



An
Bord
Pleanála

Inspector's Report ABP-307665-20

Development	Demolition of structures and construction of 42 apartments
Location	Brocklesby Street, Blackpool, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	20/309048
Applicant(s)	Compass Homes Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Siobhan O'Neill & Others Kate Gaffney Jason Flynn
Date of Site Inspection	13 th October, 2020
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 0.3028 hectare site is located on the west side of Brocklesby Street to the south-west of Blackrock Shopping Centre on the north side of Cork City. Brocklesby Street is a narrow city street on which there is limited parking. There are four structures on the site – ‘The Green Rooms Cork’ which is a pre-school, an after school childcare facility and building in which dance, music and gymnastic classes are provided which fronts onto the street, with the structures to the rear used for storage in connection with a scaffolding business. There is an ESB transformer unit at the north-east corner at the access onto the street. The land rises from the street level to a plateau at the western section of the site. The site is bounded to the north by a commercial yard and derelict residential properties, to the east by Brocklesby Street which comprises a mix of residential and commercial properties, and to the south by residential development of two-storey houses, Parklyn. A steep cliff face adjoins the western site boundary.

2.0 Proposed Development

- 2.1. The proposed development would comprise the demolition of existing structures and the construction of 42 apartments. This would consist of 23 one bedroom apartments, 18 two bedroom apartments and one three bedroom apartment. They would be within four blocks that would range in height from two to four storeys. The proposal would include access, landscaping, bin storage, bicycle parking and all associated site development works.
- 2.2. Details submitted with the application included a Planning Statement, an Infrastructural Design Report, a Daylight, Sunlight and Overshadowing Analysis, a Landscape Masterplan, a Landscape and Visual Assessment, an Appropriate Assessment Screening Report, and a Photomontage Booklet. Consents allowing the applicant to apply for permission were attached from Owen Cafferkey Ltd. and Donovan Access Ltd.

3.0 Planning Authority Decision

3.1. Decision

On 29th June 2020, Cork City Council decided to grant permission for the proposed development subject to 31 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan and other public policy provisions, third party submissions, and reports received. It was submitted that the proposal is in accordance with the site's zoning objective. It was noted that no planning permission had been granted for the existing childcare facility on the site and the availability of childcare facilities in the area was referenced. There was no objection to the proposed demolition. The density and unit mix of the development was seen to be acceptable as was the landscape and visual impact assessment and the proposal not to provide on-site parking. It was recommended that further information be sought in relation to clarity on the number of dual aspect units, setbacks for each of the proposed blocks, clarity relating to a door on the common southern boundary, details on timber screens to balconies, on bicycle parking, and on treatment of the cliff escarpment, boundary wall details, Part V provisions, waste and construction management, shared surfaces, clarity on a proposed ramp along the southern façade of Block A, a contextual south elevation from adjoining Parklyn with the proposed development, a Road Safety Audit, and sightline details.

The Senior Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Conservation Office considered the proposal would contribute positively to the regeneration of Blackpool village, had no objection to a grant of permission and recommended the attachment of one condition.

The Architect considered the proposal is well designed, is appropriate in massing and scale, and is a welcome addition to Blackpool.

The Drainage Engineer had no objection to the proposal and attached a schedule of conditions.

The Heritage Officer had no objection to the proposal and attached a schedule of conditions.

The Transport and Mobility Engineer requested further information relating to a Road Safety Audit, pedestrian crossing facilities, loss of parking spaces on Brocklesby Street, clarity on shared surfaces, and bicycle parking allocation.

The Environment Engineer requested further information seeking waste management and construction management plans.

The Roads Design Engineer requested further details on available sightlines and pedestrian priority over vehicles in the design of vehicle crossovers.

3.3. Prescribed Bodies

Inland Fisheries Ireland had no objection to the proposal provided Irish Water signifies that there is sufficient capacity so that it does not overload existing treatment facilities or result in polluting matter entering waters.

Health and Safety Authority stated that it had no observations to forward as the application appeared to be outside of relevant regulations.

Transport Infrastructure Ireland stated that it would rely on the planning authority to abide by official policy in relation to development affecting national roads.

Irish Water had no objection to the proposal.,

3.4. Third Party Observations

Objections were received from Kate Gaffney, John Conroy, Parents Committee Super Stars Cork, Donal Ó Dubhgain, Sarah Ward, Kara Murphy, Lisa Elizabeth Walsh, Jason Flynn, Blackpool Community Centre, Marissa Buckley, Rachel O'Driscoll, Chloe Hamilton, Siobhan O'Neill and Leo Walsh, Mick Barry TD and Cllr Fiona Ryan, and Vasiliki Douvou. Concerns raised included the legal validity of one of the letters of consent permitting the making of the application, overshadowing, overlooking, loss of daylight, traffic impact and lack of parking, impact on childcare services and arts and gymnastic classes, inaccuracy of drawings, health effects from

demolition of structures, boundary provision, security and safety, building height, unit types, density, overdevelopment, and the scale of the development.

3.5. A request for further information was issued on 18th March 2020 and a response to this request was received from the applicant on 5th June 2020. This included revisions to block layouts.

3.6. The reports to the planning authority were as follows:

The Environment Section had no objection to the proposal subject to a schedule of conditions.

The Housing Section had no objection to the proposal subject to the attachment of a condition.

The Urban Roads and Street Design Section had no objection to the proposal subject to a schedule of conditions.

The Transport & Mobility Section had no objection to the proposal subject to a schedule of conditions.

The Roads Design Section had no objection to the proposal subject to a schedule of conditions.

The Planner considered the further information to be acceptable and recommended that permission be granted subject to a schedule of conditions.

The Senior Planner concurred with the Planner's recommendation.

4.0 **Planning History**

P.A. Ref. 09/33704

Permission was granted for the conversion of an industrial unit into three light industrial units and two office blocks.

5.0 Policy Context

5.1. Cork City Development Plan 2015

Zoning

The site is zoned 'ZO 4 Residential, Local Services and Institutional Uses' with the objective "To reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions."

5.2. Appropriate Assessment

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Site and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. No EIAR is required.

6.0 The Appeal

6.1. Appeal by Siobhan O'Neill and Others

The appellants are residents of Parklyn to the south of the site. The grounds of the appeal may be synthesised as follows:

- The proposal does not conform to the 2018 Apartment Guidelines and the City Development Plan as they relate to the proportion of one bedroom units, the density, lack of parking, lack of noise control, and the failure to protect an area of high landscape value bordering the site.
- Block A has a detrimental effect on the residents of Parklyn, in particular Nos. 10-12 having regard to its proximity and height.

- The proximity of Block C has similar impacts.
- The proposed alterations to the common boundary with Parklyn, due to the proposed height difference between ground levels on either side of the boundary, have not been addressed. The existing boundary walls should be retained. The proposal causes significant security concerns. The omission of security features, such as a security gate, increases concerns.
- Construction work hours as required by Condition 18 of the planning authority's decision need to be revised to protect residential amenity.
- The internal layouts of blocks do not facilitate social distancing and all units should have separate entrances to the street.
- The proposed boundary wall is significantly lower than the current wall and the access ramp to block A rises above ground significantly. As a result, there is a significant loss of privacy.
- The road layout and the absence of any gates in a car-free development is of concern.
- A significant number of residents will have cars. The area has insufficient parking capacity. Together with other developments, the area would be saturated. The concept of a car-free development is flawed.
- The number of units and proportion of one bedroom units constitutes overdevelopment and does not support the development of a neighbourhood.
- The development will result in the loss of parking on Brocklesby Street and will significantly increase traffic on the street. This is a narrow, congested street with poor visibility. The proposal has not sufficiently addressed the effect it will have on vehicle and pedestrian movements during construction and when completed.
- Vehicular access to the development is unrestricted. This creates unnecessary risk for pedestrians who wish to cross the entrance of the development. A barrier, gate or other obstacle to general vehicular access is required.

- The design contains many areas which are of suitable size and shape to act as parking spaces. The roads within the scheme will become a parking zone.

6.2. Appeal by Kate Gaffney

The grounds of the appeal may be summarised as follows:

- The application form indicates that the properties on the site are owned by “Owen Cafferkey Ltd”. The letter does not comply with the requirements of the 2014 Companies Act. It does not contain a letter of consent from “Donovan Access Ltd”. The failure to meet minimum requirements as demanded in law invalidate the letter of permission and thus invalidates the entire application.
- Neither the applicant nor Owen Cafferkey have sufficient legal interest to enable them to carry out the proposed development. The applicants propose to demolish a property which is subject to the appellant’s lease over which she has occupational rights.

6.3. Appeal by Jason Flynn

The appellant resides at No. 26 Commons Road to the north of the site. The grounds of the appeal may be summarised as follows:

- The scale of the development is not in keeping with the surrounding neighbourhood.
- The proposed development would constitute overdevelopment of the site.
- The development would impose on neighbouring properties by way of overlooking and overshadowing and at the construction stage by noise, vibration and traffic impacts.
- The proposal removes existing local services and amenities, resulting in the loss of a creche service.
- The proposal makes no provision for parking and will impact on on-street parking.
- Errors in the application question its validity.

6.4. Applicant Response

Response to the Appeal by Siobhan O'Neill & Others

The response may be synthesised as follows:

- The proposal marginally exceeds the SPPR1 and the limit of 50% of one beds or studio type units. The provision of a larger number of one bed units is a direct response to market demand and population statistics. The density is an appropriate and efficient use of a brownfield site in an urban location. Home zone play areas will be finished with rubberised surfacing to reduce potential noise impacts. The proposal will result in a high and beneficial impact on landscape character.
- With regard to Block A and having regard to the design changes in response to the further information request, the proposed development will not result in any significant adverse impacts on existing residents in Parklyn. The bulk, scale and massing is appropriate.
- With regard to Block C and having regard to the reduction in height and the increase in separation distance to the common boundary with Parklyn, this results in an improved outlook. The existing use is likely to generate noise and the residential development is a more compatible land use.
- The proposed 1.8m high boundary wall will not result in overlooking of the rear gardens of Parklyn and will afford sufficient security to existing residents.
- The permitted working hours would be standard for all developments.
- The Covid-19 issue raised is not a material consideration. The proposal has been designed in accordance with Design Standards for New Apartments – Guidelines for Planning Authorities.
- The increased setback of Block A and the provision of a 1.8m wall on the southern boundary will mitigate potential overlooking of Parklyn.
- A non-gated development is appropriate in accordance with the Cork City Development Plan.
- The proposal is a car-free development, which is appropriate in a sustainable urban location, close to shops/services and public transport and within

walking distance of the city centre. The insufficiency of parking in the area is a matter for the local authority and not the applicant. The Board has previously supported car-free development. The scheme has been designed to prevent any parking within the site.

- Regarding the number of one-bed units, it is also noted that the Planner referred to a degree of flexibility allowed given the proposal is an infill development.
- Regarding loss of on-street parking, the Transport & Mobility Section had no objection to this. The development is designed to ensure pedestrian priority.
- Restricted vehicular access to the site is not necessary. The junction has been designed to ensure pedestrians can safely cross the entrance. Condition 19 of the planning authority's decision relating to design at the access junction and pedestrian crossing will ensure the junction is built as per drawings submitted.
- The site layout will not facilitate car parking within the development. It includes one set down disability space. The landscaping proposals include demountable bollards to ensure vehicles cannot park on play zones and planting is provided to prevent ad hoc parking.

Response to the Appeal by Kate Gaffney

The response may be synthesised as follows:

- The letter of consent from Owen Cafferkey Ltd is sufficient for the purposes of lodging a planning application.
- A letter from Donovan Access Ltd was also submitted.
- The applicant obtained letters of consent from both owners of the site to make the application.

Response to the Appeal by Jason Flynn

The response may be synthesised as follows:

- The development is not significantly higher than existing development in the area. It has been designed to integrate with existing development and to avoid adverse impacts on nearby residential properties. There is a distance of 33.5m between the nearest boundary of the site and the property in which the appellant resides and the development will not result in overlooking. The appellant's property was not identified as a sensitive receptor in the applicant's daylight, sunlight and overshadowing study. There will not be significant overshadowing of that property.
- There is no evidence to suggest the proposal will result in an increased traffic flow in the area. The proposal will be car-free. The only vehicles accessing the development will be for refuse collection and maintenance. The provision of no parking is in line with policy of a modal switch to sustainable travel in the city. A construction management plan has been submitted and addressed construction traffic management.
- The proposal would not result in overdevelopment. The density is acceptable.
- The design and layout are not unduly obtrusive and respect the surrounding scale, pattern and character of the area.
- Regarding the removal of existing services, there is no shortage of vacant commercial premises available to lease/rent in the area. In contrast the number of one and two bedroom apartments available to rent is very limited. There are several other childcare facilities in close proximity to the site. The area is generally well served. Reference is made to the site's planning history and to the Planner's comment on the lack of planning permission for childcare and religious uses.
- The lack of car parking on the site will require future residents to adopt alternative sustainable modes of transport. This is in accordance with local and national planning policies. The approach is acceptable in the proposed location.
- It is unclear what errors appear in the application. The planning authority did not raise any validity issues.

- The construction noise and vibration impacts are adequately addressed by the Construction Management Plan.

6.5. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

7.1. Introduction

7.1.1 I consider that the principal planning issues relate to the applicant's sufficient legal interest, the development in the context of planning policy and apartment guidelines, impact on residential amenity, traffic impact, loss of services, compatibility with the surrounding streetscape, and construction impacts.

7.2. Sufficient Legal Interest

7.2.1 The applicant has submitted letters of consent from the reputed owners of the site permitting the making of the planning application. There appears to be no dispute that Owen Cafferkey Ltd and Donovan Access Ltd are the owners of the property. This is sufficient for the purposes of lodging a planning application. The Board is aware of the provisions of subsection (13) of section 34 of the Planning and Development Act where it is stated:

"A person shall not be entitled solely by reason of a permission under this section to carry out any development."

7.2.2 There is nothing to prohibit the Board from making a decision in this instance based upon the nature of the consent for the making of this planning application.

7.3. The Development in the Context of Planning Policy and Apartment Guidelines

7.3.1 *Cork City Development Plan*

7.3.1.1 **Zoning**

The site is zoned 'ZO 4 Residential, Local Services and Institutional Uses' in the Cork City Development Plan with the objective "To reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions". The development of this brownfield site for residential accommodation and replacing structures inclusive of a light industrial nature would be wholly in keeping with the zoning objectives for this area.

7.3.1.2 **Development Plan Residential Objectives**

The Residential Strategic Objectives of the City Development Plan include:

"a. To encourage the development of sustainable residential neighbourhoods; ...
e. To encourage the use of derelict or underused land and buildings to assist in their regeneration"

Other specific objectives of the Plan include:

Objective 6.7 Private Sector

The City Council will support the further expansion of the private owner occupier and private rented sectors to ensure the continuation of a range of housing choices in the city.

Objective 6.8 Housing Mix

To encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided.

Objective 6.9 Housing Density

To promote suitable densities to meet the needs outlined in the Core Strategy as set out in Chapter 16 Development Management.

It is my submission to the Board that the proposed development seeks to regenerate a brownfield site within the inner suburb of Blackpool which is in close proximity to

Cork City Centre. It would comprise an orderly addition to the residential stock of this area, providing for a range of apartment types and at a suitable density which acknowledges its inner city location and which is compatible with this location, a location that demands increased densities to achieve an appropriate scale of development. Not alone does the proposed development meet with the City Development Plan objectives as they relate to residential development, it may reasonably be determined that it is in keeping with national policy, inclusive of the *National Planning Framework*, which seeks to increase residential density within urban areas and promotes attractive, high quality urban development. Furthermore, it is in keeping with national guidance inclusive of *Urban Development and Building Heights Guidelines for Planning Authorities* and *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* which seek to build up and consolidate existing urban areas and to develop sustainable neighbourhoods within urban areas.

7.3.2 *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*

7.3.2.1 I note that a number of references have been made to these Guidelines in the appeals in relation to the apartment mix, and the number of one-bedroom units in particular. Reference was also made in the appeals to the issue of internal layout and social distancing. I note that the Guidelines specifically reference amendment of previous guidance in order to enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas and removing the requirements for car parking in certain circumstances where there are better mobility solutions and to reduce costs (Section 1.10). Furthermore, central and accessible urban locations are promoted as generally being suitable for small to large scale and higher density development, i.e. within walking distance of city centres and accessible to high frequency urban bus services (Section 2.4).

7.3.2.2 In reference to housing mix and sustainably increasing housing supply, the Guidelines refer to a need for greater flexibility and removing restrictions that result in different approaches to apartment mix on the one hand and to other forms of

residential accommodation on the other (Section 2.18). Specific Planning Policy Requirement (SPPR) 1 is as follows:

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 requirement for apartments with three or more bedrooms.

Statutory development plans may specify a mix for apartment 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).

7.3.2.3 In considering these Guidelines, I first note that the proposed development seeks to provide a total of 42 apartments. None of the apartments would be studio apartments. The apartment mix would comprise 23 one-bedroom units, 18 two-bedroom units, and 1 three-bedroom apartment. The number of one bedroom apartments would therefore represent almost 55% of the total number of apartments.

7.3.2.4 It is my submission to the Board that, in the context of the Guidelines, this should be understood as a very minor increase over that specified in SPPR1. One must reasonably have regard to the small total number of units proposed and that the development would provide two more one-bedroom units than is specified in SPPR1. This is a small inner city scheme. The appropriateness of having a high proportion of one-bedroom units is reasonably understood in terms of the types of accommodation needs seeking to be addressed close to the city centre and the likely demands for such unit types. I do not consider the overall number of one-bedroom units in this small scheme to be disproportionate to its inner city context and I am of the opinion that the unit mix does not greatly distort the provisions of the Apartment Guidelines. In practical terms, in such a small scheme within a built-up, brownfield context close to the city centre, there must be some degree of flexibility permissible. In the context of achieving sustainable development meeting residential need, it cannot purely be a numerical matter and response to likely demand must be recognised. For these reasons I am satisfied that the provision of 23 one-bedroom apartments within a scheme of 42 units is acceptable and could not be seen to be significantly in conflict with national guidance.

7.3.2.5 With regard to the internal layouts of the apartment blocks, I first note that the issue of social distancing is not a matter that is referenced in the Guidelines. I further note that internal corridors, access, stairs, lifts, etc. all meet with Guideline provisions. While I understand the appeal reference to such issues in the context of Covid-19, I must also acknowledge that the design of the development reasonably reflects the provisions of the Apartment Guidelines.

7.3.2.6 Finally, I am satisfied to conclude that the proposed development meets Guideline requirements relating to other matters addressed therein, inclusive of design, floor areas, dual aspect ratios, floor to ceiling height, amenity, etc.

7.4 Impact on Residential Amenity

7.4.1 It is evident that the proposed development has been designed in a manner that seeks to avoid overlooking of neighbouring properties. Although sited within a built-up inner city location, this is reasonably achieved. This is a substantially enclosed site, with a high cliff face at the rear, commercial and vacant/derelict type structures immediately to the north, and the public road located to the east. The residential estate of Parklyn to the south is acknowledged as being the most sensitive residential development in the vicinity.

7.4.2 I note that the residence of the appellant Jason Flynn is over 33 metres from the nearest boundary of the site to the north. With this separation distance in this built-up urban context, there is no particular concerns relating to potential overlooking. Furthermore, given this separation distance, there would be no concerns that the proposal would result in any notable overshadowing of that property or any overbearing impact from either Block A or Block B.

7.4.3 I acknowledge the higher ground level, the design, layout, height and proximity of Block A to Parklyn. The proposed development has been designed to avoid direct overlooking from windows in the southern elevation of this block and design provisions have been made to address potential overlooking from balconies. In this built-up inner city context, the measures taken are reasonable. The principal concern arising from this block is its height, scale and bulk relative to its proximity to the neighbouring estate houses. I recognise that a separation distance of under 8 metres between the four-storey block and the nearest terraced two-storey houses would

introduce a significant change to the outlook from these properties. It, however, once again must be understood that the proposed development is seeking to be accommodated in an inner city, built-up location. The development seeks to redevelop a brownfield site that at present accommodates a somewhat incompatible light industrial use. The design avoids direct overlooking from habitable rooms, makes provision for avoiding overlooking from balconies, and the block is sited to the north of these houses, thus has no adverse impact in terms of overshadowing. The provision of a suitable block wall along the southern boundary would introduce an orderly boundary between the properties, addressing inconsistent boundary treatment that exists at present, culminating in compatibility of uses that, in my opinion, will substantially improve the amenities of this location.

7.4.4 With regard to Blocks C and D, I note their lower building heights and the measures taken to address potential overlooking to the south. These again are located to the north of Parklyn. I have no concerns that these blocks in this built-up, inner city context would cause any particular concerns relating to impacts on privacy or overbearing impact.

7.4.5 Finally, the third parties have raised issues relating to safety and security. It is my submission to the Board that the proposed development of a residential scheme on this site should not pose any particular concern relating to the safety and security of neighbouring properties. This development will be wholly contained within the site with accessibility only from the public road. The scheme is laid out in a manner that overlooks the spaces between the blocks and the internal accessway through it from the entrance. It is not reasonable to determine that the proposal would constitute a safety and security risk to neighbouring properties.

7.5 Traffic Impact

7.5.1 I acknowledge the serious concerns of the appellants in relation to the potential traffic impacts that result from the proposed development. I have no concerns, however, in terms of the functionality of the scheme as it applies to pedestrian movement within the site and the connectivity for pedestrians with the footpath network on the public streets. Clearly, what is distinctive about the proposed development is the complete lack of parking for residents of this scheme and the

loss of limited on-street parking on Brocklesby Street to accommodate safe access into and out of this site.

7.5.2 In order to adequately provide for minimum access to this site for refuse collection and maintenance purposes there will ultimately be the loss of on-street parking and this must be accepted as a consequence of pursuing development of this nature on this site. Managing and controlling access onto the site would be a matter for the management company that would ultimately manage the everyday functioning of the communal space within the site. There is no doubt, in my opinion that this can be managed by way of controlled gates, barriers, bollards, etc. This would be essential if the development is to provide the necessary amenities between blocks to meet the needs of residents. This is clearly not an insurmountable issue.

7.5.3 The principle of having no car parking on this site is the key issue to be addressed. It is increasingly evident in public policy that the pursuit of limiting vehicular traffic and minimising the accommodation of parking within inner city and city centre locations are now favoured. In the context of the proposed development, i.e. an inner city location within walking distance of the city centre and the proximity to the large Blackpool shopping centre, together with easy accessibility to city bus services and to a wide range of other community, educational and social services, the promotion of development that is not reliant upon providing on-site parking for residents is a sustainable option in this instance. This is not a remote suburban location where access to public transport is limited and basic community services and facilities are restricted. The existing context allows for development of the nature proposed to be a realistic option.

7.5.4 I acknowledge the Apartment Guidelines to which the appellants have made reference to in the context of unit mix. It is notable that the same Guidelines in relation to car parking submit:

“The quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.” (Section 4.18).

7.5.5 It is expressly stated in relation to Central and/or Accessible Urban Locations:

“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.” (Section 4.19)

7.5.6 It is my submission to the Board that the proposed development, due to its location, proximity to services and the city centre, and access to public bus services, is a development that can be seen to fit with the objective of eliminating parking. This must be seen as the sustainable option in this location, albeit I understand the concern that some future residents of this scheme may seek to pursue car ownership and bring with this pressure for parking within the site and on the adjoining street.

7.6 Loss of Services

7.6.1 I note that the proposed development would result in the loss of ‘The Green Rooms Cork’ building and its associated services. I also note that the planning authority has stated that there is no record of planning permission having been granted for the uses associated with this building. I further note that the applicant has detailed the level of pre-school services in the vicinity and I acknowledge the inner city location of this site where there is a wide range of community and social services. I do not consider that the proposed development merits a refusal of planning permission based upon the loss of services that would result.

7.7 Compatibility with the Surrounding Streetscape

7.7.1 The proposed development would have no significant adverse impact in the context of its integration within its locality. This is a built-up, inner city context. The proposed development would generally go unnoticed to any substantial degree in the wider environment. The higher apartment blocks would be set behind the street frontage and would not be visually prominent or incongruous with the pattern of development in this inner city location. It is apparent that there is an extensive range of buildings that vary in height, design, bulk, form, scale, etc. in such a location. Further to this, the frontage Blocks B and D would not be in conflict with the pattern of development on the street, having regard to the nature and extent of development that prevails

along Brocklesby Street, Commons Road, and other streets in the immediate vicinity. The three-storey Block D would be compatible and comparable in building height with the adjoining street frontage building and Block B would be in keeping with the height and form of Block D while being marginally higher than its immediate neighbouring structures.

7.7.2 It is reasonable to conclude that there would be no distinctive incongruity with the established streetscape.

7.8 Construction Impacts

I acknowledge the concerns of neighbouring residents relating to the construction of the proposed development in close proximity to them and the potential nuisance that arises from the construction phase of this development. There would be some degree of nuisance, disturbance and inconvenience caused by traffic generation, deliveries of materials, site clearance, excavation, groundworks, providing foundations, and other construction works. However, this must be balanced against the short-term nature of the construction phase and the management provisions that are required to be made at this phase of the development. The development and adoption of a Construction Management Plan, having been agreed with the planning authority, is a reasonable measure to employ and which can be required by way of planning condition. Such a Plan would permit an oversight of these works and place an obligation on the developer to seek to minimise and mitigate adverse impacts on neighbouring properties.

8.0 **Recommendation**

8.1. I recommend that permission is granted for the proposed development subject to the following reasons, considerations and conditions.

9.0 **Reasons and Considerations**

Having regard to the following:

- National Planning Framework,

- Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018,
- Cork City Development Plan 2015-2021, and
- The pattern of existing and permitted development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the National Planning Framework, national planning guidelines, and the Cork City Development Plan 2015-2021, would be acceptable in terms of height, scale, mass and density, would not seriously injure the visual amenities of the area and would not seriously injure the residential amenities of adjoining properties, would represent an appropriate design response to the site's context in an inner city location close to public transport, community and social services, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th day of June, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The following provisions shall be made:
 - (a) Windows on the southern elevation of Block A shall comprise frosted glass;
 - (b) The existing door at the common boundary between the proposed development and Parklyn estate to the south shall be permanently blocked up and made good.

Reason: In the interest of residential amenity.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes of perimeter walls.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

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

Reason: In the interests of visual and residential amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

9. Prior to commencement of development, proposals for a name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of orderly development.

10. 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 hours of working, noise management measures and traffic management measures.

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

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. 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.

Reason: 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.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector

21st October 2020