour SPA and Great Island Channel SAC. The site is an urban one that is capable of being served by the public sewerage system. In these circumstances, I do not consider that the proposal would be likely to have a significant effect upon the Conservation Objectives of these Natura 2000 sites.
- 7.52. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

**8.0 Recommendation**

- 8.1. That permission be granted.

**9.0 Reasons and Considerations**

Having regard to the Sustainable Residential Development in Urban Areas Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the Design Manual for Urban Roads and Streets, and the Cork City Development Plan 2015 – 2021, it is considered that, subject to conditions, the proposal would fulfil the residential zoning objective for the site and it would be of an appropriate density and height to this site within its context. 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 car and 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.	<p>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 15<sup>th</sup> day of February 2019 and by the clarification of further plans and particulars submitted on the 27<sup>th</sup> day of May 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Detailed plans and cross sections of the proposed access to the site from Evergreen Road shall be prepared and these plans shall include proposals for the reworking of any on-street car parking spaces that may be needed to safeguard the south eastern visibility splay from the point of egress. Furthermore, the said plans shall be informed by a Stage 3/4 Road Safety Audit of the proposed site access.</p> <p>(b) Detailed plans of how the mature, specimen, deciduous tree adjacent to the site access would be protected during the construction and operational phases of the development shall be prepared.</p> <p>(c) Detailed plans of charge points for the proposed car parking spaces shall be prepared.</p> <p>(d) Detailed plans of the bin storage facilities shall be prepared.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of road safety, visual amenity, and sustainability.</p>
3.	<p>The landscaping scheme shown on drawing no. 18418-2-101 revision C, as submitted to the planning authority on the 27<sup>th</sup> day of May 2019 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out: Additional trees and shrubs from the plant schedule shall be planted in the private garden spaces adjacent to the north eastern boundary of the site.</p> <p>All planting shall be adequately protected from damage until established.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
4.	<p>A management plan shall be prepared by a suitably qualified expert and submitted to and agreed in writing with the Planning Authority. This plan shall identify any alien species on the site and the measures that would be undertaken to ensure its eradication.</p> <p><b>Reason:</b> In order to prevent the spread of alien species.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compound(s) including area(s)</p>

	<p>identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p> <p>(c) Details of site security fencing and hoardings;</p> <p>(d) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>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.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
6.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p>

	<p>(a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) Employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) The nature and location of archaeological material on the site, and</p> <p>(ii) The impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
7.	<p>The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>Stormwater drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.</p>

	<b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.
10.	<p>Details of the materials, colours and textures of all the external finishes to the proposed apartments and townhouses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
11.	<p>Public and communal 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. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
12.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
13.	<p>Proposals for an estate/street name, dwelling numbering 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 dwelling 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).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
14.	Site development and building works shall be carried out only between the

	<p>hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
16.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
17.	<p>Prior to the finalisation of materials for the sale and marketing of the proposed apartments and townhouses, such materials shall be submitted</p>



	<p>to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to ensure that the advice set out in Paragraph 4.24 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines is reflected in these materials.</p>
18.	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution of €151,839 (one hundred and fifty-one thousand, eight hundred and thirty-nine euro) 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.</p> <p>The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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</p>

	applied to the permission.
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Hugh D. Morrison  
Planning Inspector

7<sup>th</sup> November 2019