



An
Bord
Pleanála

Inspector's Report

ABP-305353-19

Development

Demolition of an existing public house and all ancillary structures and the construction of 26 no. apartments in two blocks and all associated site works.

Location

1 Haig Gardens, The Glenanaar Public House, Boreenmanna Road and Wallace' Avenue, Ballintemple, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

19/38231

Applicant(s)

Denis McBarron

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party V. Grant

Appellant(s)

Kieran McCarthy

John Hillary Hogan

Aoife Foley

Observer(s)

Victor and Deborah O'Mahony

Cora Twomey

Sharon O'Leary

Jessica Amberson and Oliver Whelton

Mark Donovan and Eleanor Davies

Daniel and Katrina Coleman

John Keohane

Date of Site Inspection

28th November 2019

Inspector

Elaine Power

1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of Boreenmanna Road at the signalised junction with Wallace's Avenue, approx. 1.4km south east of the city centre. The general area is suburban with a variety of house styles and types. The site is bound to the south and west by established 2-storey terrace housing. A north eastern portion of the site is bound 2 no. commercial units.
- 1.2. The site has a stated area of 0.143 ha and currently accommodates the former 'Glenanaar Public House' and associated surface car parking. The existing building is part single, part two storey with a maximum height of 7.8m. It sits at the northern boundary of the site with Boreenmanna Road and at the western boundary with no. 1 Haig Gardens , which is a two-storey end of terrace house also within the ownership of the applicant. The remainder of the site is occupied by a large surface level car park. The public house is vacant and there is a link chain fence around the boundary of the site.
- 1.3. Vehicular access to the site was previously available from both Boreenmanna Road and Wallace's Avenue.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing vacant public house and ancillary structures and construct 26 no. apartments comprising 7 no. studios 10 no 1-beds and 9 no. 2-beds in 2 no. blocks.
- 2.2. One block fronts directly onto Boreenmanna Road and the other block fronts directly onto Wallace's Avenue. The blocks range in height from single storey to four storeys with a maximum height of 13.2m, including roof level plant. The buildings have a contemporary design with a flat roof and large windows. The predominate external material is brick, with elements of panelling and cladding. Private open space is provided for each apartment in the form of a terrace. An additional communal area of open space (381sqm) is proposed in the centre of the site.
- 2.3. A single storey building is proposed, along the southern boundary of the site, bounds the rear gardens of houses on Knockrea Gardens. This building has a maximum

height of approx. 3m. This building would accommodate 48no. bicycle parking spaces, bin storage and 24 no. bulk storage units.

- 2.4. A gated pedestrian access to the site is from Boreenmanna Road.
- 2.5. A Travel Plan (Mobility Management Plan), a Planning and Design Statement, Part V proposal report, a Services report and an Historic Building Appraisal were submitted with the application.

2.6. ***Unsolicited Further Information lodged on 21st February 2019***

Details of pre-planning consultations undertaken were submitted.

2.7. ***Further Information lodged on the 1st April 2019***

The response to further information indicates that 3 no. green strips of planting would be provided on the public footpath outside the development on Boreenmanna Road. The green areas are provided adjacent to the carriageway and a minimum 2m wide public footpath is retained adjacent to the site.

Clarity was provided regarding cycle / pedestrian routes within the development and the applicant confirmed that no car parking is proposed within the site.

A Construction Traffic Plan was submitted.

2.8. ***Clarification of Further Information lodged on the 23rd July 2019***

Additional details regarding the pedestrian and cycle access arrangements, the green area along Boreenmanna Road and construction practices were provided.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was granted subject to 22 no. conditions. The relevant conditions are noted below: -

Condition 1: clarified that permission was granted for the scheme submitted by way of further information and clarification of further information.

Condition 2: required solid walls or opaque screens on southern boundary of terraces of apartments 14 and 21 and on the western boundaries of terraces of apartments 8 and 15. It also required the store rooms associated with apartments 7 and 14 to be reduced to a maximum of 3.5sqm. and the remaining area amalgamated into the apartments.

Condition 3: related to landscaping

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial reports by the Area Planner and the Senior Executive Planner raised some concerns and recommended that permission be refused as the development would be visually incongruous, overdevelopment and would endanger public safety.

The Senior Planners report recommended that further information be sought regarding the following: -

- Access arrangements for cyclists and pedestrians,
- The provision of a green strip / buffer on Boreenmana Road
- Details of works to the public road
- Auto-track drawings for service vehicles / refuse trucks
- A Construction Management Plan

Following receipt of further information and clarification of further information the Senior Executive Planners report recommended that permission be refused as the development would be visually incongruous and would result in overdevelopment of the site.

The Senior Planners report considered that having regard to the site's proximity to the city centre and the nature of the development that permission should be granted subject to conditions outlined above.

3.2.2. **Other Technical Reports**

Roads Design (Planning) final report: No objection subject to conditions.

Transport and Mobility final report: No objection subject to conditions.

Drainage final report: No objection subject to conditions.

Environment report: No objection subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection in principle.

HSA: No objection.

3.4. **Third Party Observations**

104 no. third party objections were received by the Planning Authority. The concerns raised are similar to those in the appeals and observations.

4.0 **Planning History**

Reg. Ref. 08/33487: Permission was granted in 2009 for the construction of a 3-storey building with 2 no. retail units at ground floor level and ancillary storage and staff facilities at first floor and attic level. The site was located on a smaller portion of the appeal site.

5.0 **Policy Context**

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

The site is located in an area zoned - 'Residential, Local Services and Institutional Uses' with the associated landuse objective *'to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3'*. Section 15.10 states that the provision and protection of residential uses and residential amenity is a central objective of this zoning, which

covers much of the land in the suburban area. Relevant policies in the plan include the following: -

Objective 6.1: Residential Strategic Objectives

Objective 6.8: Housing Mix

Objective 6.9: Housing Density

Objective 16.3: Urban Design

Objective 16.9: Sustainable Residential Development

Chapter 16 – Development Management also sets out standards for apartment developments, of particular relevance is section 16.59 which relates to infill housing.

5.2. ***National Planning Framework***

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

- Policy Objective 4
- Policy Objective 6
- Policy Objective 11
- Policy Objective 33
- Policy Objective 35

5.3. ***National Guidance***

- Design Standards for New Apartments - Guidelines for Planning Authorities (2018)
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)
- Urban Design Manual, A Best Practice (DOEHLG, 2009)

5.4. **Natural Heritage Designations**

The site is located approx. 1.5km north west of Cork Harbour SPA (004030).

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

3 no. third-party appeals were received (1) Aoife Foley, (2) John Hillary Hogan of Ballinlough Dental Care and (3) Cllr. Kieran McCarthy. The concerns raised in the appeals are similar and are summarised below.

- Concerns are raised regarding the decision-making process within Cork City Council. It is considered that the proposed development is not in accordance with national and local planning policies and does not represent sustainable development.
- The proposed development would have a detrimental impact on existing residential amenities in terms of overlooking and overshadowing and would have a negative impact on the adjoining commercial properties.
- The layout does not provide sufficient separation distances and would result in overlooking within the scheme.
- The layout and design does not respect the local character and context of the site with regard to established building lines, height and materials. It would result in overdevelopment of the site in terms of density, height, scale and bulk.
- There is no landscaping proposals along the boundaries of the site, and the design makes no architectural contribution to the area.

- There is inadequate provision for refuse collection which would result in a traffic hazard.
- Public lighting in the area needs to be upgraded to improve safety. This has not been addressed in the application.
- There is no provision for car parking within the site. The surrounding road network is already at capacity and can not accommodate any overspill car parking generated by the development. Sustainable travel is welcomed. However, development plan standards require 33 no. car parking spaces to serve the scheme.
- A noise study should be provided. Additional noise generated by the proposed development would have a negative impact on the adjoining residential properties.
- Insufficient details have been provided regarding drainage and water supply. Pressure is already low in the area and any additional residential units would have an impact on supply.
- Details of a number of planning permissions recently granted for infill housing schemes in the surrounding areas was also provided with the appeals.
- The negative impact of the construction phase on the existing commercial units adjacent to the site. Details of how the development would be constructed without impacting on adjoining properties should be provided. Concerns are also raised regarding potential subsidence.

6.2. Applicant Response

A comprehensive response was submitted by McCutcheon Halley on behalf of the Applicant and is summarised below: -

- The issues raised in the appeals are similar to those raised in the objections to the Planning Authority. All concerns were fully addressed, and permission was granted by the City Council. The development is in accordance with the National Planning Framework and the Design Standards for New Apartments – Guidelines for Planning Authorities and the Development Plan. The development is located within an existing urban environment on zoned and

services lands, it would help to alleviate the housing crisis and prevent urban sprawl.

- The scheme has been designed to ensure it does not result in any negative impact on the amenities of existing residents or on the future occupants of the scheme. The proposed scheme has a maximum of 4-stories, ranging in height from 15m to 24.6m. Its design and layout is not unduly obtrusive and respects the surrounding scale, pattern and character of the area. The site is not located within an architectural conservation area and there is no particular theme or style in the surrounding streetscape.
- The scheme has a density of 182 units per hectare. The development plan recommends a density of 35-55 in suburban areas. The proposed density reflects the existing pattern of development in the surrounding area and is a natural infill development providing an attractive addition to Boreenmanna Road. The existing site is under utilised and mainly comprises a surface car park.
- Each apartment has a generous area of private open space in addition to an area of communal open space in the centre of the development (381sqm).
- The proposed development would not result in a traffic hazard. The site is located within walking distance of the city centre and a variety of local services and facilities. The site is also very well served by public transport. There is cycle and pedestrian infrastructure in the area and 48 no. bicycle parking spaces have been provided on site. Cork City Council had no objection to a development with no car parking. Limiting car parking requires residents to adopt alternative sustainable modes of transport. This strategy is in accordance with the National Planning Framework.
- All documents submitted as part of the application were of a high standard and to the satisfaction of the Planning Authority.

6.3. Planning Authority Response

No further comments

6.4. **Observations**

7 no. observations were received. The concerns raised are similar to those raised in the appeals.

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. The main issues in this appeal relate to design and layout, residential and visual amenity, traffic and water services. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

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

7.2. ***Principle of Development***

7.2.1. It is proposed to demolish all existing structures on site and construct 26 no. apartments in 2 no. blocks. The site is located in a suburban area approx. 1.4km from the city centre. It is generally bound by 2-storey terrace housing. There are 2 no. single storey commercial units located at the north east boundary of the site at the junction of Boreenmanna Road and Wallace's Avnue.

7.2.2. The site is zoned - 'Residential, Local Services and Institutional Uses' with the associated landuse objective *'to protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3'*. Section 15.10 states that the provision and protection of

residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area.

- 7.2.3. Having regard to the residential zoning objective for the site and the residential nature of the proposed development it is considered acceptable in principle.

7.3. ***Design and Layout***

- 7.3.1. The scheme comprises 26 no. apartments in 2 no. blocks. The design of the scheme is contemporary with a flat roof and large windows. It has a maximum height of 12.2m (excluding plant). The external finish is predominately brick with elements of cladding. One block fronts directly onto Boreenmanna Road and comprises 15 no. apartments. The other block fronts directly onto Wallace's Avenue comprises 11 no. apartments. A single storey block is located along the southern boundary of the site adjacent to the rear gardens of houses on Knockrea Gardens and comprises bin, bicycle and bulk storage units. An area of communal open space is provided in the centre of the development.
- 7.3.2. It is an objective of the National Planning Framework to increase residential densities in appropriate locations to avoid the trend towards predominantly low-density commuter-driven developments. Section 16.41 of the development plan notes that a minimum residential density in suburban areas should be 35-50 dwellings per hectare. However, subject to constraints imposed by the character of the surrounding area, densities along bus routes should be a minimum of 50 dwellings per hectare. The proposed scheme has a density of 182 units per hectare. As the appeal site is located along a bus route, approx. 1.4km from the city centre, it is my view that a high density development is acceptable at this location. However, higher density is not a stand-alone objective, it must be delivered in tandem with high quality urban places and attractive neighbourhoods. Plot ratio is a tool to help control the bulk and mass of buildings and site coverage can prevent the adverse effects of overdevelopment. The development plan sets an indicative plot ratio of 1.0-1.75 for Suburban Key Development Areas. The proposed development has a plot ratio of 1.44 and, therefore, is in accordance with the standards set out in the plan. The development has a site coverage of approx. 73%. The development plan does not

set out standards for site coverage, however, in my opinion having regard to the urban nature of the site this is considered acceptable

- 7.3.3. The housing mix comprises 7 no. (26.9%) studios, 10 no. (38.5%) 1-beds and 9 no. (34.6%) 2-beds. The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) require that apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios). As the proposed scheme provides for a total of approx. 65.5% of studio and 1-bed apartments, and approx. 27% studio apartments, the housing mix proposed is not in accordance with the Guidelines. In the Planning and Design Statement submitted with the application the applicant notes that as this is an infill development and to make the most sustainable use of urban lands the normal planning standards may be relaxed in the interest of developing vacant, derelict and underutilised lands. I would have concerns regarding the over provision of studio and 1-bed apartments provided within the scheme and consider that a scheme which incorporates more 2-bed units, in accordance with the guidelines, could be provided on the site and would be more appropriate. It is noted that the floor areas of the apartments reach and exceed the minimum requirements as set out in the guidelines.
- 7.3.4. It is acknowledged that the siting of the apartments to the northern and eastern portions of the site ensures that that proposed development would not result in undue overshadowing or overlooking of the existing residential properties. However, this siting does not provide for a defensible space between the proposed ground floor apartments and the public footpath. This layout results in the bedroom windows of apartments 1, 4 and 7 fronting directly onto the street. I would also have concerns regarding the amenity value of the proposed terraces of third floor apartments 22, 24 and 26 which front directly onto the street. It is considered that this issue cannot be addressed by way of condition, as to set the building back or reduce the size of the apartments, in a scheme which already has an overprovision of studio's and 1-beds, would have a negative impact on the residential amenities of existing and future occupants.
- 7.3.5. Concerns have also been raised that the height of the development is out of character with the area and would have a negative impact on existing residential and

visual amenities. The Urban Development and Building Heights Guidelines allows for a greater mix of building heights and typologies in suburban locations. Its states that schemes should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods. The residential blocks are predominately 4-storeys in height with a single storey element along the southern boundary with no. 29 Knockrea Gardens and a 3-storey element along the western boundary with no. 1 Haig Gardens. A single storey block is also proposed along the southern boundary of the site. While I have no objection in principle to the proposed height, it is my opinion that the proposed design and layout of the development does not take account of the existing character of the area or have regard to the existing single storey commercial units located to the north west of the appeal site and therefore does not integrate well into the existing suburban area.

- 7.3.6. In conclusion, having regard to the sites zoning objective, the proximity of the site to Cork city centre and to national and local policy objectives, I have no objection in principle to the provision of a high-density residential development on the site. However, I would have some concerns regarding the design and layout of the scheme, in particular the over provision of studio and 1-bed apartments and the siting of the development directly onto Boreenmanna Road and Wallace's Avenue. In addition, it is my opinion that the proposed development would not be accordance with Objective 16.3 of the development plan which requires new developments to deliver a high-quality urban environment.

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

- 7.4.1. Concerns have been raised that the development is out of character with the area and would have a negative impact on the existing residential visual amenities. The site is located on a visually prominent corner and is generally bound by 2-storey terrace houses. There are 2 no. single storey commercial units located to the north east of the site, at the junction of Boreenmanna Road and Wallace's Avenue.
- 7.4.2. The block which fronts onto Boreenmanna Road is generally 4-storeys in height with a limited 3-storey element on the western (side) and southern (rear) elevations. The 3-storey element is approx. 9m in height and located approx. 2m from the western site boundary and approx. 3m from the existing house (1 Haig Gardens), which is

within the ownership of the applicant. This element of the scheme sits approx. 4.5m beyond the front building line of houses on Boreenmanna Road. The 4-storey element of the block has a maximum height of approx. 12.2m and is located approx. 5.5m from the existing house. This element of the scheme sits approx. 8m beyond the established building line on Boreenmanna Road. As the development sits forward of the houses on Boreenmanna Road it would not result in any undue overshadowing of the rear private open space. It is noted that the existing public house also sites forward of the building line, however, having regard to the bulk, scale and siting of the development onto Boreenmanna Road it is my opinion that it would result in an overbearing impact and would have a negative impact on the visual amenities of the area.

- 7.4.3. It is noted that concerns were raised regarding the potential for overlooking from the proposed terraces on the rear (southern) elevation. The second-floor terraces are located a minimum of 18.2m from the southern boundary with houses on Knockrea Gardens. In my view, this is a sufficient distance to ensure that undue overlooking does not occur. With regard to overlooking of rear private open space of houses located on both Boreenmanna Road and Haig Gardens and within the development itself it is my opinion that the terraces, which include screening, have been designed to prevent overlooking.
- 7.4.4. The block which fronts onto Wallace's Avenue varies in height from single storey to 4-storeys. The single storey element has a maximum height of approx. 3.3m in height and is located approx. 5m from the rear wall of no. 29 Knockrea Gardens, to the south. The three-storey element is approx. 9m in height and is located approx. 8m from the existing house. The four-storey element is approx. 12.2m in height and located approx. 14m from the existing house. The development is also located a minimum of approx. 14m from the front building line of houses on Wallace's Avenue. Having regard to the separation distances it is considered that this block would not result in undue overshadowing, overlooking or have an overbearing impact of houses on Knockrea Gardens or Wallace's Avenue. Having regard to the separation distances between the existing houses and the development and the orientation of the site, it is considered that the proposed development would not result in undue overshadowing of the adjoining properties.

- 7.4.5. The proposed bin, bicycle and storage unit sits at the southern boundary of the site and is located approx. 5m from the rear wall of houses on Knockrea Gardens. This element of the development is single storey, with a maximum height of 2.8m. It is considered that this block would not result in any negative impacts on the existing residential amenities.
- 7.4.6. In conclusion, having regard to the location of the site within an urban area it is my opinion that a high-quality contemporary design could enhance the suburban character of the area and have a positive impact on the public realm. However, in my opinion the proposed scale and bulk of the development, which sits significantly forward of the established building lines, does not have regard to the existing pattern of development and would result in a visually obtrusive development.
- 7.4.7. Concerns were also raised regarding the potential noise disturbance generated by the proposed use. Having regard to the location of the development within an urban area and the nature of the proposed use. It is my view that the proposed residential use would not result in an unacceptable level of noise disturbance for adjoining neighbours.

7.5. **Traffic**

- 7.5.1. The proposed development does not provide for any on-site car parking. The surrounding residential streets do not provide any off-street car parking and, therefore, existing residents are reliant on on-street car parking. Car parking on the surrounding roads is generally unrestricted with a limited number of designated on-street spaces on Boreenmanna Road, adjacent to the appeal site. Concerns have been raised in the appeals and observations that the proposed development would generate overspill car parking onto the surrounding road network, which would have a negative impact on the parking capacity for existing residents.
- 7.5.2. The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) states that for high density schemes at intermediate urban locations which are well served by public transport, a reduced car parking provision should be applied. Having regard to the limited number and size of apartments proposed within the scheme, the proximity of the site to the city center and the provision of 48 no.

bicycle parking space on site, I have no objection to the lack of designated car parking on site.

- 7.5.3. Concerns were also raised in the appeals that due to the lack of access for refuse trucks the proposed development would result in a traffic hazard. Having regard to the urban nature of the site, it is my view that refuse collection could be managed from the public road and would not result in a traffic hazard.

7.6. ***Water Services***

Concerns have been raised in the appeal that the proposed development would put additional pressure on the water supply and would have a negative impact on existing water services in the area. The appeal site is located within an serviced urban area. it is intended that the site would be connect to the existing public water supply and public foul sewer. It is noted that Irish Water raised no objection in principle to the proposed development. I am satisfied that that the proposed arrangements for the site are sufficient.

7.7. ***Appropriate Assessment***

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

8.0 **Recommendation**

I recommend that permission be refused for the reasons stated in the attached schedule.

9.0 **Reasons and Considerations**

1. Having regard to the established built form and character of the area and the prominent location of the site, it is considered that, by reason of the siting, scale and bulk, the proposed development would be incongruous in terms of its design and would seriously injure the visual amenities of the area. The

proposed development would, therefore, be contrary Objective 16.3 of the Cork City Development Plan, 2015 to deliver high-quality built environments and to the proper planning and sustainable development of the area.

2. Having regard to the design and layout which results in a preponderance of studio and 1-bedroomed apartments, it is considered that the proposed development would constitute an inappropriate housing mix. The proposed development would, therefore, be contrary to the Design Standards for New Apartments - Guidelines for Planning Authorities and to the proper planning and sustainable development of the area.

Elaine Power
Planning Inspector

11th December 2019