



An
Bord
Pleanála

Inspector's Report

ABP-307388-20

Development	Demolition of existing garage/shed structure and. construction of sixteen residential units.
Location	Strawberry Hill and Blarney Street, Cork City
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	1938706
Applicant(s)	Whitebon Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party V. Condition
Appellant(s)	Whitebon Developments Limited
Observer(s)	None
Date of Site Inspection	16th day of September 2020
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Strawberry Hill and Blarney Street, approximately 1.5 kilometres north-west of Cork City centre within the Sunday's Well district. To the north of the site is Blarney Street, to the west is Strawberry Hill, to the east is Sundays Well National School and to the south is a two-storey dwelling accessed off Strawberry Hill.
- 1.2. The area is characterised by a variety of building heights and styles, with two-storey terraced housing and commercial premises along Strawberry Hill and Blarney Street and large two storey detached dwellings on an elevated site on the opposite side of Blarney Street within the Monastery Avenue/Green development. There is an existing vehicular access to the site from Blarney Street. The appeal site is overgrown with trees, undergrowth and weeds and comprises a garage/shed structure which is inaccessible due to the dense growth on site. There is security fencing on site, however evidence of anti-social behaviour remains with domestic rubbish strewn within its bounds.
- 1.3. The site has a stated area of 0.255 hectares. Site levels fall from north to south on site and remain constant from east to west.
- 1.4. The appeal site is located within the Metropolitan Area of Cork City.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing building on site and to construct a three storey residential block (apartment and duplex units A-C), comprising of fourteen residential units facing onto Blarney Street to the north of the site and two detached single storey units to the south of the site. The residential units would comprise of six by one-bedroomed apartments, eight by two bedroomed apartment/duplex units and two by two-bedroomed bungalows. The development would also provide for dedicated on site bicycle parking spaces, landscaping, and servicing proposals.
- 2.2. The planning application was accompanied by a Planning Statement, an Architectural Design Statement, engineering design and outdoor lighting reports.

2.3. A Response to a further Information request was submitted to Planning Authority on the 19th day of March 2020.

The response related to the following issues:

- A revised design whereby the two storey dwellings to the south of the site would be replaced by two single-storey dwellings.
- Five on-street parallel parking spaces would be provided along Strawberry Hill in lieu of existing car parking spaces along that street.
- Boundary treatment proposals have been clarified whereby the existing sandstone boundary wall will be incorporated within the proposed boundary wall treatments. Along the southern boundary, the existing boundary wall will be rendered and topped with a metal panel fence up to a height of two metres.
- A stage one of two Road Safety Audit in compliance with the Design Manual for Urban Roads and Streets (DMURS) has been prepared and submitted.
- A Construction Traffic Management Plan has been prepared and submitted.
- Vehicular parking for the development has been reduced to seven on-street spaces and ducting for an electric charge point would be incorporated within one of these spaces, in accordance with the City Development Plan standards.
- The removal of a number of the on-street spaces along the site frontage on Blarney Street in order not to impede sight visibility in the vicinity of the adjoining national school and road junction of Blarney Street with Strawberry Hill.
- A pedestrian access off Blarney Street to the north-east of the site would be provided.
- Two tactile paving pedestrian crossing points would be provided along Strawberry Hill.
- A Mobility Management Plan (MMP) has been prepared and submitted.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to twenty-four conditions. The relevant conditions are noted below: -

Condition 1: Clarified that permission was granted for the scheme as originally submitted to the Planning authority on the 18th day of September 2019 and as amended by way of further information submitted to the Planning Authority on the 19th day of March 2020.

Condition 2: Omits the two single-storey dwellings to the south of the site and that the resultant area be used as public open space.

required details of external finishes to be agreed with the planning authority.

Condition 3 and 4: Boundary treatment details.

Condition 5; Construction waste management details.

Condition 6 and 9: Noise limits standards during demolition and construction works on site and for post construction activities on site.

Condition 12: A Construction Traffic Management Plan to be agreed with the planning authority.

Conditions 13 and 15: Junction modifications and pedestrian crossing proposals, road marking and signage shall be as submitted to the Planning Authority on the 19th day of March 2020.

Condition 18: A Construction Management Plan to be agreed with the Planning Authority.

Condition 21: A Stage three of four Road Safety Audit to be completed and all recommendations to be included within proposed development at developer's expense.

Condition 22; Thirty on-site bicycle parking spaces to be provided

Condition 23: Developer to reach agreement with Planning Authority regarding compliance with Section 96 of the Planning and Development Act, 2000 (as amended).

Condition 24: Development Contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report by the Senior Executive Planner raised concerns regarding the proposed development and recommended that further information be sought as set out within section 2.3 above.

Following receipt of further information, the Senior Executive Planner considered that all items of concern had been fully addressed and recommended that permission be granted subject to the conditions outlined in Section 3.1 above.

3.2.2. Other Technical Reports

Road Design (Planning): Final Report, No objection subject to conditions.

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

Drainage Section: No objection.

Environment Department: No objection subject to condition.

3.3. Prescribed Bodies

Irish Water: No objections

3.4. Third Party Observations

Ten third-party submissions were received by the Planning Authority. The submissions were received from neighbouring residents who reside mainly on Strawberry Hill, one resident from Shanakiel and one from a local elected representative.

4.0 Planning History

Planning Authority reference number 07/32319. In 2007, planning permission was granted for the demolition of an existing dwelling and the construction of seven townhouses and two apartments and a new vehicular access off Strawberry Hill and ancillary site development works.

Planning Authority reference number 05/29452. In 2005, planning permission was refused for the demolition of an existing dwelling and the construction of ten townhouses and two apartments and ancillary site development works.

5.0 Policy Context

5.1. Cork City Development Plan, 2015-2021

- 5.1.1. The site is located in an area zoned - 'Residential, Local Services and Institutional Uses' with the associated land-use objective: 'To protect and provide for residential uses, local services, institutional uses and civic uses, having regard to employment policies outlined in Chapter 3. 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 development management standards, of particular relevance is Section 16.59 which relates to infill housing.
- 5.1.2. In Chapter 2: Core Strategy Goal number one is: To increase population and households to create a compact sustainable city.
- 5.1.3. Chapter 6: Residential Strategy. Objective 6.1 sets out the residential strategic objectives and includes: To encourage the development of sustainable residential neighbourhoods; and, to encourage the use of derelict or underused land and buildings to assist in their regeneration.

5.1.4. Objective 16.3 of the Plan relates to Urban Design. Where the objective is:

- To deliver high quality-built environment through good place making.
- To ensure that development is designed to high qualitative standards and is cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, and detailed design.

5.1.5. Objective 16.9 of the Plan sets out the following for Sustainable Residential Development: Residential developments shall be sustainable and create high quality places and spaces which:

(a) Deliver a quality of life which residents and visitors are entitled to expect in terms of amenity, safety, and convenience.

(b) Provide adequate open space which are practical in terms of scale and layout and naturally supervised by the aspect of the dwellings it serves:

(d) Prioritise walking, cycling and public transport and minimise the need to use cars.

(g) Promote the efficient use of lands in terms of density and plot ratio.

5.1.6. Section 16.59 in relation to infill housing at appropriate locations: The Planning Authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc, In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised lands. Infill proposals should:

- Not detract from the built character of the area.
- Not adversely affect the neighbouring residential amenities.
- Respect the existing building line, heights, materials, and roof profile of surrounding buildings.
- Have an appropriate plot ratio and density for the site;
- Ensure adequate amenity is proposed for the development.

5.2. **National Guidance**

- National Planning Framework 2018-2040
- Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018),
- Urban Development and Building Heights – Guidelines for Planning Authorities (DHPLG 2018).
- Design Manual for Urban Roads and Streets (DTTAS & DoECLG 2013),
- Sustainable Residential Development in Urban Areas-Urban Design Manual, A Best Practice (DOEHLG, 2009).
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (DoEHLG 2009).

5.3. **National Planning Framework**

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

- Policy Objective 4: Attractive, liveable well-designed high-quality urban places.
- Policy Objective 6: Regenerate and rejuvenate cities.
- Policy Objective 11: Encourage more people and generate more jobs and activity within cities.
- Policy Objective 33: Prioritise new homes at locations that can support sustainable development.
- Policy Objective 35: Increase residential density through a range of measures including reductions in vacancy and infill development schemes.
- Among the National Strategic Outcomes for Cork are the realisation of compact growth and a strong economy.
- A key growth enabler for Cork is: Identifying infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas.
- Section 4.5 Achieving Urban Infill/Brownfield Development.

5.4. Natural Heritage Designations

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

5.5. Environmental Impact Assessment-Preliminary Examination

Having regard to the nature and modest scale of the proposed development and the location of the site, it is concluded that 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 at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal against the Planning Authority's condition number two only, was received from the applicant. The issues raised therein, are summarised below:

- The development as submitted as part of the further information response represents an appropriate scale of development, consistent with National and local planning policy.
- The applicants omitted the two storey units to the south of the site at the request of the Planning Authority and have replaced these with two single storey units.
- The proposals are consistent with the character and settlement pattern of the area.
- The proposed dwellings will contribute to the consolidation of Strawberry Hills traditional streetscape, reflecting the sites location as an inner-city neighbourhood.
- The proposed single-storey dwellings are appropriately proportioned when assessed from the streetscape context.

- The ridge heights of the single-storey units would be 0.5 metres lower than that of the two-storey dwelling immediately south of the appeal site, providing an attractive approach on the incline towards Blarney Street, improving street surveillance and promoting active street frontages.
- Condition number two would result in an unnecessary reduction in density of development and 40.2% of the site being reserved as public open space inconsistent with the guidance set out within Urban Design and Building Height Guidelines and with the City Development Plan.
- The imposition of this particular planning condition would represent an inefficient form of development in an inner-city location.
- The omission of these units would represent a missed opportunity to improve the street frontage along Strawberry Hill and would create an unnecessary and noticeable gap within the streetscape.
- The layout permitted under Planning Authority reference number 07/32319 is not an appropriate precedent to reference, and a historical permission should not prejudice the Planning Authorities assessment of the current proposals.
- The layout permitted in 2007 preceded the guidance set out within the 2018 Apartment Guidelines and the current Cork City Development Plan 2015 and would not be consistent with current guidance and standards.
- The proposed development should be assessed on its own merits.
- The development of the single storey units to the south of the site represents a preferable and desirable solution to retaining the area as public open space. The sloping nature of the area would result in areas of public open space becoming unusable, detracting from the development as a whole.
- The applicant has no objections to the inclusion of condition numbers three and four regarding the incorporation of the existing sandstone boundary treatment within the proposed boundary treatments and that these will ensure the protection of adjacent residential amenities.
- The response to the further information request specifically addressed the sites topographical characteristics and has resulted in an increased

separation distance between the two single store units and the dwelling to the south.

6.2. **Planning Authority Response**

The Planning Authority made no additional comments in relation to the appeal.

7.0 **Assessment**

- 7.1. This is a first-party appeal against condition number two, only, attached to the Planning Authority's decision to grant planning permission. This condition requires that the two residential on the southern boundary of the appeal site be omitted and that the resultant area be included in the overall site public open space.
- 7.1.1. Having regard to the nature and scale of the proposed development and the nature of condition number two, it is considered that the determination by the Board of the application, as if it had been made to it in the first instance, would not be warranted. Therefore, the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 7.1.2. The Planning Authority's reason for attaching condition number 2 to their notification of a decision to grant permission is stated as 'in the interests of the future occupants and the proper planning and sustainable development of the area. It is apparent that this site/area is not subject to any conservation status as per the policies and objectives as set out within the Development Plan. I am satisfied that the principle of the design and layout of the residential development would accord with the policies and objectives of the Development Plan.
- 7.1.3. It is an objective of the National Planning Framework to increase residential densities in appropriate locations (Policy objective 35) to avoid the trend towards predominantly low-density commuter-driven developments. The 2009 Sustainable Residential Development in Urban Areas guidance sets out the following in terms of residential density: The increase in population within city or town centres with their range of employment, recreation, educational, commercial and retail uses can help to curtail travel demand; therefore, these locations have the greatest potential for the creation of sustainable patterns of development. Increasing populations in these

locations can assist in regeneration, make more intense use of existing infrastructure, support local services and employment, encourage affordable housing provision, and sustain alternative modes of travel such as walking, cycling and public transport. The infilling of gap sites will also contribute to the improvement of the architectural form. Density should be considered in the context of achieving acceptable and appropriate building height, the appeal site being a prominent one, incorporating a street corner on the western approach to the Sundays Well district.

7.1.4. The appeal site is located within the existing built-up area, north -west of the city centre within the Sundays Well district; therefore, I am of the opinion that a higher-density development (than currently exists within the area is acceptable at this location. Within section 14.3.3.3 of the Development Plan, the following is set out in relation in relation to existing built-up areas: Development proposals normally involve infill developments, redevelopment or refurbishment or changes of use. It is important to recognise that that this is part of the cycle of development or redevelopment in settlements that contribute to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.

7.1.5. Section 16.41 of the Development Plan notes that residential density in city centre areas should be in excess of 75 dwellings per hectare. However, subject to constraints imposed by the character of the surrounding area, densities along bus routes should be a minimum of 50 dwellings per hectare. However, higher density should not be considered in isolation, it must be delivered in tandem with high quality urban design and layout. A residential density of eighty-nine units per hectare is proposed in this instance. This single quantitative tool must be considered in the context of other qualitative and quantitative criteria. The Development Plan does not set out standards for site coverage, however, in my opinion having regard to the location within a city centre context, that this level of site coverage is sustainable and acceptable. A net density of 88.9 units per hectare is proposed, public open space of 16.75% is also proposed, both of these figures are considered to be within acceptable standards, given the proposals would facilitate the development of underutilised brownfield lands, in suitably zoned lands, proximate to Cork City Centre, served by public transport.

- 7.1.6. Section 16.59 of the City Development Plan pertains to infill housing where developers are encouraged to make the most and sustainable use of urban serviced lands and that the Planning Authority will consider the merits of such proposals on a case by case basis, subject to satisfying the various development management criteria, but such criteria can be relaxed in these instances.
- 7.1.7. The Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) state that: Analysis of urban housing need points to the fact that into the future, a majority of households will comprise 1-2 persons (Section 2.8). The relevant Specific Planning Policy Requirement (SPPR) in this instance is SPPR 1 where it states: 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) and there shall be no minimum requirements for apartments with three or more bedrooms. Statutory Development Plans may specify a mix for apartments and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).
- 7.1.8. The proposed scheme provides for 6 (37%) one-bedroom apartments and 8 (50%) two-bedroom apartments/duplexes and the remainder of 2 units (13%) are three-bedroom bungalows. It is apparent that the mix proposed has had regard to the Design Standards Guidelines in terms of unit mix. Section 2.22 of the Guidelines refers to adapting greater flexibility in terms of dwelling mix in small-scale building refurbishment and urban infill development schemes. In accordance with the Ministerial Guidelines for Apartment Development 2018, infill development is encouraged to make the most sustainable use of urban lands, the normal planning standards may be relaxed in the interest of developing vacant, derelict and under-utilised lands. It is noted that the floor areas of the studios/apartments reach and exceed the minimum requirements as set out in the guidelines.
- 7.1.9. Private open space is provided for each apartment in the form of garden/terrace areas at ground floor level and balcony areas at first floor level. The town houses would provide conventional rear garden spaces.
- 7.1.10. Concerns have been raised that the height of the development is out of character with the area and would have a negative impact on the amenity of existing

neighbouring residential properties to the north and west of the appeal site. The Urban Development and Building Heights Guidelines outline the following in this regard: It is Government policy that building heights must be generally increased in appropriate urban locations. There is, therefore, a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. The proposed development would comprise a mixture of two and three storeys in height. I have no objection to the proposed height, given the existing and proposed boundary treatment/landscaping and given the separation distances proposed between the existing and proposed residential development and given the location within the Cork Metropolitan area served by a frequent bus service to and from Cork City centre.

- 7.1.11. Given that the existing boundary treatment is of poor quality in many places and would afford little or no privacy to neighbouring residential properties, the construction of a boundary treatment wall along the line of the existing boundary wall would be important in terms of providing adequate amenity to the neighbouring residents and also to the future residents of the appeal site. The implementation of the landscaping proposals would also be important in terms of addressing concerns raised by the neighbouring residents. A condition regarding the implementation of the landscaping/boundary treatment proposals for the appeal site is something that has been provided for within the decision of the Planning Authority and is welcomed.
- 7.1.12. In conclusion, I am satisfied that condition Number 2, requiring the omission of the two dwelling units from the southern boundary, and the resultant area to be included within the overall open space, would not be warranted, and that it should be omitted.

7.2. ***Appropriate Assessment***

The subject site is located approximately eleven kilometres south-west of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and scale of the proposed development within a serviced urban area 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

9.0 Recommendation

- 9.1. It is recommended that the Planning Authority be directed to remove condition number 2, for the reasons and considerations hereunder.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the existing pattern of development in the area and the provisions of the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018),, Cork City Development Plan 2015, it is considered that the modification to the proposed development, as required by the planning authority in its imposition of condition number 2, was not warranted, and that the proposed development, with the omission of condition number 2, would not detract from the amenities of future residents of the area nor existing neighbouring amenities, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Fergal O'Bric

Planning Inspectorate

23rd September 2020