



An
Bord
Pleanála

Inspector's Report 308404-20

Development

Demolish existing garage and construct residential development comprising 45 apartments in two blocks separated by an amenity courtyard, consisting of 4 no. 3-bed, 29 no. 2-bed and 12 no. 1-bed units in a five-storey building and a six-storey building with associated external works

Location

Dennehy's Cross Garage, Model Farm Road, Cork City

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2039416

Applicant(s)

Dennehy's Cross Construction Ltd.

Type of Application

Planning permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Dennehy's Cross Construction Ltd.

Observer(s)

1. Parish Council Church of the Descent of the Holy Spirit
2. Dennehy Family
3. William O'Mahony
4. Michael Darcy
5. Donal O'Keefe

Date of Site Inspection

9th December 2020

Inspector

Mary Kennelly

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1.0 Site Location and Description

- 1.1.** The site is located at Dennehy's Cross to the west of Cork City Centre. Dennehy's Cross is formed by the junction of the R608 (Model Farm Road to the west and Magazine Road to the east) and the R641 (Wilton Road to the south and Victoria Cross to the north). It is a suburban area with a strong element of mixed use, particularly around Dennehy's Cross and Victoria Cross. The area is one in transition and has recently seen a number of commercial, mixed-use and housing developments in the general vicinity, including several student housing developments. The area is close to University College Cork, Cork University Hospital, the Bons Secours Hospital and Wilton Shopping Centre. The site is located approx. 25m to the west of the busy road junction and fronts onto Model Farm Road.
- 1.2.** The site consists of a disused car sales premises and car repair garage and includes a former retail store and post office which is located at the western end of the Model Farm Road frontage. The properties on the opposite side and further to the west along Model Farm Road are generally 2-storey suburban houses, as are the properties to the south along Wilton Road, together with a number of housing estates. The north-eastern corner of Dennehy's Cross has been developed with a mixed-use development comprising commercial units with apartments overhead and include a Tesco Metro and several shops and restaurants. There are some student housing developments to the north along Victoria Cross.
- 1.3.** The site area is given as 0.1995ha. It consists of vacant warehouse type buildings to the north with a yard to the rear and is surrounded by a hoarding. Immediately to the west and south are lands associated with the Church of the Descent of the Holy Spirit, which is a large and imposing iconic church building and is a Protected Structure. It is also a landmark building which is the subject of Protected Views in the Development Plan. The Parish Office is located immediately to the west of the site, which adjoins a landscaped pedestrian entrance to the church, which is sited to the southwest of the appeal site. Car parking areas associated with the church are located to the northwest (accessed from Model Farm Road) and immediately abutting the site to the south-east (accessed from Wilton Road). A single detached 2-storey house "Dennehy's Cross House" occupies the south-western corner of Dennehy's Cross and lies between the appeal site and the road junction.

2.0 Proposed Development

- 2.1. It is proposed to demolish the existing buildings (floor area of c. 1050m²) and to erect two apartment buildings, one a five-storey building and the other a six-storey building. The proposed development has a stated floor area of 3,721m², with a plot ratio of 1.86 and a site coverage of 47.5%. The proposal is for 45 apartments of which 12 no. (27%) would be one-bed, 29 no. (64%) would be 2-bed and 4 no. (9%) would be three bed roomed. The proposed density is stated to be 226 dwellings/ha. The northern block would front onto Model Farm Road and the Southern block would be separated from it by an amenity courtyard, which would be open at both ends. No car parking provision is proposed.
- 2.2. The proposed 2-bed apartments are predominantly 3-person (23 no.) and six of them are 4-person. Private amenity space is provided in the form of balconies. Communal open space is provided in the form of a central area (132m²) and a secondary area (54m²) on the fourth floor of Block 1.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for four reasons. The main substance of the reasons for refusal was based on the following –

1. **Urban design and visual amenity** – having regard to the excessive height, scale and massing of the proposed development, it would fail to provide a high quality and sympathetic design response to its sensitive context, would fail to address the assessment criteria for new apartments (Urban Development Building Heights Guidelines 2018), would be visually overbearing, would be out of scale and character with the pattern of development in the area and would erode the legibility of the Bishopstown/Wilton area.
2. **Overdevelopment of site and inadequate standard of development** – having regard to the density of the development on a limited site, and to the design of the development which would result in inadequate floor area for two-

bedroom units, inadequate space between the blocks, a poor quality and quantity of communal and private open space and in overlooking and overshadowing of the shared amenity space, the proposed development would represent overdevelopment of a restricted site, would fail to comply with the standards for apartments set out in the Ministerial Guidelines and would result in serious injury to the residential amenities of the future occupants of the development.

3. **Residential amenities** – having regard to the height, scale and massing of the proposed development and its proximity to adjoining houses, it would seriously injure residential amenity by reason of visual over-bearance, loss of light and potential negative noise impact.
4. **Architectural heritage and Protected Structure** – having regard to the proximity to the Protected Structure and the visual envelope within which the site sits, and to the objectives of the Development Plan to protect views of the landmark building, the proposed development by reason of its height, scale and massing would significantly alter and overly dominate the built context, have an adverse effect on the setting of the PS and negatively impact or result in the loss of protected views/local views of significance and contravene objectives 10.6 and 16.4 of the CDP.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The area planner's report (14/09/20) considered that the site is a small infill site which forms part of a block, thereby requiring cognisance of the scale, nature and form of development in the remainder of the block, rather than one which is easily capable of determining its own density without impacting surrounding development. The density (226dw/ha) and plot ratio (1.86:1) were considered to be quite high and the design approach seemed to mimic the scale and character of the large student complexes that had recently been constructed in the vicinity. However, it was considered that the subject was not comparable in terms of size or context.

There were concerns raised regarding the quality of the accommodation proposed in terms of compliance with the guidelines on apartment standards. It was highlighted

that the scheme has a high percentage of 2-bed 3-person units (with floor areas of c.63m²) as it was stated that it had been designed to facilitate a Housing Association. However, it was pointed out that the scheme had not been submitted by/on behalf of any Housing Association. Other concerns related to the quality and quantity of private and public open space, overlooking and overshadowing of units and the failure to comply with the requirement for the majority of units to exceed the minimum floor area for any combination of unit types by 10%.

It was noted that applicant had sought to relate the proposed development to the Orchard Gardens development on the opposite side of Dennehy's Cross. This was considered to be misleading as this development is not in the same visual plane as the subject site. It was concluded that the height, scale and massing of the proposed development would be excessive and would result in overdevelopment of the site, which would compete with the landmark status of the church and would not respect the scale and form of the residential properties on adjoining sites. Furthermore, the proposed development would not comply with the guidance on building heights, would fail to enhance the streetscape/public realm and would result in a poor architectural design which would adversely affect the setting of a Protected Structure and interfere with protected views.

The impact on the residential amenities of existing housing on adjoining lands as raised by several objectors was also acknowledged, particularly in respect of overshadowing, visual over-bearance and the roof-top communal area. It was further considered that the impact of zero parking provision had not been adequately addressed. The failure to provide any commercial space was considered to be contrary to the zoning provisions for the site, 'Local Centre', the objective for which is 'To protect, provide for and/or improve the retail function of local centres and to provide a focus for local centres'. Although residential uses are acceptable in this zone, the expectation would be for some commercial element at ground floor level. However, as the wording of the objective is not entirely clear, it was not proposed to rely on a material contravention of the CDP as a reason for refusal.

The Area Planner recommended **refusal** of the proposed development, and the decision of the planning authority was generally in accordance with this recommendation.

3.2.2. Other Technical Reports

Traffic Regulation & Safety (18/08/20) – given proximity to Dennehy's Cross, a key junction in the city road network, further details regarding road safety are required. These included a construction management plan and a Stage 1 / 2 RSA in accordance with the TII's guidance document GE-STY-01024. In addition, it was requested that a scheme of public lighting and a mobility management plan be submitted, and that clarification that the bicycle parking proposal meets the requirements of the Apartment Guidelines.

Environment (19/08/20) – FI required regarding waste management for the development and identification of all potential noise sources and details of the management of same.

Urban Roads & Street Design (25/08/20) – The Cork Metropolitan Area Transport Strategy (CMATS) aims to deliver an integrated transport network and there is an objective to develop an E-W Light Rail Transit System at Dennehy's Cross, which would be preceded by a High Frequency Bus Service along Model Farm Rd/Dennehy's Cross corridor. Incorporation of future upgrade in proposal is welcomed but further clarity required regarding details of the proposed setback, identification of the proposed pedestrian, cyclist and bus facility provision in the short-medium term, and to demonstrate the availability of space to accommodate the introduction of future interventions regarding sustainable travel infrastructure.

Architectural Conservation Officer (09/09/20) – it is noted that the 6-storey block would face Model Farm Road and the 5-storey block would adjoin and overlook the church forecourt. It is pointed out that the church is a P.S. (constructed c.1960) which forms part of the new suburb constructed on the western edge of the city. It is considered that the proposed development would have a significant and direct impact on the setting of the P.S. Furthermore, the construction of 2 no. five and six storey apartment complexes in this established suburban area characterised by two-storey houses which is undergoing a new phase of intensification presents a challenge. It is considered that it would have a negative impact on the setting of the church, particularly in respect of the 5-storey block immediately to the north and east of the twin towers, due to its considerable length and height and its close visual link with the parallel 6-storey block. As a result, it would compete visually in terms of

height and bulk with the nave of the church in close and distant views. It would also be incongruous in terms of the setting of the 2-storey houses and does not present a convincing case for increased density at this location Refusal is recommended.

City Architect (31/08/20) – Substantial additional refinement required. Concerns raised regarding residential amenity of future occupiers due to height and proximity of the two blocks facing each other. In order to alleviate privacy issues and the poor sunlight penetration on the amenity space and the living accommodation in Block 1, it is recommended that the height of Block 2 be reduced to two storeys. Criticism was also made of the building massing with resulting elevational treatment, which was considered to be random and arbitrary, particularly on the north façade facing Model Farm Road. Problems with durability and maintenance of elevations and the need to consolidate the form and massing of the northern façade of Block 1 were raised. In this respect, it was suggested that one material be used for Ground to Third floor and removal of the proposed 300mm projection at first, second and third floors and higher quality materials, such as brick and stone required.

Drainage/Water Services (31/08/20) – FI requested re drainage design including attenuation tanks, soakaways, details of existing and proposed new connections to the public foul and surface water sewers.

Contributions Report (08/09/20) – Development Contribution required under GDCS - €209,939.38, (based on floor area of 3951.80 and rate of €53.125). It is stated that no Supplementary Development Contribution is required in this instance.

3.3. Prescribed Bodies

Irish Water (02/09/20) – insufficient detail in the design submitted. FI required regarding complete foul and surface water proposals including the size and location of existing and proposed new connections to the public sewers.

Inland Fisheries Ireland (6/08/20) – no objections provided that IW signifies that there is adequate capacity in the existing treatment system such that it would not overload it either hydraulically or organically.

TII (19/08/20) – no observations to make.

3.4. Third Party Observations

3.4.1 A total of 26 no. submissions were received from third parties which included submissions from several Councillors, a petition from 112 residents, a submission on behalf of a housing estate (Robin Hill Ave) and one on behalf of the Parish Council of the Church of the Descent of the Holy Spirit. The third-party submissions were stated to be detailed and varied. It is considered that the content of the submissions is similar to those received by the Board from third party observers, which are summarised below at Section 6.0. However, the main areas of concern in the submission to the P.A. include the following main topics: -

- Overdevelopment of site - Scheme significantly more dense than previous permission by Board and parking reduced from 49 spaces to zero. Density at 225dw/ha excessive relative to prevailing density and guidance for suburban areas. Overwhelms P.S. and out of character with small-scale housing.
- Contrary to zoning provisions.
- Impact on Architectural Heritage - Negative impact on Protected Structure, Protected Views and Character of Area. Inappropriate height, scale and massing of blocks for its setting. Visual impact assessment inadequate with inappropriate vantage points and misleading photomontages.
- Excessive height/impact on residential amenities - Height of proposed building will overshadow and create loss of light for the adjoining properties. Blocks will be visually overbearing on houses opposite.
- Noise and disturbance - Use of the roof top garden for amenity space could give rise to anti-social behaviour and would be detrimental to local residential amenity.
- Inadequate recreational facility – communal open space sub-standard.
- Construction impacts – details unclear.
- Inadequate car parking – no parking provision will exacerbate existing on-street shortage. No provision made for alternative to private car.
- Legal issues – ownership and right to apply for permission without freehold owner’s consent disputed.

4.0 Planning History

4.1. On subject site

- 4.1.1. PL28.220376 – (PA Reg. 06/31142)** – Planning permission granted by the Board (2008) following a first party appeal against refusal for demolition of existing garage and construction of 31 residential units and a commercial showroom ranging in height from 3 to 4 storeys with basement parking. The proposal comprised two blocks, one fronting onto Model Farm Road (Block 1) and the other behind it and separated from it by a courtyard (c.7m-9m wide). Block 1 comprised a set of 3 townhouses (3-storeys at the western end adjoining the entrance to the church grounds) with a showroom at the eastern end and apartments above (4-storeys). Block 2 consisted of a 4-storey apartment block. Parking was proposed in a 2-level basement. The P.A. had decided to refuse permission on grounds of excessive height/scale/design/bulk which was considered to be visually obtrusive and out of character with the area; impact on residential amenity by reason of overlooking and overdevelopment resulting in inadequate open space and excessive density of development (160dw/ha). The Inspector had generally agreed with the P.A., but the Board had sought further information and granted permission for a revised scheme of 31 units with 49 parking spaces. In its direction, the Board stated that it had had regard to the pattern of development in the area, particularly in the context of major development changes, and to the revisions to the amended plans.

4.2. On adjoining sites

- 4.2.1. PL28.211115** – Permission granted (2005) on site on NW corner of Dennehy's Cross by the Board for a mixed-use development comprising 22 apartments, a café, retail use with basement parking for 33 carparking spaces. It consisted of 2 blocks, one of 3 no. townhouses (3-storeys) and another of apartments (2-4 storeys) with commercial on ground floor and represented a density of 118dw/ha. Notwithstanding the Inspector's recommendation of refusal on the grounds of overdevelopment and excessive density, the Board granted permission having regard to the design of the development, the emerging pattern of development in the area and the provision of carparking with respect to the location on a bus corridor.

- 4.2.2. PL28.216418** – permission granted by Board (2006) for redevelopment of site on NE corner of Dennehy’s Cross. Permission was granted for a revised scheme of 148 residential units (originally proposed 163 units) with retail/commercial units on the ground floor, a creche and improvements to the traffic junction. It included 185 parking spaces in a 2-level basement. The height of development was proposed to be 2-4 storeys, increasing to 5-storeys (16m) at the corner of Magazine Road and Victoria Cross Road. The proposal represented a density of 211dw/ha and a plot ratio of 2.2. The Inspector had recommended refusal on the grounds of overdevelopment, excessive height, scale and bulk and impact on residential amenity. The Board, however, granted permission subject to conditions including the omission of six apartments at the eastern end occupying two floors.
- 4.2.3. ABP.306714-20** – Permission granted by Board for enlargement of a previously permitted student apartment complex further to the north on Victoria Cross Road (site of former Kelleher’s Tyre business). The previous permission (18/37795) had permitted the construction of a 5-storey student apartment block on this site. The application had sought an increase of 3 floors, bringing the block to 8 storeys (with two set back) which would also have increased the number of student apartments from 18 to 25. Notwithstanding the decision by the P.A. to grant permission for a revised scheme which required the omission of 2 floors, the Inspector had recommended refusal following a first party and third-party appeals, on the grounds of non-compliance with policy and intensification of impact on residential amenity of neighbouring sites. However, the Board concurred with the P.A. and granted permission (June 2020) for an increase of one floor (to be recessed), with Floors 7 and 8 omitted.

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. NPO 3b** – Deliver at least 50% of all new homes that are targeted within the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford within their existing built-up footprints.

- 5.1.2. **NPO 4** – Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- 5.1.3. **NPO 35** – Increase residential density in settlements, through a range of measures including reduction in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

5.2. Urban Development & Building Height Guidelines 2018

- 5.2.1. These guidelines set out national policy on building height in urban areas. In relation to suburban areas, it is stated that the scope to consider heights of 3-4 storeys must be supported at development plan/development management levels. Consolidation and densification, with greater building heights, can be considered in appropriate locations such as city and town centre areas, sites with significant public transport capacity and connectivity, but having regard to the need to achieve very high quality in terms of architectural, urban design and public realm outcomes. Historic environments are also noted as being particularly sensitive to large scale and tall buildings, which will require an examination of the existing character of a place to establish the sensitivities of the place and its capacity for development and/or change. Certain criteria to be satisfied where increased height is proposed is set out at Para 3.2.
- 5.2.2. At paragraphs 3.4-3.8, guidance is provided in relation to building heights in suburban/edge locations. It is advocated that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside larger buildings, trees and parklands, rivers and wider streets. Development proposals should move away from a 2-storey cul-de-sac dominated approach and return to more compact urban forms.

5.3. Sustainable Residential Developments in Urban Areas 2009 and Best Practice Urban Design Manual, Parts 1 & 2 (2009)

- 5.3.1. These guidelines provide advice on matters such as density, layout and site-specific standards for the protection of amenity and the promotion of good quality spaces in accordance with best practice in urban design.

5.4. Sustainable Urban Housing Design Standards for New Apartments (2018 as amended in December 2020)

- 5.4.1. The purpose of these guidelines is to balance the achievement of high-quality apartment development with a significant increase in the overall level of apartment output. They provide guidance on matters such as locational considerations, mix of units, internal space standards, dual aspect, floor-to-ceiling heights, apartments to stair/lift core ratios, storage space, room dimensions, amenity spaces and car parking. The Guidelines are issued under Section 28 and the Board is required to have regard to them. In particular, the Specific Planning Policy Requirements (SPPRs) contained in the guidelines take precedence over any conflicting policy contained in development plans or local area plans.
- 5.4.2. Identification of suitable locations is guided by 2.4. which highlights three types of location, namely Central/Accessible Urban Locations, Intermediate Urban Locations and Peripheral/Less Accessible Locations. The central locations (suitable for the highest density) are generally within easy walking distance of city centres/significant employment zones or high quality/frequency public transport and the Intermediate zones are suitable for smaller scale but higher density developments (>45dw/ha) and will be located within reasonable walking distance of principal town/suburban centres or employment locations or high quality/frequency public transport. The requirements set out in the SPPRs and in Appendix 1 of the Guidelines will be discussed in more detail in the assessment section of this report, where relevant.

5.5. Architectural Heritage Protection Guidelines for P.A.s (2011)

- 5.5.1. These guidelines include advice on appropriate development within close proximity to Protected Structures. It is stated that large buildings can sometimes at a considerable distance, alter views to and from a protected structure and thus affect

its character. Proposed developments should not have an adverse impact on the special interest of the protected structure.

5.6. Design Manual for Urban Roads and Streets (2013)

These statutory guidelines focus on the role and function of streets within urban areas where vehicular traffic interacts with pedestrians and cyclists. The manual generally seeks to achieve better street design in order to encourage more people to choose to walk, cycle and use public transport by making the experience more pleasant and safer, and thereby promoting more healthy lifestyles. It outlines practical design measures to support and encourage more sustainable travel patterns in urban areas. These include guidance on materials and finishes, street planting, design and minimum width of footways (including minimum widths, verges and strips), design and location of pedestrian crossings, kerbs and corner radii and shared surfaces.

5.7. Cork City Development Plan 2015-2021

- 5.7.1.** The site is zoned **ZO10 Local Centres**, the objective for which is “To protect, provide and improve retail function of local centres and provide a focus for local centres.” Residential use is stated as being acceptable in this zone, but the primary focus is on convenience shopping. The site is located within a **Suburban Area** (defined in Chap. 14 as post 1920) but is not designated as a ‘Major Development Area’ within such suburban areas and as the site area is less than 0.5ha, it does not fall within the category of ‘Large Development Sites’ either. The site is a brownfield site at a significant crossroad junction which forms part of a Rapid Bus Transport objective for the city. **Objective 5.6** sets out the land-use strategy for Key Public Transport Corridors and seeks to provide for consolidation of development at higher densities along key public transport routes.
- 5.7.2.** The site is also located within an urban block which is dominated by a large and imposing **Protected Structure** (Church of the Descent of the Holy Spirit Ref. PS 957), which lies adjacent to the site to the south-east. The Church is also listed on the NIAH as being of regional significance. Chapter 9 contains the Conservation Management guidance, policies and objectives. Section 9.32 sets out Conservation

Principles. Paragraph 9.38 relates to development within the setting of a Protected Structure. Chapter 10 – Landscape and Natural Heritage includes views and prospects to be retained. **Objective 10.1** seeks to preserve and enhance Cork’s landscape character and key landscape assets and **Objective 10.6** seeks to protect and enhance Cork’s views and prospects. Relevant listed protected views are those of the Protected Structure, **HS1** (from junction of Magazine Road and College Road) and **HS2** (from Glasheen Road down Roger Casement Park).

5.7.3. Objective 7.2 seeks to develop sustainable neighbourhoods which allow access to services and facilities for all users and to foster a sense of community and a sense of place. Objective 11.7 provides quantitative guidance on public open space provision.

5.7.4. Chapter 16 – Development Management includes guidance on Urban Design (Part B) and Residential Development (Part C). Relevant policies contained in Chapter 16 include the following: -

Urban Design

16.3 – Urban Design - Proposals must deliver high-quality built environments through good place making, including proper consideration of matters such as context, connectivity, public realm, privacy and amenity.

16.4 – Skylines and Roofscapes – Seeks to conserve and enhance the city’s skyline/roofscape by ensuring that the design of new buildings will enhance roofscape in terms of their bulk, massing, materials and aesthetics.

16.11 – High quality of design fostering socially and economically viable communities by creating a distinctive sense of place, which should include taking account of the site history and setting.

16.12 – Density is a measure of the relationship between buildings and their surrounding space. Higher densities should not be considered in isolation but must be delivered in tandem with quality to ensure the creation of good urban places and attractive neighbourhoods.

16.13 – Plot ratio should not be considered in isolation from the site’s context and existing pattern of development. Indicative PR for suburban key development areas is 1.0-1.75 (Table 16.1).

16.27 – Building Height in Suburban Areas – low rise is considered appropriate except in ‘Major Development Areas’ and on ‘Larger Development Sites’, where 3-5 storeys are considered appropriate. Exceptions will be considered for landmark sites (up to 6-7 storeys) or if specified in a Local Area Plan.

Residential Development

16.9 – Sustainable Residential Development

16.40 – Density – 35-50 dw/ha in Suburban Areas. Greater than 50dw/ha in certain locations such as on bus routes (subject to constraints imposed by the character of the area) and in MDAs and LDSs but will require a mix of houses and apartments.

16.46 – Residential Design – reflect existing character of street.

16.49 – Proposals for New Residential Development.

16.60 - Public Open Space for residential development (Table 16.6)

16.64 - Private open space for residential development (Table 16.7)

16.66 – Balconies – continuation of living space, two balconies for dual aspect, min. depth of 1.5m and include screened area for clothes drying.

5.8. Bishopstown Area Action Plan

- 5.8.1.** This non-statutory Action Area Plan was adopted in 2007. The provisions of this plan were incorporated into the City Development Plan in 2008. The site is located within ‘Neighbourhood and Local Centres’, wherein apartment development is encouraged and where building heights (of sites within 5 minutes-walk of the centres) will take cognisance of building heights in the surrounding areas. The Church is identified as an important local landmark and a designated Protected Structure, which means that the development of adjacent sites will need to respect its setting and protect key strategic and local views of the structure (2.4.18).
- 5.8.2.** Development Strategies for sub areas within the AAP area are set out in Section 3.2. The area to the north of Model Farm Road is earmarked for higher densities (4+ storeys) whereas the area to the south of this road is earmarked for lower density development, being seen as a ‘Transition Zone’ between the higher densities to the north and the 2-storey suburban housing to the south. The principal use in the area

is seen as residential with commercial uses providing local services at ground floor level, particularly at Dennehy's Cross and Victoria Cross. The subject site is identified as 'Site 2 – South-Western corner of Dennehy's Cross', (3.2.30). It is identified as being suitable for family-type units with local shops and services, with a density of 35-50 dw/ha and any development should respect the setting of the church and provide a public open space to enhance the public realm along MF Rd. Objective BW20 sets out specific requirements for the development of sites at Dennehy's Cross/Victoria Cross. Model Farm Road is identified as a radial cycle route. The road is also earmarked for the introduction of bus lanes and footpath improvements.

5.9. Cork Metropolitan Area Transport Strategy 2040

- 5.9.1.** The CMATS 2040 has been developed by the National Transport Authority in collaboration with Transport Infrastructure Ireland, Cork County Council and Cork City Council. It is intended provide for an efficient and safe transport network to support the future growth of Cork Metropolitan Area as envisaged in the NPF, with a projected increase in population of 50-60% by 2040. It seeks to priorities sustainable transport and reduce car dependency within the CMA by delivering an integrated transport network based on a number of guiding principles. These include the provision of a high level of public transport connectivity to key destinations within high demand corridors. It is intended to identify and protect key strategic routes for movement of goods and services, to enhance the public realm through traffic management and transport interventions and to increase public transport capacity and frequencies where needed.
- 5.9.2.** The strategy relies on the delivery of consolidated development along key routes, consolidated growth along public transport corridors, achievement of mixed-use land-uses to minimise travel distances and to prioritise walking and cycling. The delivery of consolidated growth and development along key routes will enable development to avail of the existing transport infrastructure, amenities and services in the short term, whilst delivering the critical mass necessary to invest in the public transport networks. These will include an East-West Public Transport Corridor between Ballincollig and Mahon (via the City Centre), which will connect these centres and other districts along the route with the city centre and each other, as well

as providing for connectivity with the third level centres of education (UCC and CIT), the main hospitals (including CUH and the Maternity Hospital). Other public transport network investment is planned for Core Bus Networks (radial services and orbital routes), public transport integration (interchange opportunities) and support measures (such as mobility management, park and ride etc.).

- 5.9.3.** The site of the appeal is located adjacent to the East-West Public Transport Corridor. This will ultimately involve a Light Rail System from Mahon Point to Ballincollig Via the City Centre. It would travel along Washington St from St. Patrick's Street, Victoria Cross and Dennehy's Cross. In advance of this, however, it is intended to support its delivery by providing a high frequency bus service and to develop high priority bus priority measures along the route to enable a high level of performance in advance of the LRT, and to protect the alignment of the route.

5.10. Natural Heritage Designations

Cork Harbour SPA (004030) – lies approx. 10km to the east.

Great Island Channel SAC (001058) – lies approx. 12km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

The first-party appeal is against the refusal of planning permission. It was accompanied by photomontages which include an option of a revision to the scheme involving a reduction in height by one storey. The main points raised may be summarised as follows:

Compliance with National and Regional Policy - The NPF states that regional cities must grow at a pace to operate as realistic alternatives to Dublin. It has set targets for the population growth of Cork City and suburbs of 50-60% by 2040. This will require the development of brownfield lands in existing built-up areas. Higher densities will be warranted particularly along public transport corridors, where up to 60 dwellings/hectare would be justified. The site in question is a brownfield site in such a location, which is currently underutilised. National and

regional policy such as the NPF, the Sustainable Residential Development in Urban Areas Guidelines, the Apartment Guidelines and the Regional Spatial Economic Strategy, encourage sustainable development at higher densities in order to consolidate development and provide for less car-dependent travel patterns.

Adherence to policies for Cork Metropolitan Area - The Metropolitan Area Strategic Plan (MASP) and Cork Metropolitan Area Transport Strategy (CMATS) require the sustainable growth of Metropolitan Cork by consolidation, regeneration and infrastructure-led growth and investment in certain locations such as along public transport corridors and in significant employment areas. The site is in a strategic location on the edge of Cork City with excellent connectivity with the city, the Wilton District Centre, and the motorway system. It is also proximate to several third level institutions, a number of large hospitals, business parks and Cork County Council offices and is readily accessible by a variety of modes of transport. CMATS includes an East-West Public Transport Corridor between Ballincollig and Mahon, which travels through the City Centre, and Dennehy's Cross. Strategic residential and employment development must support the delivery of this network including the proposed high-capacity Light Rail Transit corridor. The population in the area needs to be increased to support the public transport investment and the growth of the district shopping centre at Wilton.

Consistency with established and permitted development in area – the proposal is entirely consistent with the pattern, scale and height of development permitted in the area. Dennehy's Cross is a built-up area of scale and should be considered as an opportunity to deliver increased densities rather than seeking to maintain the status quo of 2-storey suburban development.

Urban Design Response - Reason for Refusal No. 1 – the proposed development complies with the Building Height Guidelines as this recommends 6 storeys in city centres and places akin to sites within the canal ring in Dublin, as well as in areas with enabling infrastructure in the form of very significant public transport capacity and connectivity. It is considered that the urban design

response is appropriate to the context. The site is not situated within a 'historic location', as the Protected Structure is just one landmark building in the area, which is not in an elevated position and is not widely visible. The proposal complies fully with each of the criteria set out in Objective 16.3, including connectivity, inclusivity, variety, efficiency, distinctiveness and layout. The height in this context is justified by the precedent of Orchard Gardens and by the established height of the church. The layout maximises solar gain and provides for good quality open space and privacy between apartments and the massing will provide for strong street edges. The design includes a setback which can incorporate a bus stop or dedicated public transport lane.

Density and Apartment Standards – Reason for Refusal No. 2 – the density of development for 45 units is 225dw/ha, which is considered to be appropriate as there is no maximum density, particularly on sites with excellent public transport provision, provided that development standards are met. It is pointed out, however, that if deemed necessary, the density of development could be reduced by removing one floor of accommodation (5 units) which would give a density of 200dw/ha and a plot ratio of 1.65. Furthermore, or in the alternative, if the Board considered it necessary, the size of the apartments could be revised in that 2 bed 3 person units could be replaced by 1 bed 2 person units.

Residential amenity – Reason for Refusal No. 3 – the height, scale and massing of the proposed development is considered to be appropriate and would not result in visual over-bearance or loss of light. The location of the site adjoining busy public roads means that the noise impact from passing traffic is likely to be a greater source of noise nuisance than the proposed development, but the applicant is prepared to accept a condition to limit noise levels if necessary. It is re-iterated that the developer is prepared to reduce the scale/height by one storey of considered necessary.

Architectural Heritage and Protected views – Reason for Refusal No. 4 – The proposed development complies with Objective 10.6 and would only have a slight/imperceptible impact on the protected views in the CDP. The proposal also

complies with Objective 16.4, skylines and roofscapes, as the only views which are protected are those from the south and the east, and the proposal will have a negligible effect on these views. It is considered that the value of creating homes is more beneficial than any loss of view of the church. It is accepted that there would be a significant impact on the immediate external experience of the PS at the church entrance but considers that this could be seen as a visual enhancement and could be effectively screened by means of planting and landscaping.

6.2. Planning Authority Response

6.2.1 The P.A. has not responded to the grounds of appeal.

6.3. Third party Observations on the grounds of appeal

Third party observations on the grounds of appeal have been received from five parties as follows:

Parish Council of the Church of the Descent of the Holy Spirit

The Dennehy Family, Dennehy Cross House

William G O'Mahony, Woodlawn, Model Farm Road

Michael Darcy, 6 Model Farm Road

Donal O'Keefe, Beltra, Model Farm Road

The submissions incorporate many points that raise issues in common and generally confirm agreement with the P.A. decision and re-iterate the objections previously made to the P.A. The main points raised in the observations may be summarised as follows:

1. **Non-compliance with national and local policy** – it is claimed that the appellant relies on policies contained within the NPF and the Guidelines on Urban Development and Building Height to justify the proposed building height, scale and density of development, but fails to properly interpret these policies or to adequately justify the height and scale of development. Increased height and reduced parking provision are required to be based on

performance criteria that result in high quality outcomes, which has not been adequately demonstrated here.

2. **Contravenes zoning objective** – fails to comply with Local Centre zoning objective which seeks to provide for convenience shopping with residential.
3. **Overdevelopment and excessive density** – proposed development is excessive for this restricted site compared with densities achieved in the vicinity and would result in a scale and bulk which would be monolithic and would disregard the character of the adjacent development and result in adverse residential impacts. Reliance on planning history on the site and in the neighbourhood to justify density is inappropriate as the church was not designated as a PS until 2007 and the context of the development sites nearby is quite different.
4. **Building Height** - reliance on the Building Height Guidelines for justification of 6 stories is disputed as the SSPR1 requires P.A.s to clearly specify in advance in the Development Plan suitable locations for such developments, and neither does it provide for a 'default position' of 6 stories in suburban locations. Such heights are stated as being suitable in City/Town Centres and in areas where there is significant public transport capacity and connectivity. The CDP does not identify the site/area as being one suitable for tall buildings.
5. **Minimum standards for accommodation** - It fails to comply with the minimum standards for apartments and would result in a poor quality of development with inadequate open space, overlooking between apartments and overshadowing. The proposal to remove a floor would not address the inadequacies of the scheme.
6. **Impact on Protected Structure** – Appellant fails to differentiate between the impacts on the church as a PS and on protected views of the church. The impacts on the church seem to be restricted to its status as a landmark feature within a protected view and no assessment has been carried out on the impacts on the architectural, historical and liturgical character of the church and its curtilage. It is considered that the proposed development would have a profound impact on the church and its setting by reason of the scale,

massing and proximity of the development and this impact would not be mitigated sufficiently by the removal of one floor or the provision of screen planting.

7. **Car parking and traffic safety** – the lack of parking provision for apartments is at odds with the previous permissions on and near the site and would result in overspill parking on nearby estates. Guidelines state that where reduced parking provision is proposed, this should relate to high density development which is well served by public transport and where adequate justification is provided. There has been no evidence-based assessment or justification for the parking provision such as actual patterns of car ownership in area, on-street parking capacity, viable alternatives, mobility management proposals etc. Since the carparking provisions of the 2018 Ministerial Guidelines are not underpinned by a SSPR, it is suggested that the Development Plan standards take precedence (as recently referred to in case law).
8. **Impact on Dennehy's Cross House** – this house lies immediately to the east of the site. The house is occupied by intellectually disabled person. The proposed building is 6.95m higher than the previously permitted building but fails to provide for any interrelationship with the 2-storey house on the corner. Concern is expressed regarding impact on residential amenities in respect of loss of light and loss of privacy, particularly from the south-facing balconies, the recessed high-level floors. In addition, noise from the fourth-floor amenity space and during construction would injure residential amenities further, as would any potential illegal parking and anti-social behaviour on the 'plaza' at the front. Encroachment also needs to be rectified.
9. **Validity and legal issues** – encroaches onto adjoining properties (Church grounds and Dennehy's Cross House). This needs to be addressed. Even if the Board relies on S34(13) of the PDA, it demonstrates a lack of accuracy and detail in the submitted plans and a failure to have regard to the impact on adjoining properties.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are as follows: -

- Compliance with policy and principle of development
- Density, height and scale of development
- Visual amenity and urban design
- Impact on protected structures and protected views
- Residential amenity
- Access and parking
- Other matters

7.2. Compliance with policy and principle of development

7.2.1. Much emphasis is placed in the grounds of appeal and submissions from third parties on the importance of the national and regional policies in relation to the development of this site. Particular emphasis is placed on the identified need for Cork City and suburbs to grow at a pace to operate as a realistic alternative to Dublin with a projected increase in population of 50-60% by 2040, which will require consolidation of development within the established built-up areas, increased densities on brownfield lands and where high-capacity public transport is available. As this brownfield and underused site is located on the cusp of the inner and outer suburbs of the city, which is strategically located at a busy crossroad junction (through which a rapid public transport corridor is planned under CMATS), and in close proximity to several centres of employment and education of significant volume, I would agree in principle that a case for increased densities at this location is supported by the national and regional policy framework.

7.2.2. The Core Strategy of the current Cork City Development Plan 2015-1021 includes two goals which are considered relevant to the proposed development. Goal 1 seeks to increase population and households to create a compact and sustainable city. Goal 2 seeks to achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live, work, visit and invest in. Various objectives are consistent with this overall theme such as Objective 6.1(a) to

encourage the development of sustainable neighbourhoods and 6.1(e) to encourage the use of derelict and underused land and buildings to assist in their regeneration.

- 7.2.3.** The site is zoned ZO10 Local Centres, the objective for which is “To protect, provide and improve retail function of local centres and provide a focus for local centres.” Residential use is stated as being acceptable in this zone, but the primary focus is on convenience shopping. The proposed development fails to provide for any commercial use or active ground floor use. Given that the site occupies a significant length of road frontage along Model Farm Road close to the junction at Dennehy’s Cross, it is considered that the absence of a commercial or active use at ground floor level represents a significant omission which contravenes the zoning objective for the site. Although the P.A. reports had identified this issue, it was considered that a ‘Material Contravention’ of the Development Plan was not warranted as the wording of the zoning objective was a bit vague, given that residential development is permissible in the zone. Notwithstanding this, however, it is considered that the singular residential use would not contribute to the provision of ‘a focus for the local centre’ which is in need of reinforcement at this location.
- 7.2.4.** Notwithstanding the lack of an active ground floor use, it is considered that the proposal to replace a redundant low-density warehouse and showroom with a modern apartment development in the heart of an established neighbourhood with excellent accessibility to local services, the city centre, employment opportunities, UCC and to public transport facilities would be consistent with the Core Strategy and strategic housing and zoning objectives for the area. It is also considered that it is consistent with national policy to make the most sustainable use of existing serviced urban land to create sustainable neighbourhoods.
- 7.2.5.** The Development Management Chapter (16) of the Plan contains further policies in relation to appropriate densities, plot ratios, accessibility and design/quality of layout. It is stated (16.42) that residential densities in inner suburbs are likely to be greater than 75 dwellings per hectare and that plot ratios in these suburbs can be between 1.0 and 1.5. The proposed development approximates to 225 dwellings/ha and has a plot ratio of approx. 1.8, which is significantly greater than that envisaged in the CDP. Sections 16.12 and 16.13 provide guidance on density and plot ratio which, it is stated, should not be considered in isolation, but must be considered in terms of the site’s context and existing pattern of development in the area and be delivered in

tandem with high quality design to ensure the creation of good urban spaces and attractive neighbourhoods. The emphasis is on the design of such development being required to reflect the existing character and built form, being compatible with the design and scale of adjoining dwellings, protecting the residential amenity of existing properties and ensuring adequate amenity for future occupiers. These matters will be discussed in the following sections.

7.3. Appropriate density, height and scale

- 7.3.1.** 'Density is a measure of the relationship between buildings and their surrounding space', (6.12 of the CDP). This statement is generally consistent with the advice contained in national and local policy objectives whereby in seeking to achieve increased densities it will be necessary to ensure a high quality of design and layout which reflects the existing character and the established pattern of development in the immediate surroundings of the site. In the case of the subject site, the context is quite complex and challenging.
- 7.3.2.** Although situated close to the junction with a significant road frontage to Model Farm Road, it is not a corner site, as the corner is occupied by a detached 2-storey house with a mature garden. The site backs onto a car park, but this car park forms the entrance to and grounds of the Church of the Descent of the Holy Spirit, which is a Protected Structure and is identified as a landmark building in the area, which is the subject of protected views. The western boundary of the site is defined by a landscaped pedestrian entrance to the church from Model Farm Road, with a further vehicular entrance and car park beyond the 2-storey parish centre. On the opposite side of Model Farm Road to the north, the pattern of development comprises detached and semi-detached 2-storey suburban houses. This pattern of development continues westwards along Model Farm Road and southwards beyond the church on both sides of Wilton Road. Thus, the site is sandwiched between a detached 2-storey house and the grounds of a Protected Structure which is an iconic and imposing building of landmark status in the area and is surrounded by 2-storey housing development.
- 7.3.3.** The pattern of development to the north and east of the junction, however, is quite different in terms of land uses and the density, scale and layout of development. The most notable site is 'Orchard Gardens' which occupies the north-eastern corner of

Dennehy's Cross and is a building of scale that has redefined that corner. It comprises two blocks ranging in height from 2-5 storeys (highest at the corner) with active ground floor uses and residential above and a double basement car park, and a density of development of 211 dwellings/ha. This development was permitted by the Board in 2006 (216418) on the basis of the emerging pattern of development in the area. There are further examples of higher density developments (existing and permitted) along Victoria Cross Road to the north of the junction, several of which are student apartment complexes. However, the planning authority considers that Dennehy's Cross marks a transition from the higher density development to the north and the more suburban and lower density development to the south. I would generally concur with this view.

7.3.4. The developer's justification for the significantly increased density on the site, (225dw/ha and 6-storeys), relies largely on the pattern of development arising from the recent permissions both on the site and in the general vicinity. The planning permissions of note relate to those granted by the Board on the subject site (220376), at Orchard Gardens (216418) and the site on the NW corner of Dennehy's Cross (211115), which has not been implemented. The main elements of these permissions have been summarised at 4.2 above. It is noted, however, that each of these permissions, (which date from c.2006), was for a mixed-use development with a considerably lower density (ranging from 118dw/ha to 211dw/ha) than currently proposed, and overall heights of 3-4 storeys (apart from the corner of Orchard Gardens at 5 storeys). Although permission has more recently been granted by the Board (306714) for a building which would be partially 6-storeys (following a requirement to omit two floors), this relates to a site much further to the north along Victoria Cross Road (former Kelleher's site), where the character is more urban. It is also important to note that, unlike the subject site, two of these permissions related to corner sites which had the capacity to support new landmark buildings with ground floor active uses fronting onto Dennehy's Cross.

7.3.5. In terms of the subject site, the previous permission (220376, now expired), comprised two blocks with a height of 3-4 storeys with 31 apartments and a showroom. The density was 160/ha and the plot ratio was c.1:1.4. The northern block comprised 3 no. townhouses at the western end. The current proposal represents approximately a 30% increase in the density of the development with an

additional 2-3 storeys in height and excludes the commercial element and basement parking. It is noted from the planning reports (P.A. and Inspector) that the negative visual effect of the proposed development on the church had been a source of concern at the time. However, although the church had been identified as a building of regional significance and recommended to be listed, it had not yet been placed on the Record of Protected Structures. Neither had the views of this landmark structure been designated as protected views. The only other material changes in circumstance are in policy terms, (including national policy as discussed above and a new City Development Plan, which incorporated elements of what was then a Draft Bishopstown Action Area Plan), and in respect of the permission for a 3-6 storey development further north on Victoria Cross Road (306714). As stated previously, this recent permission is of little relevance to the Dennehy's Cross site.

7.3.6. The Urban Development and Building Heights Guidelines 2018, which advocate higher densities and taller buildings in built-up areas which are well connected to high-capacity public transport, are referenced by the developer. It is noted, however, that these guidelines generally recommend heights of 3-4 storeys in suburban areas with scope for greater heights at certain locations, (to be specified in development plans), where development gives rise to consolidation and densification. Suitable sites are noted as being in city/town centres and/or where there is significant public transport capacity and connectivity. The City Development Plan (2015) identifies such locations within 'Suburban Areas' that are suitable for taller buildings as either a 'Major Development Area' or a 'Larger Development Site', where 3-5 storeys are considered appropriate. Outside of these specific locations, low rise is considered appropriate (16.27). The subject site is situated in a 'Suburban Area' (South-western suburbs, Map 8 CDP) and is zoned as a Local Centre and does not fall within the locations designated as either a 'Major Development Area' or a 'Larger Development Site'. Neither is it served by an existing high-capacity and high connectivity public transport network, although such a corridor is planned to travel through Dennehy's Cross in the future (CMATS).

7.3.7. In conclusion, whilst the overall area is one in transition with good connectivity which could accommodate a higher density of development than currently exists on the site, it is considered that the policy framework for the area, together with a review of recent planning permissions, would indicate that the appropriate density for the site

would be around 3-4 storeys in height, rather than the 6 storeys proposed, provided that such a building height can be successfully integrated into its sensitive surroundings, together with a much lower density of development than 225 units/ha. Notwithstanding this, it is critical that the design solution would ensure careful integration with the scale and pattern of the established development surrounding the site, would appropriately respect the setting of the Protected Structure including protected views of same, would result in a high-quality outcome in terms of architectural design, layout and public realm and would protect residential amenities. These issues will be addressed below.

7.4. Visual amenity and urban design

7.4.1. The Urban Development and Building Height Guidelines, (paragraph 3.2), requires that where increased height is proposed, the proposed development satisfies certain criteria. These include some of the following-

- Successful integration into and enhancement of the character and public realm of the area having regard to topography, its cultural context, setting of key landmarks and protection of key views.
- Make a positive contribution to place-making and to the urban neighbourhood or streetscape.
- The form, massing and height should maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

7.4.2. Dennehy's Cross is a significant urban crossroad junction which has been zoned as a 'Local Centre'. However, in terms of land use and built form, the junction lacks a sense of place and legibility which would make it an attractive centre and focal point for the local community. The redevelopment of this brownfield site, therefore, presents an opportunity to contribute to the creation of a local centre with a strong character and a sense of place. 'Orchard Gardens' has provided a strong visual focal point on the NE corner, which also provides for some active ground floor uses and community-orientated convenience shopping outlets. The existing development framing the remainder of the junction is in the form of low rise, low density suburban development including the disused warehouse buildings on the site, with the exception of the church, which rises above the low-rise frontage development and

makes a significant contribution to the sense of place at Dennehy's Cross. The church has an imposing and dominant presence on the skyline at this location with its dome roof and twin towers which loom over the roofscape of the surrounding development. It is not surprising that it has a landmark status and forms an integral part of the cultural context of the neighbourhood.

7.4.3. It is considered that the redevelopment of the site should provide for an attractive and vibrant street frontage which would make a positive contribution to place-making and the streetscape. The design, scale and massing should also respect the setting and not overwhelm the church building and maintain the visual presence of this landmark building at the crossroads, notwithstanding the fact that the protected views (HS1/2) are from a greater distance. The form, height and massing should also integrate the new building(s) with the character and pattern of development of the surrounding area.

7.4.4. In my view, the proposed development fails to achieve any of the foregoing. The street frontage would comprise a residential building, set back behind a landscaping strip which would make little contribution to the streetscape and would not provide for a vibrant or active frontage. Although a modern building of scale would replace the unattractive disused commercial buildings, it would not enhance the character of the streetscape or create a sense of place. The proposed apartment blocks, by reason of their height, scale, massing and layout would obliterate the existing views of the church building at the crossroads and would transform the character and cultural context of Dennehy's Cross. No effort has been made to integrate the proposed buildings with the established scale and character of Dennehy's Cross House or the other two-storey houses in the immediate vicinity of the site. The eastern elevations of the blocks would dominate and tower over the corner house with no attempt to soften the abrupt transition between the built forms of the old and the new. The northern block would appear as a monolithic structure in this context and would be a visually obtrusive element in the streetscape.

7.4.5. In conclusion, it is considered that the proposed development, by reason of its excessive height, scale and inappropriate layout and design would overwhelm the key landmark building and fail to integrate with the established scale, character and pattern of development at Dennehy's Cross, and would result in a visually obtrusive development which would detract from the character of the streetscape and fail to

positively contribute to the creation of an attractive local centre. The proposal would, therefore, contravene the zoning objective for the site as a Local Centre and would seriously injure the visual amenities of the area, which would be contrary to the planning policies and objectives and to the proper planning and sustainable development of the area. It is noted that the first party appeal includes an offer to reduce the height of the building by the removal of one floor and revised photomontages (Views 5 and 6) have been provided to illustrate the resultant visual impact. It is considered, however, that such a revision would not fully address the matters raised above. The impact on Dennehy House would be lessened but not resolved and the impacts on the church would be largely unchanged.

7.5. Impact on Protected Structure and Protected Views

7.5.1. The Architectural Heritage Guidelines (2011) identify Places of Public Worship as being ‘often the finest and most prominent buildings in their locality’ and states that ‘the heritage significance of church buildings...lies in their central role in the community as places of public worship, usually over many generations’ (5.1). Chapter 13 addresses the issue of development affecting the curtilage or attendant grounds of a Protected Structure. The curtilage is described as the parcel of land immediately associated with the structure and which is in use for the purposes of the structure (13.1). The attendant grounds are described as lands outside of the curtilage, but which are associated with the structure and are intrinsic to its function, setting and/or appreciation (13.2). When dealing with proposals for works outside the curtilage and attendant grounds of a PS which have the potential to impact their character, it is advised that similar consideration should be given as for proposed development within attendant grounds. Thus, for example, pertinent issues that might arise (13.7.2) would include whether -

- the PS remains the focus of its setting
- there are important views of or from the structure that could be damaged by the proposed development
- important vistas would be obscured or skylines altered by new development
- the effect of the scale, height, massing, alignment or materials of a proposed construction on the protected structure and its attendant grounds.

At 13.8.3, it is stated that large buildings, sometimes at a considerable distance, can alter views to or from a PS and thus affect its character. Proposals should not have an adverse effect on the special interest of the protected structure.

- 7.5.2.** It is noted from the P.A. Conservation Officer's report (09/09/20) that the Church of the Descent of the Holy Spirit was constructed in c.1960 and was entered into the Record of Protected Structures in 2008. Thus, it was listed as a PS after the Board's decision to grant permission for the previous scheme on this site in 2006. The C.O. considered that the impact of the proposed development on the Protected Structure would be very significant and that it would have a direct significant and negative impact on the setting of the church. He stated –

“the five-storey height proposed immediately to the north and east of the church's twin towered façade is excessive, notwithstanding the fact that the ground floor will be effectively at basement level. Because of its considerable length and height and its close visual link with the parallel six-storey block, it will compete visually in terms of height and bulk with the nave of the church, both when seen close to and also in more distant views, for example from Magazine Road”

On the basis of these comments and given that he considered that proposed development would also be incongruous in terms of its relationship with the established 2-storey dwellings on Model Farm Rd and Wilton Rd, refusal of permission was recommended.

- 7.5.3.** The Protected Structure is a place of public worship which is a key prominent building in the locality and is of architectural and cultural significance. There are several close-up and distant views of the structure, which is identified in the CDP as a landmark building, from various vantage points throughout the area including Model Farm Road, Wilton Road, Dennehy's Cross, Magazine Road, Glasheen Road and from Shankiel. It is considered that the proposed development, by reason of its height, scale, bulk, massing and proximity to the Protected Structure, would have an adverse impact on the views to and from the PS and would, therefore, adversely affect its setting and its relationship with the surrounding area, of which it forms an integral part. It is considered that the PS would no longer be the main focus of its setting as it would have to compete with the proposed buildings which would dominate views to/from this landmark building. The proposal would also alter the

skyline and roofscape wherein the PS plays a dominant role at present. It would, therefore, adversely affect the special interests of the Protected Structure.

- 7.5.4.** There are two protected views listed in the CDP (HS1 and HS2) in the immediate area and one panoramic view from Shankiel (SK2), shown in Map 18 Views and Prospects, Vol. 3. View HS1 is from Magazine Road/College Road junction. I would agree that the proposed development would not be unduly visible from this vantage point, which is primarily due to the presence of some tall trees in the foreground. View 1 in the submitted photomontages indicates a tall dense tree line, but this seems to have been taken during the summer and the vegetation is less dense in winter. However, the dome of the church is clearly visible to the left of the trees and should the vegetation be pruned or removed in the future, the impact on this view could change. The second protected view (HS2) is from Glasheen Road (down Roger Casement Park). This is a residential estate, and the church dome and twin towers terminate the view. The photomontages indicate the proposed buildings will not be visible from this viewpoint (View 2). No viewpoints were included from Shanakiel.
- 7.5.5.** I would agree that the protected linear views of the church designated in the CDP would not be unduly impacted by the proposed development. However, as discussed above, the building is a prominent landmark building in the neighbourhood which is visible from numerous vantage points and forms an integral part of the streetscape and roofscape of the area, and these views from the locality would be negatively impacted.

7.6. Residential amenity

- 7.6.1.** The Area Planner carried out a detailed assessment of the quality of the proposed accommodation and the degree to which the proposed development complied with the Apartment Guidelines. The main areas of concern identified related to the floor area of the 2-bed apartments, the quality of the open space provision and the inadequate distances between the 5 storey and 6 storey blocks. The floor area of the 2-bed 3-person units was noted as being c.66-68m², which is lower than the recommended area of 73m², and the number/percentage of this type of apartment was considered to be very high. Although the applicant had indicated that the

development would be for social housing, it was stated that there was no evidence to support this and the application was not made by or on behalf of a H.A.

- 7.6.2.** It was further considered that the opposing blocks were too close together (10-15m) and that this would give rise to overshadowing and overlooking between apartments. The south-facing elevation of Block 2 would be very close to the retaining/boundary wall with the church car park. Although the quantity of open space met the minimum standards for apartment developments (combined private and communal space), it was considered that the quality of the open space was poor. For instance, there is no separate toddler play area, the communal space is overshadowed for much of the day and the quality of light within the courtyard, which is only 132sq.m and very narrow, would be very poor. This is confirmed by the submitted shadow study.
- 7.6.3.** I would generally concur with the planning authority reports on the quality of accommodation as highlighted above. It is considered therefore that the proposed development, by reason of the height, scale, massing and layout would represent a poor standard of accommodation which would result in serious injury to the residential amenities of the future occupants of the scheme.
- 7.6.4.** The planning authority's third reason for refusal also related to residential amenity. It was considered that the proposed development, by reason of the height, scale and massing and proximity to adjoining houses would seriously injure the residential amenities of property in the vicinity due to visual overbearance, loss of light and the potential for noise impact arising from the fourth-floor open space area. I would agree that the residential amenity of Dennehy's Cross House would be adversely affected for these reasons. Overlooking of this property would arise from several sources such as windows, balconies and the fourth-floor communal amenity space, which would also give rise to potential noise nuisance. The proposed development is located to the west of the adjoining house. It is, therefore, likely that the proposal would result in overshadowing of the neighbouring garden and yard in the evenings, particularly in respect of the southern block. This can be seen from the submitted shadow study.
- 7.6.5.** However, it is considered that in the context of a densely developed suburban location such as this, it would not be unusual for two-storey dwellings and gardens on Model Farm Road and Wilton Road to be overlooked from across a public road or

at an oblique angle. Thus, it is considered that there would be no significant loss of amenity from any increased potential for overlooking or overshadowing from the proposed development of adjoining properties, other than the adjoining Dennehy's Cross House to the east.

- 7.6.6.** In conclusion, it is considered that the impact on residential amenity is largely confined to the outcome for future occupants of the poor quality of the proposed accommodation and open space provision, which fails to meet the required standards, and to the overbearing presence, combined with a loss of privacy, light and noise and disturbance to the adjoining house to the east.

7.7. Access and parking

- 7.7.1.** The site lies within Parking Zone 3 and CDP parking requirement is 60.25 car parking spaces and 23 cycle spaces. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018, as amended) require reduced parking provision for schemes of 45 units/ha in suburban/urban locations which are served by public transport or close to town/city centres and places of employment and provide for even zero parking on such sites of up to 0.25ha in area. However, in such circumstances, it will be necessary to provide drop off facilities, service bays, visitor parking and mobility impaired parking bays. The guidelines also require alternative mobility solutions to be proposed (such as car sharing clubs) and the provision of secure bicycle storage. Furthermore, it is a requirement that the developer demonstrates what specific measures are to be taken to enable parking provision to be reduced or eliminated.

- 7.7.2.** The proposed development does not include any parking provision and the cycle parking provision is unclear and not detailed. There does not appear to be any drop off facilities, visitor parking or mobility parking bays provided. No proposals have been made regarding mobility management or no specific measures identified to demonstrate that the proposed development can operate effectively without any parking provision. The P.A. reports raise concerns regarding these matters and state that the impact of zero parking has not been fully considered. It is further stated that notwithstanding the location of the site on a bus route and on a proposed bus corridor, the development of 45 apartments in the absence of a robust strategy to address these matters is likely to result in overspill parking on the adjoining streets

and residential estates, where such parking is at a premium and where residential parking permits operate. Third party observers have expressed similar concerns and have queried whether any surveys of existing on-street capacity have been carried out. I would agree that the level of detail and measures to justify zero parking provision included in the submissions made in respect of the application and appeal are inadequate.

7.7.3. The first party seems to rely on the “excellent public transport” serving the site and the strategic location of the site and its proximity to the city centre and centres of employment and education, as well as the proposed high frequency public transport corridor through Dennehy’s Cross. Emphasis has also been placed on the connectivity of the site by reason of cycle networks serving the area. It is noted, however, that the Cork Metropolitan Transport Strategy states that car travel currently accounts for 74% share of transport modes with public transport accounting for 5%, walking 20% and cycling 1%. At present, there are two bus routes passing through the area, the 205 and the 208 and the cycle network is described as being disjointed and of variable quality. However, CMATS aims to transform this situation by delivering an integrated transport network with better transport choices with improved capacity and performance. It also supports the delivery of consolidated development along existing and proposed public transport corridors. There is an East-West corridor connecting Mahon with Ballincollig via the City Centre which travels through Dennehy’s Cross. It is ultimately envisaged that this route will be served by a Light Rail network but in the meantime, it is proposed to provide for a high frequency bus corridor along this route. The objective is to avail of existing public transport infrastructure in the short term in order to consolidate growth and build critical mass along the route, as well as measures such as prioritising walking and cycling and providing support measures such as park and ride and mobility management etc.

7.7.4. The application includes provision for a future upgrade of the Model Farm Road/Dennehy’s Cross junction as part of the proposed sustainable travel interventions as discussed above. This has been welcomed by the planning authority. However, it was considered that insufficient detail had been provided to demonstrate how the proposed set back would “accommodate the potential future road widening scheme for the provision of a wider footpath and bus stop outside the

main traffic flow lane". It should be noted that at present, there is a bus stop within the road carriageway just beyond the site and a layby within the site, and the footpath terminates east of the bus stop. The P.A. report (Urban Roads and Street Design) sought further information to identify the means by which the proposed pedestrian, cyclist and bus facility would be accommodated in the short/medium term and also requested the developer to demonstrate the availability of space within their lands to accommodate the introduction of future sustainable travel infrastructure interventions. The layout drawing submitted with the appeal (4095 Sk-040) indicates the extent of the CPO area and includes a 2m wide footpath outside the landscaping strip. The alternative bus stop location would re-route the proposed footpath to the south of the bus stop. The submitted drawings do not, however, fully address the planning authority's concerns.

7.7.5. In conclusion, given the location of the site on a proposed high frequency bus corridor and close to significant centres of employment and education, the proposed development with zero parking could be acceptable in principle. However, I would agree with the planning authority that the failure to firstly provide for support measures within the development (such as drop off, mobility impaired bays, adequate secure cycle spaces) and to secondly provide details of a strategy to facilitate the effective operation of the development without any parking spaces is unacceptable. There is a limited amount of on-street parking which is non-fee paying or non-permit parking, and a high demand for on-street parking in the area. The proposed development would, therefore, be likely to exacerbate parking and traffic congestion in the area by reason of insufficient parking provision.

7.8. Other matters

7.8.1. It is noted that the planning authority reports had also raised concerns regarding inadequate detail relating to the foul and surface water proposals and the waste management proposals as well as the need for a traffic management plan for the construction phase. Irish Water had also raised similar concerns regarding the drainage proposals for the site and had recommended a pre-connection agreement. However, it is considered that these matters could be addressed by means of a further information request under Section 132 of the PDA and/or by conditions

attached to any planning permission, should the Board be minded to grant permission.

7.8.2. The Housing Section of the planning authority raised concerns regarding the developer's intentions in respect of the obligations under Part V social housing provision. It was noted that the details are rather vague as the application was accompanied by a letter which stated that units would be transferred to meet Part V obligations, but no details of the number, type or location of these units was given, nor was information provided regarding the estimated costs. It is considered that this matter could be addressed by means of a further information request under Section 132 of the PDA and/or by conditions attached to any planning permission, should the Board be minded to grant permission.

7.8.3. The applicant's legal interest in the whole site and the matter of possible encroachment have been raised by the Parish Council for the Church of the Descent of the Holy Spirit and by the representatives of the owner of Dennehy Cross House. The Board's attention is, however, drawn to Section 34 (13) of the Planning and Development Act 2000 (as amended) which states that "A person shall not be entitled solely by reason of a permission under this section to carry out any development". It is considered, therefore, that the onus is on the applicant to establish sufficient legal interest in the site to enable the development to be carried out.

7.9. Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development, 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.

7.10. Appropriate Assessment

Great Island Channel cSAC (001058) and Cork Harbour SPA (004030) lies approx. 10-12 km to the east. Given the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

8.1 I recommend that planning permission should be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the site adjacent to Dennehy's Cross which is zoned as a Local Centre in the current Cork City Development Plan and where the pattern of development of the street block is characterised by a varied but distinctive built form, including a key landmark building and two-storey residential properties, the proposed development, by reason of its excessive height and scale, inappropriate layout and design and absence of an active ground floor use, would result in a visually obtrusive development which would overwhelm the landmark building and two-storey houses, would detract from the character of the streetscape and would fail to positively contribute to the designated 'Local Centre'. The proposed development would, therefore, conflict with the provisions of the Urban Development and Building Height Guidelines 2018 and the objectives of the Development Plan for the area, would seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its height, scale, massing and layout, including the close proximity of the two blocks on a limited site area, would result in a substandard level of accommodation and poor quality of amenity space which would give rise to serious injury to the residential amenities of the future occupants of the apartment blocks and to the adjoining residential properties by reason of overlooking, overshadowing, an overbearing presence and noise and disturbance. The proposed development would, therefore, represent overdevelopment of a restricted site which would fail to comply with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2020, would seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the site adjoining the Church of the Descent of the Holy Spirit, which is Protected Structure and is designated as a key landmark building of architectural and cultural significance within the locality which is the subject of protected views in the Cork City Development Plan, it is considered that the construction of two large apartment blocks in close proximity to the church, by reason of its excessive scale, height, mass and bulk, would dominate and obscure views to and from the church building including its distinctive dome and twin towers, which would adversely affect the character and setting of the Protected Structure and its relationship with the surrounding area of which it forms an integral part. The proposed development would, therefore, conflict with the DoELG Guidelines for Planning Authorities on Architectural Heritage Protection 2004, (re-issued in 2011), would detract from views of a landmark structure within the locality and would be contrary to the proper planning and sustainable development of the area.
4. The lack of on-site car parking spaces, drop-off areas, parking bays for visitors and mobility impaired residents, and loading and turning spaces within the curtilage of the site would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby resulting in haphazard parking on the adjoining streets and local housing estates. The proposed development would, therefore, be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity, which would tend to create serious traffic congestion and would be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

29th January 2021