



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-311874-21

Strategic Housing Development

Demolition of house and construction of 191 no. build-to-rent apartments and associated site works.

Location

Distillery Quarter, North City Link Road (N20), Blackpool, Co. Cork (www.distilleryquartershd.com)

Planning Authority

Cork City Council

Applicant

Eichsfeld Ltd

Prescribed Bodies

1. Irish Water
2. An Taisce-the National Trust for Ireland
3. An Comhairle Ealaíoin
4. Fáilte Ireland
5. Department of Housing, Local Government and Heritage

6. The Heritage Council
7. NTA
8. TII
9. Cork City Childcare Committee

Observer(s)

16 submissions received
An Taisce
Anois
Barry Waddingham
Blackpool Community Co-Operative
Service Centre
DAA
Donal O Duinnin
Graffiti
John Conway
Kathleen Lynch
Peadar C. Power
Ronan Lucey
TII
Tony McGrath
William Murphy
Irish Water
NTA

Date of Site Inspection

08th February 2022

Inspector

Lorraine Dockery

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1.0 Introduction

- 1.1 This is an assessment of a proposed strategic housing development submitted to the An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site has a stated overall site area of 0.79 hectares, across three adjacent land parcels at Blackpool, Co. Cork. These parcels comprise: Parcel A – at Assumption Road and N20 North City Link Road; Parcel B - Hewitts Mills Building at the junction of Assumption Road and the N20 North City Link Road; and Parcel C - at Shandon Villa, Popes Hill Road.
- 2.2. Parcel A occupies a long slender 'island site' and is located north of the junction of Assumption Road and N20 North City Link Road, Blackpool. Opposite is a five-storey commercial building, occupied by the Revenue office.
- 2.3. Parcel B consists of the existing Hewitt's Mill building located south of the junction of Assumption Road and east of the N20 North City Link Road, Blackpool, Cork.
- 2.4. Parcel C, is located at Shandon Villa, Popes Hill Road, Blackpool, Cork. The site is bound to the south by Popes Road, to the west by Assumption Road and to the east by The Avenue, Ard Patrick. This site is located on higher ground than Hewitts Mill site and slopes down east to west.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises an application for a residential development of 191 no. 'Build To Rent' residential units, together with ancillary site works, on a site of 0.79 hectares. The works also include the demolition of an existing house on site.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures of Overall Development

Site Area	0.79 hectares
No. of residential units	191 BTR apartments
Other Uses	Residential Amenity Facilities- 907.3 m ² as follows: Parcel A- 360.7 m ² Parcel B-546.6 m ² Parcel C- Nil
Other Works	Public realm improvements fronting onto N20 Upgrade public road junctions in proximity
Demolition Works	49.4 m ²
Density	268 units/ha overall as follows: Parcel A- 495 units/ha Parcel B- 156.6 units/ha Parcel C- 153.3n units/ha
Height	3-9 storeys
Plot Ratio	2.7
Site Coverage	Unstated
Dual Aspect	62% (stated)
Public Open Space Provision (stated)	Parcel A- 976 m ² Parcel B-1411 m ² Parcel C- 217 m ²
Communal Open Space Provision (stated)	Parcel A- 586 m ² Parcel B- 143 m ²
Part V	19 units in Plot C
Parking	10 car spaces (Parcel B) with access to additional existing 4 spaces; 448 bicycle spaces

Access	Vehicular access from Assumption Road
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Table 2: Overall Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	-	99	69	23	191
As % of total	-	52%	36%	12%	100%

Table 3: Summary of Plots

Plot	Stated Height/ Uses
Parcel A (Island Site) (N of junction of Assumption Road and N20 North City Link Road)	Two blocks, each 9 storeys Height over GL of 31.8m to parapet level (N block) and 29.65m to parapet level (S block) 99 apartments (59 x 1bed;40 x 2 bed) Communal facilities, 260 bicycle spaces
Parcel B (Hewitt's Mill building)	Existing height of 4 storeys (retain height as existing) Additional building of 4-7 storeys (height over GL of 25.24m to parapet level) 69 apartments (48 x 1bed; 15 x 2 bed and 6 x 3 bed) Communal facilities, 142 bicycle spaces, 10 car spaces & access to existing 4 car spaces
Parcel C (Pope's Hill) (Shandon Villa, Popes Hill Road)	One block 3-6 storeys in height (max height over GL of 21.6m to parapet) Demolition of existing dwelling 23 apartments (13 x 1 bed; 10 x 2 bed) 46 bicycle spaces

- 3.3. In term of site services, new and existing water connections to the public mains are proposed, together with a new connection to the public sewer. An Irish Water Design Submission was included with the application for all three sites, in which Irish

Water state that they have no objections to the proposal, based on the information provided.

- 3.4. Two letters of consent accompany the application. A letter of consent from Cork City Council, Corporate Affairs and International Relations states that they have no objection to the inclusion of lands in the control of Cork City Council (as indicated within the red line boundary) for the purpose of making a planning application. This is without prejudice to the outcome of the planning application process. A letter of consent from Box Hedge (Commercial) Limited states that as landowner of the site, they authorise Eichsfeld Ltd to lodge a planning application on its behalf.
- 3.5. The proposed works are expected to take approximately 12-18 months.
- 3.6. The application is accompanied by an NIS.

4.0 **Planning History**

- 4.1 The application site and the wider area have been subject to a number of planning applications in recent years. These are set out in section 5 of the submitted Planning Statement & EIA Screening Report and also within the Chief Executive Report.

The main applications of relevance are:

PA Ref. No. 15/36492 (Pope's Hill site)

Permissions GRANTED for the demolition of a dwelling and construction of 4 no. 4 bed 3 storey dwelling houses (2016).

PA Ref. 06/31192 ABP Ref. PL28.220637 (Pope's Hill site):

Permission REFUSED for an apartment block consisting of 9 no. 2 bed apartments on the grounds of over-development of site and that the proposed development would be injurious to the visual amenities of the area and that of future occupiers (2006).

5.0 Section 5 Pre Application Consultation

5.1 A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 24th November 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (ABP-308049-20).

1. *Design Strategy*

Further consideration and/or justification of the documents are they relate to the development strategy for the site in respect of:

- The interface of the proposed development on Site C (Island Site) with Assumption Road and the N20.
- The interface of the proposed development on Site D (Pope's Hill Site) with Assumption Road and pope's Hill.
- Connectivity through the sites and between the four plots which make up the overall site and interface with public realm.
- Open Space Strategy.

This should include a detailed Landscaping Plan for the site (i.e. all 4 plots which comprise the overall site) which clearly differentiates between areas of public, communal and private open pace and which details exact figures for same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable and available for all. Pedestrian permeability through, linking the site and beyond the sites should be outlined. Details of the interface between private and communal areas should also be detailed.

- A Masterplan which clearly shows the relationships, the inter-connectivity and integration of the four sites and how the development will be delivered in a cohesive manner as a single SHD proposal.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

2. Architectural & Archaeological Heritage

Further consideration and/or justification of the documents are they relate to:

- A response to the issues raised by the Conservation Division contained in the Planning Authority's Opinion received by An Bord Pleanála on the 22nd September 2020.
- A response to the issues raised by the Archaeology Division contained in the Planning Authority's Opinion received by An Bord Pleanála on the 22nd September 2020.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

3. Transportation & Car Parking

Further consideration and/or justification of the documents as they relate to:

- The implication of the Cork Metropolitan Area Transport Strategy (CMATS) for the sites.
- The provision of safe vehicular, pedestrian and cycle access to the development with regard to DMURS and to the safe provision of accessible car parking and cycle parking, to include consideration of a proposed set down area.
- Provision of a positive contribution to the public realm at Assumption Road, the N20 and Watercourse Road.
- A response to the issues raised by the Transportation Division contained in the Planning Authority's Opinion received by An Bord Pleanála on the 22nd September 2020.

- Justification/rationale for the proposed car parking strategy for the proposed development, having particular regard to the quantum of parking proposed and its context, how it is intended to be assigned and managed and measures proposed to address shared carparking with the adjoining uses at Site A.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

4. Residential Amenities

Further consideration and/or justification of the documents are they relate to:

- Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within individual rooms within the development, in communal open spaces and in public areas within the development. The impact on adjoining lands and residential properties and uses should also form part of the assessment.
- The impact on residential amenities (in particular Sites A and D) in terms of overlooking of adjoining properties. The proposed development should to be designed to avoid direct overlooking of adjacent residential properties.
- The development should be designed so as not to have a negative impact on any potential redevelopment of adjoining lands.
- Noise Impact Assessment/Mitigation measures.

This should include a report that addresses issues of residential amenity (both existing residents and future occupants) and full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units, where applicable. Contextual elevations should be provided where appropriate.

Further consideration of these issues may require an amendment to the documentation and/or design proposals submitted.

Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:

1. A detailed Schedule of Accommodation (Housing Quality Assessment) which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements. Particular attention shall be directed to the provision of adequately designed and an appropriate quantum of dual aspect apartments.
2. A Building Life Cycle Report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
3. Wind micro-climate study, including analysis of balconies, pedestrian areas and amenity areas.
4. A Landscape and Visual Impact Assessment, to include inter alia impact on Protected Views and Prospects identified in the current City Development Plan, Long views of the site and localised impact at street level.
5. A report identifying the demand for school and childcare places likely to be generated by the proposal and the capacity of existing schools and childcare facilities in the vicinity to cater for such demand.
6. A Taking in Charge Layout.
7. A response to the issues raised by the Drainage Division contained in the Planning Authority's Opinion received by An Bord Pleanála on the 22nd September 2020.
8. Site Specific Construction and Demolition Waste Management Plan.
9. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and

Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

I note the inaccuracy in section 1.1 of the above Statement which states that 'it is the Board's determination that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development'. The Board's determination was, as stated above, that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (ABP-308049-20).

A Material Contravention Statement was submitted with the application in relation to (i) building height (ii) plot ratio (iii) housing mix (iv) apartment sizes (v) dual aspect and (vi) private amenity space. These matters shall be addressed further within the main planning assessment.

6.0 Relevant Planning Policy

National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities

- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities

Other policy documents of note:

- National Planning Framework

Objective 4

Ensure the creation of attractive, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Objective 27

...to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 35

Increase residential density in settlement, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- Regional Spatial & Economic Strategy for the Southern Region 2019-2031
 - RPO 10: Compact Growth in Metropolitan Areas

To achieve compact growth, the RSES seeks to:

 - a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
 - b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.
- Cork Metropolitan Area Transport Strategy (CMATS)
 - CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at appropriate densities with high capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.
 - The strategy proposes the provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point. This meets the long-term objective for the CMA for the development of an east-west mass transit, rapid transport corridor
- Cork Metropolitan Area Strategic Plan (MASP)
 - This is a high level and long term strategic vision to identify critical priorities for the sequencing and delivery of growth that supports the core city area.
 - Policy Objective 8; Key Transport Objectives (subject to the recommendations of Cork Metropolitan Area Transport Strategy).
 - East-West Light Rail Public Transport Corridor: A strategic public transport corridor from Mahon to Ballincollig via the City Centre, serving CIT, CUH, UCC, Kent Station, Docklands, Mahon Point.
 - The Blackpool and Kilbarry area is identified as an Example Regeneration Area and a Strategic Employment Location, Mixed Use Employment and Regional Asset. There is a need for more housing to supplement and augment the defined strategic employment area.

- Section 6.3.6.3 identifies Transport Priorities for the MASP region, including the provision of a new commuter rail station in Blackpool / Kilbarry. This will help to further regenerate the area and provide a focus for possible future development to make use of the proposed transport hub/railway station.
 - Section 7.2 identifies the Blackpool Valley area as having opportunities for significant mixed-use regeneration and residential and enterprise development providing a northern gateway to the city from the Limerick Road. This area is identified as a Strategic Residential Growth Node in section 7.3.
- Housing For All

Local Planning Policy

The Cork City Development Plan 2015-2021 is the operative City Development Plan.

Blackpool is identified as a District Centre within a Key Development Area. The Core Strategy notes that the Blackpool Valley, Kilbarry and the Old Whitechurch Road area, have opportunities for both 'brownfield' and 'greenfield' development for a range of uses. There is potential for mixed use development in Blackpool itself and a new Blackpool commuter rail station will improve access.

Zoning:

The lands are zoned 'Objective Z04 Residential, Local Services and Institutional Uses' which seeks 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'.

Residential uses are deemed permissible in principle under this land use zoning objective.

Parcel C (Pope's Hill) is located adjacent to a residential area that has a designated 'Area of High Landscape Value' zoning immediately adjacent. The zoning objective for 'Areas of High landscape Value' seeks 'To conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the

appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.

No part of the building structure falls within the designated Area of High Landscape Value.

Hewitt's Mills (Parcel B) is listed on the Archaeological Survey of Ireland as a distillery (CO074-116) and in the National Inventory of Architectural Heritage as a store-warehouse (Reg. No. 20862040). Hewitt's Mill is not included in the record of Protected Structures of the Cork City Development Plan 2015-2020.

All sites are located within or proximate to protected views:

- AR3 Blackpool bypass (view of North Cathedral & St. Anne's Church)
- LT19 Farrenferris College & Surrounding Woodland (view of Richmond Hill).
- OC2 Dublin Hill (view of North Cathedral & St. Anne's Church).

The Plan sets out policies and objectives for development of the area, these include inter alia.

Objective 6.1 sets out general residential strategic objectives.

Objective 6.8 Housing Mix.

Objective 6.9 Housing Density.

Objective 7.7 Childcare Facilities.

Objective 10.4 Areas of High Landscape Value.

Chapter 16 Part B Urban Design

Objective 16.3 Urban Design

Section 16.12 Density.

Table 16.2 General Public Open Space provision.

Building Height

Sections 16.25-26 and 16.34-38 set out the development management standards for tall buildings.

Building Height: Section 16.25

Within the context of Cork City the following building height categories can be identified:

- Low rise building (1-3 storeys in height)
- Medium rise buildings (less than 32m in height, 4-9 storeys approx.).
Buildings which are taller than the general building height in any area will be considered 'taller' even where they are less than 10 storeys.
- Tall buildings (32m or higher, the approx. equivalent of 10 storey building with a commercial ground floor and residential in the remaining floor).

Section 16.27

Within the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate (including cases where demolition and replacement of the existing buildings occurs) except in the following areas:

- Major development areas identified in this Development Plan for which a Local Area Plan or Development Brief will be prepared.
- Larger development sites – sites of greater than 0.5 hectares (or one residential block) which are capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.

Map 2 & 7 identifies the locations.

Section 16.38 refers to the requirements for tall buildings as strategic landmarks

Development Standards

Chapter 16 Part C Residential Development sets out the residential standards.

Section 16.9 Sustainable Residential Development.

Section 16.42 Residential Density.

Section 16.43-45 Residential Mix.

Section 16.46 Residential Design.

Section 16.57 Apartments.

Section 16.60 Open Space Requirement

Part C sets out guidance in relation to (but not limited to) residential mix, dual aspect and unit size.

Built Heritage & Archaeology:

Objective 9.1 Strategic Objective: Built Heritage and Archaeology.

Objective 9.4 Archaeological Heritage.

Objective 9.5 Sites of Established Archaeological Interest.

Objective 9.7 Preservation of Archaeological remains in situ.

Objective 9.18 Industrial Archaeology.

Objective 9.28 Protection of NIAH and other structures of Built Heritage Interest.

Draft Development Plan Process

The process of preparing a new Cork City Development Plan is currently underway and I refer the Board to [process-overview.pdf \(corkcity.ie\)](#) in relation to timeline for

same (in particular page 13). In summary, I note that the Chief Executive's Report will issue to full Council to consider and make plan with or without amendments between 25th May 2022- 27th June 2022. The new Development Plan will take effect between 27th June 2022- 8th August 2022.

Designated Sites

The Zone of Influence has been identified to include European Sites that have a hydrological connection with the proposed development site, as follows:

Special Areas of Conservation (SAC)

Great Island Channel SAC (Site Code 001058) - approximately 8.7km E

Special Protection Areas (SPA)

Cork Harbour SPA (Site Code 004030) - approximately 3.7km SE

7.0 Third Party Submissions

7.1 In total, 16 submissions were received, of which 5 no. of these are from Prescribed Bodies (An Taisce; DAA; TII; Irish Water and NTA). The remaining submissions are from residents of properties in the vicinity, community/theatre/homeless groups and other interested parties and the issues raised are broadly similar in nature. The contents of the submissions received from Prescribed Bodies are further detailed below in section 8. All submissions have been taken into account in my assessment. Reference is made to more pertinent issues, which are expanded upon, within the main assessment:

Principle of Development- many submissions acknowledge the need for housing in the area; proposal should form part of overall strategy for greater Blackpool village area; area unsuitable for further development; a proposal that takes account of lives of families and children would be welcomed

Policy- material contravention of operative City Development Plan in terms of floor area, private opens pace, unit mix, dual aspect, building height, car parking

Build to rent model- unsustainable development; rental development; need rent affordability

Height, Scale, Density and Design- excessive height; impacts on adjoining buildings; oversized and unsuitable; out of character with existing development in Ard Patrick Avenue; density concerns

Quality of Apartment Design- no amenity spaces; no childcare provision; no playground/sports area; unit mix not suitable for families

Impacts on Existing Amenities- impacts on light, overlooking, overshadowing; impacts on safety/security; impacts on privacy (Parcel C facing Ard Patrick Avenue); impacts on views; lack of suitable infrastructure; Community Infrastructure needs to be undertaken; impacts on street view of Graffiti theatre and Cork Foyer

Traffic and Transport- inadequate vehicular and pedestrian infrastructure; lack of parking; proposed bicycle parking will not address lack of car parking provision; additional bicycle parking, with electric bicycle charging points, cargo bike spaces, with cleaning and repairs areas needed; concerns regarding overflow parking and possible need for gating of existing developments; public transport infrastructure; increased traffic congestion; additional traffic on Pope's Road; no provision for delivery services; road safety particularly for children; appropriateness of location of pedestrian crossing on Pope's Hill; concerns regarding pedestrian crossings; no dedicated set-down at Pope's Hill; safe access across Watercourse Road needed; should include car sharing facilities; creation of traffic hazard

Architectural Heritage- impacts on Hewitt's Mill buildings; alterations to window opens; more appropriate use of mill as a creative/small-scale workshop/cultural hub

Amenities/Access to Open Space- removal of open space; impacts on visual amenities; lack of open space proposed; overspill onto green spaces in Ard Patrick Estate

Environmental- should be a zero waste development; needs to be adaptable to future needs of residents; concerns regarding flooding; inadequacy and deficiencies of EIA; the Board lacks ecological and scientific expertise nor does not appear to have access to such expertise

Appropriate Assessment- insufficient information provided and does not comply with relevant legislation

Legal Matters- proposal does not meet definition of SHD; proposal not of national/strategic importance in terms of MC of Development Plan

Other Matters- existing residents will need to relocate if proposal permitted; devaluation of property; proposal should enhance the social and cultural life of the area; impacts on Graffiti creative centre; lack of infrastructure drawings for Pope's Hill junction; procedural matter relating to website; inadequacy of site notice; Part V location and quantum; viability of proposed development; payment of outstanding levies prior to granting of permission; external storage should be provided; Christy Ring sculpture should be placed on Hewitt's Mill site

A submission was received from Cork Foyer, youth homeless service, which raises concerns with regards the very close proximity of the proposal to their service and possible creation of future neighbourhood tensions and potentially, new and long-lasting neighbourhood issues. Concerns that proposal will damage what has been achieved to date with this sector and could further marginalise young people that they house and support through stigmatisation of its service and end-users. They also raise concerns in relation to height, lack of parking facilities and traffic congestion. Welcomes the regeneration of the local area and not opposed to development of new housing but feels that height, number of units and car parking needs to be addressed in order to achieve a sustainable and inclusive community.

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 10th January 2022. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the background and development description, proposed development, key documents, planning history, submissions, summary of Prescribed Body submissions, views of Elected Members, planning assessment and

key considerations. Appendix B includes internal reports in full. Appendix C contains recommended conditions.

Summary of Inter-Departmental Reports

City Architect:

Proposal is a welcome intervention along the N20 and the re-use of Hewitt's Mill is commendable.

Architectural Conservation Officer:

The re-development of this building is welcomed in principle however not at the expense of historic fabric or historic character. Hewitt's Mills is both a Recorded Monument (Ref No CO10789) and also listed on the National Inventory of Architectural Heritage (NIAH Reg. No 20862040).

The approach of breaking up the mass of the new elements of the rear elevation is to be welcomed and is a good approach. The structure is an historic mill and should read as an historic mill after its redevelopment. The treatment of the original window opes in this scheme is not acceptable and goes against basic conservation guidelines showing serious consideration of the significance and character of the building has not been part of the design process. This design is not sensitive to the original character of the structure, having such a negative impact visually and amounting to such a loss of historic fabric of the structure. The proposed first floor arrangement of balconies and large windows replacing the original arched windows is not in keeping with the historic character of the Mill. The removal of the original fenestration pattern, a character defining feature in any mill, is not acceptable and not to conservation guidelines standard.

This building in particular, is one of the larger more significant industrial buildings in Cork especially as it retains much of its original internal and external features. It is also of historical significance being the largest distilleries in Ireland in 1836 reflecting Corks importance in 18th and 19th century whiskey manufacture in Ireland and Northern Europe. Heritage such as this is unique, finite and important. It is vital that Recorded Monuments be treated with respect.

Drainage Division:

In general, the standard of the documentation submitted is unsatisfactory and the

approach to storm water management, SuDS strategy and pollution control requires additional effort. However, in the absence of being able to request further information, these items can be addressed by way of condition

Water Services:

No design proposals for water distribution have been provided by the applicant and as such Cork City Council Water Services is unable to comment on the internal layout and proposed connection points. The applicant/developer shall engage with Cork City Council Water Services following the preparation of a water distribution design in accordance with the Irish Water Code of Practice for Water Infrastructure and the Irish Water – Water Infrastructure Standard Details.

Infrastructure Development:

Condition attached

Traffic Regulation and Safety:

Proposed development to be in an area that would be defined in Apartment Guidelines as an Intermediate Urban Area where a reduced parking standard may be applied. The development is 1.8 km walking distance from Kent Railway Station and 1.3 km walking distance from the city centre with walking times of approximately 20-25 minutes. The target modal split is highly ambitious with a private car use at 5%. Given the overall city target in CMATS as 49% for 2040 and the location of the development in an intermediate urban area, it is considered that the correct balance has not been achieved for this development.

Should additional parking be considered appropriate for this development with access from the N20 at the junction of Assumption Road, consideration needs to be given to improvements at this junction. This junction is a high accident location with a known road safety issue highlighted in the previous report for right turning movements from the N20 onto Assumption Road. Any improvements to the junction will need to be agreed and designed with the agreement and approval of TII and Cork City Council

MMP- There are some inconsistencies in the plan – walking times from the development for Shalom park and Kennedy park are noted as under 5 minutes when in fact these green spaces are in the region of 28-30 minutes walking time. St

Patricks street is noted as an 11 minute walk but this is in fact approx. 20 minutes walking time. All figures need to be checked and corrected throughout the document.

The mode share proposed needs to be revisited and justified in line with the plans for the city taking into account the location of the development.

Recommended conditions attached

Urban Roads & Street Design (Planning)

Conditions attached

Chief Fire Officer:

Some elements give rise to concern; consultation recommended

Environment Section:

Conditions attached

Housing Directorate:

The Housing Directorate is advised that the lands to which the proposed development relates were purchased by the landholder between 1st September 2015 and 31st July 2021. Therefore the 20% social and affordable Part V requirement recently introduced by the Affordable Housing Act, 2021, does not apply in this instance.

No objections

8.2 An assessment of the proposal has been undertaken by the planning authority and reference has been made to same within the main body of my report. The assessment concludes as follows:

- a split decision should be issued, granting planning permission for the proposed developments at Parcel A and Parcel C and refusing planning permission for the proposed development at Parcel B.

8.3 The report includes a summary of the views of relevant Elected Members, as expressed at an online meeting held due to Covid-19 restrictions on 16/12/2021 and are broadly summarised below:

- Overdevelopment of site/needs of community not being met

- Exclusive BTR nature of proposed development/viability/gentrification of area/creation of transient community/unsustainable community
- Impacts on cultural heritage/building of great historic value
- Design of proposed unit/uninspiring and generic
- Lack of childcare provision
- Lack of social housing
- Lack of parking/safety concerns
- Residential standards-soundproofing

9.0 Prescribed Bodies

9.1 The applicant was required to notify the following Prescribed Bodies prior to making the application:

1. Irish Water
2. An Chomhairle Ealaíon
3. Fáilte Ireland
4. The Heritage Council
5. An Taisce- the National Trust for Ireland
6. Department of Housing, Local Government and Heritage
7. NTA
8. TII
9. Cork City Childcare Committee

9.2 In total, five Prescribed Bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Irish Water:

Water

Confirms that a water connection to the public network is feasible and is not subject to any upgrades.

Wastewater

Confirms that a wastewater connection to the public network is feasible and is not subject to any upgrades.

Design Acceptance

The applicant is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the development redline boundary, which is necessary to facilitate connection(s) to Irish Water's network(s), as reflected in the applicants Design Submission.

Recommended conditions attached.

An Taisce

Concerns expressed at approach proposed for the Mill building. Significant adjustments are proposed which are completely incompatible with its status as a NIAH-registered building (Reg. No. no 20862040, national monument Ref No COO74-116). The Mill dates to the late eighteenth century, with some adjustments since then. It remains a fine solid sandstone structure and retains its historic character and form.

The Mill is all that remains of a larger distillery complex which was an important part of Cork's historic distilling heritage, and particularly the social and industrial heritage of the Blackpool/Watercourse Road area.

Very supportive of residential developments, which are badly needed in the city, and notes that a large number of apartments can be provided on this site, without the need to adjust the Mill building to the extent proposed. Considers that a more measured and sympathetic approach is required to its conversion, so as to avoid irreparable damage to its heritage.

Transport Infrastructure Ireland (TII)

The Authority will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.
- The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

National Transport Authority (NTA)

Notes the provision of permeability through the development site 'Parcel A' and notes that potential for such permeability in remaining parcels is limited by their configuration and isolated plot size.

Supports the principle of higher density development at the proposed location and minimisation of parking provision if it can be justified on the basis of a reasonable provision of safe and convenient access to alternative modes of transport and where such an approach would not adversely interfere with the integrity or capacity of the surrounding road network.

Not satisfied that the current environmental conditions pertaining to the local area, transport objectives, statutory provisions of the Cork City Development Plan or ministerial guidelines provide sufficient justification in this instance and at this time, to warrant the minimal level of parking on which the proposed development is based.

Situated on the busy N20 arterial route, circa 1.8km from Kent train station, 1.4km from Parnell bus station and 1.4km from the city centre (Patrick Street), all of which lie beyond the preferred 800m walkability catchment as defined in CMATS nor is it currently well served by significant high frequency public transport. Currently no cycle infrastructure linking this area with either the city centre or Blackpool shopping centre or other transport nodes and the existing pedestrian infrastructure is confined to existing narrow footpaths adjacent to all three proposed development parcels.

Proposal has potential to create an off-site parking demand on adjoining public roads and streets, which could potentially give rise to vehicular congestion, conflict between vehicular and pedestrian/cycle movement and in general run counter to the CMATS objectives of providing for enhanced environment for public transport, walking and cycling. Safeguarding the operational integrity of the N20 and junctions at this gateway position to the city centre is also vital to ensure its safe and efficient operation.

Considers that the application has not clearly demonstrated how the proposed minimal level of parking with align with the policies of CMATS as well as statutory planning policy.

Considers that additional interventions would be required to improve public realm, pedestrian/cycle connectivity and permeability between the subject site and the city centre and the Blackpool local centre in order to justify a high-density development with minimal car parking at this location.

Having regard to the three distinct and separate parcels of development that make up the proposed development, consideration should be given to the enhancement of the physical environment and public road and footpath infrastructure between each of these blocks to provide for improved development coherence and legibility and enhanced pedestrian and cycling environment, permeability and connectivity.

A report was also received from Dublin Airport Authority, as follows:

Dublin Airport Authority (DAA)

No comment

10.0 Oral Hearing Request

10.1 An Oral Hearing request was submitted by one party, Blackpool Community Co-Operative Service Centre Ltd. The issues raised can be broadly summarised as follows:

- Increase in developments in recent times and impacts of Blackpool ACA and Historic Street Character Area
- Lack of suitable infrastructure; Community Infrastructure Assessment needs to be undertaken before development permitted
- Impacts on Hewitt Distillery building

- Impacts on views of Cork Foyer and Graffiti Theatre
- Puts forward proposal to develop mill building into a Community Hub (as per their submission to Draft Development Plan)
- Flooding concerns

10.2 Section 18 of the 2016 Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board: (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.3 These matters and others all form part of the various elements of my assessment throughout this report. In addition, I note the thoroughness and detailed consideration provided by the planning authority, statutory consultees and observers. I am satisfied that given the amount of material before me, a reasoned decision can be made by the Board. I do not consider that there is a compelling case to hold a hearing. In this instance, it was decided there were no exceptional circumstances and therefore the request for an oral hearing was refused.

11.0 Assessment

11.0.1 This assessment is divided into a Planning Assessment, an Appropriate Assessment and an Environmental Impact Assessment Screening. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies and observers in submissions to the Board, together with the Chief Executive Report, in response to the application.

11.0.2 There is an inevitable overlap between the assessments, with matters raised sometimes falling within more than one of the assessments. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

11.1 Planning Assessment

11.1.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Cork City Development Plan 2015; relevant section 28 Ministerial guidelines; National Planning Framework; Cork Metropolitan Area Transport Strategy; provisions of the Planning Acts, as amended and associated Regulations and the nearby designated sites. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Proposed Development
- Proposed Build-to-Rent Units
- Open Space Provision
- Impacts on Architectural Heritage
- Design Approach/Plot Ratio and Site Coverage/Density/Aspect/Materials Strategy
- Building Height/Visual Amenity
- Impacts on Existing Residential Amenity
- Quality of Proposed Residential Development
- Traffic and Transportation
- Drainage Matters
- Other Matters

11.1.2 I draw to the attention of the Board to the fact that a Material Contravention Statement was submitted with the application. It deals with a number of issues including relation to (i) building height (ii) plot ratio (iii) housing mix (iv) apartment sizes (v) dual aspect and (vi) private amenity space. These matters shall be addressed further within the main planning assessment. However in the interests of clarity, I highlight to the Board that the only matter I consider to be a material contravention of the operative City Development Plan relates to building height. All other matters contained within the submitted Material Contravention Statement are

considered not to be a material contravention of the operative City Development Plan. This is dealt with below.

11.1.3 I highlight to the Board that my two primary concerns in this application relate to public open space provision and the impacts that this would have on the residential amenity of future occupiers, together with concerns regarding impacts on architectural heritage. Other matters raised in this assessment are of concern but individually, it may be possible to deal with them largely by condition if the substantive issues did not exist. However, in this instance, it is my opinion that given the number of matters raised, cumulatively they amount to a development that requires further refinement.

11.2 Principle of Proposed Development

11.2.1 I highlight to the Board that many of the submissions received welcome the principle of development of these sites and the regeneration of the area, but have concerns regarding the specifics of the proposal put forward in this current application.

11.2.2 The lands are zoned 'Objective Z04 Residential, Local Services and Institutional Uses' which seeks 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'. Residential uses are deemed permissible in principle under this land use zoning objective. The planning authority state that the site is appropriately zoned for development such as that proposed. Having regard to the nature and scale of development proposed, taken in conjunction with existing development within the wider area, I am of the opinion that the proposal generally accords with the zoning objective for the site.

11.2.3 Having regard to the nature and scale of development proposed, namely an application for 191 residential units, located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.2.4 The proposal has the potential to deliver a high density development in a strategic location close to major transport infrastructure enabling the city 'to accommodate a greater proportion of its growth within its metropolitan boundaries through

regeneration and redevelopment projects' (NPF, National Strategic Outcome 1) and 'encourage more people and generate more jobs and activity within the city' (NPF, National Policy Objective 11). I also refer the Board to the Regional Spatial & Economic Strategy for the Southern Region 2019-2031, in particular RPO 10: Compact Growth in Metropolitan Areas, which in order to achieve compact growth, seeks to prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling. This is considered to be one such site.

- 11.2.5 In addition to the above, I have also had regard to the Council's Core Strategy with respect to housing. The operative City Development Plan seeks to promote intensification and consolidation of the city. I note Strategic Goal 1 of the operative City Development Plan seeks to increase population and households within the city area and to create a compact sustainable city. I am of the opinion that the principle of a development, which provides for the delivery of 191 units, underpins the principles of a compact city, with good public transport options planned for and a range of services and amenities existing within this established area of the city. I am fully satisfied that the proposal is in compliance with the operative City Development Plan in this regard.
- 11.2.6 Having regard to all of the above, I am of the opinion that the proposal accords with the zoning objective for the area, with 'residential' being a permissible use within the operative City Development Plan. Such zoned lands can contribute towards the housing requirements of the city.
- 11.2.7 I note that one of the submissions received raises concerns with regards the three individual parcels of land and how this complies with the provisions of the SHD legislation. I am of the opinion that the principle of the proposal complies with the provisions of the SHD legislation in this regard and I note the Board have previously determined on other similar such sites (for example ABP-308228-20). The three sites are physically proximate to each other and pedestrian upgrade works are proposed between the sites. Residents of all three parcels will have access to residential amenity facilities within Parcels A and B. However, details of how the development will be delivered in a cohesive manner as a single SHD proposal should have been submitted with the application documentation. The applicants state that the submitted landscape masterplan clearly sets out how each parcel will

link to each other through the provision of pedestrian junction upgrades along the public road. While I acknowledge this, I note that it is stated that the proposal is expected to take approximately 12-18 months to complete (conflicts in documentation noted) and that no details in relation to phasing/programme of works have been submitted in this regard. This is considered particularly important in this instance in order to ensure that the development would be completed in a cohesive manner, including the proposed pedestrian upgrade works. If the Board were disposed towards a grant of permission, the matter of phasing could be dealt with by means of condition.

11.2.8 To conclude, I am satisfied with the principle of the development proposed on these parcels and I welcome the regeneration of these brownfield sites. The appropriate re-development of these lands has the potential to create an improved streetscape at this location, while the benefits to the wider community, by virtue of pedestrian upgrade works are noted and welcomed.

11.3 Proposed Build-to-Rent Units

11.3.1 The attention of the Board is drawn to the fact that this is a build-to-rent scheme. I highlight that the principle of proposed BTR units has been raised in many of the third party submissions received, including those received from Elected Members. There is concern with regards the exclusively rental nature of the development; the opinion that it is an unsustainable form of development; would be out of character with existing owner occupied, family dwellings in the vicinity and would lead to the creation of a transient community. Neither the planning authority nor Prescribed Bodies have raised concerns in this regard.

11.3.2 The application is accompanied by a 'Commentary on the Private Rented Sector Market Demand' Report, which seeks to provide a justification for the use proposed. I am generally satisfied with the information contained therein.

Policy Context

11.3.3 Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on the build-to-rent (BTR) sector. It is noted that these guidelines were updated in 2020. They define BTR as "purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord". These

schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. In this regard, a 'Build to Rent Management Plan' has been submitted with the application.

11.3.4 I refer the Board to the provisions of Specific Planning Policy Requirement 7 which provides that:

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed Covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:
 - (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
 - (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

11.3.5 The statutory notices for the proposed residential development describe the scheme as build-to-rent. The proposal is accompanied by a proposed covenant or legal agreement, as required under SPPR 7(a). I am satisfied that details relating to a

legal covenant/agreement could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

11.3.6 In terms of resident support facilities and resident services and amenities, I note that the proposal includes for the provision of dedicated resident's amenities and facilities of stated floor area of approximately 907 square metres. These facilities/services are divided between Parcels A and B, with no such facilities provided within Parcel C. I highlight to the Board that all Part V units are located within Parcel C. The proposed facilities include for a gym, lounge areas, work/study areas and kitchen/dining areas. The planning authority consider it appropriate to request the omission of two apartments to provide for on-site amenity for residents in Parcel C. Further they consider that the inclusion of a green roof would significantly increase the amenity enjoyed by residents and also minimise any potential overuse of the adjoining public open space that was provided as part of The Avenue development. I note these concerns of the planning authority and would not disagree with their opinion.

11.3.7 I note that a Site Specific Apartment Management Strategy has been submitted with the application. The information contained therein is generic in nature and contains little information specific to this proposed development. I note that no details relating to the management of resident amenity facilities or car parking management are contained within this document. It is unclear if the proposed gym is solely for residents of the proposed development. In addition, I highlight to the Board that a Building Life Cycle Report was not submitted with the application documentation in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020), which states that this report should have regard to the long term management and maintenance of the proposed development. Notwithstanding this, the matter of management could be adequately dealt with by means of condition, if the Board were disposed towards a grant of permission.

11.3.8 SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. I note that the proposal does not accord with the provisions of the operative City Development Plan in terms of unit mix (Table 16.4). I shall deal with this matter below in section 11.9. It is noted that some of the third party submissions received raise concerns in

relation to the proposed unit mix, material contravention of the operative City Development Plan in this regard and a perceived lack of family friendly units. The planning authority have not raised concern in relation to this matter. The matter will be dealt with further below.

11.3.9 Under SPPR 8, flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units and in relation to the provision of all of the communal amenity space (as set out in Appendix 1 of aforementioned Apartment Guidelines), on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. Matters of private open space and storage have been raised in some of the third parties submissions received. I shall also deal with these matters in following sections.

Principle of Build-to-Rent Units

11.3.10 As stated above, I highlight to the Board that the matter of the principle of build-to-rent units has been raised in many of the third party submissions received, including those received from Elected Members. The planning authority has not raised concerns in this regard.

11.3.11 At the outset, I fully acknowledge the aforementioned national policy guidance with regards to the provision of BTR development and the need for same in certain areas, catering to those at different stages of the lifecycle; those where home ownership may not be a priority and those who have a preference/need for smaller units. Such build-to-rent units offer choice and flexibility to people and can provide viable long-term housing solutions. The Apartment Guidelines acknowledge that such schemes are larger-scale apartment developments that typically include several hundred units.

11.3.12 The proposal has the potential to provide a balance to existing development, namely it will provide good quality rental units catering to individuals and smaller households in the main, within an area which has traditionally been well served with family, owner-occupied homes. Supporting community facilities and public realm amenities exist within the wider area. The proposal will introduce a new housing typology in the locality that will complement and enhance the existing mix and type of residential

development in the wider area. The matter of affordability, as raised in some of the third party submissions, is outside the remit of this planning assessment.

11.3.13 There is some disagreement between the applicant and the planning authority with regards distances to public transport/facilities/employment bases. The applicants state that the subject site is located less than one kilometre from Cork city centre, well within the 15-minute walk criteria and that Kent Train Station is located c. 1km from the site. The planning authority dispute this and state that the development is 1.8 km walking distance from Kent Railway Station and 1.3 km walking distance from the city centre with walking times of approximately 20-25 minutes. I consider the distances cited by the planning authority to be more accurate than those cited in the application documentation. I also note that the applicants state that large employers such as Apple, Blizzard Entertainment and Mercy Hospital are all approximately 1km of the site, within 15-minute proximity. I note that from the Hewitt's Mill site, google maps states it is a 21 minute walk to the Mercy hospital while to the Apple Distribution Centre it is stated as being 41 min walk (3.4km). Notwithstanding these inaccuracies, I acknowledge the location of the site close to the city centre within an established urban area, proximate to existing and planned public transport facilities. I also note its proximity to nearby zoned district and local centres. I am satisfied that the principle of a build-to-rent scheme is suitable and justifiable at this location. The site is located close to a host of employment bases, together with educational, sporting, cultural and commercial facilities. Revenue and Irish Examiner offices are immediately opposite Parcel A and the site is proximate to Blackpool district centre. I note the neighbourhood centre zoning on the opposite side of the N20. I note that the site is served by Bus Eireann routes 203 and 215 which service Cork city and its environs and less than 5 minutes' walk from Bus Eireann bus stops servicing the 207A, 24B and 235. The application site is located along the N20 National Road which has been identified in the Draft Transport Strategy as a "core bus corridor". I refer the Board to the section 'Traffic and Transportation' where capacity and frequency of existing public transport, together with planned public transport upgrades in the vicinity are addressed in detail.

Conclusion

11.3.14 I am satisfied that this is an appropriate location for such a BTR development. The principle of a development of this nature has the potential to contribute positively to

this established urban neighbourhood. The proposal has the potential to add to the variety of housing types within the area. There is an acknowledged demand for housing in many sectors of society, with all sectors having varying needs and requirements. This proposed BTR scheme provides accommodation for one of those sectors, namely those where home ownership may not be a priority and/or for those who need/desire a smaller unit. I am satisfied that quality accommodation is being provided for in this instance- I have concerns regarding open space provision and subsequent impacts on residential amenity. These are addressed further below. I have considered the concerns raised in the submissions received in relation to the creation of a transient population and the lack of creation of a sustainable community. I have no information before me to believe that the proposal will not lead to the creation of a sustainable community and no evidence has been put forward in the submissions to validate these claims. If the Board is granting permission for the proposed development, a condition should be attached to any such grant to reflect that this is a build-to-rent scheme, available for long-term rentals only.

11.3.15 Importantly current Government policy in relation to BTR units is noted, as set out in the Apartment Guidelines (2020). Having regard to all of the above, I consider that the principle of BTR on this urban site is acceptable as it is consistent with policies and intended outcomes of current Government policy.

11.4 Open Space Provision

11.4.1 Many of the third party submissions received have raised concerns in relation to this aspect of the proposal, namely the lack of public open space provided within the proposed scheme, together with concerns that the existing public open space associated with the adjoining Ard Patrick Avenue development will be over-subscribed as future residents in this current scheme utilise it due to lack of provision within the proposed development. Some of the third party submissions contend that the proposal does not provide adequate open space to relax, rest and play and are of the opinion that inadequate public open space is proposed. The planning authority note that the Statement of Consistency, when assessing the proposed development against the requirements of the Cork City Development Plan 2015 does not include for public / communal open space. Furthermore, they note that no quantum of open space has been provided in this document. Table 16.6 of the CCDP sets out that at least 10% of any residential development must be set aside

for public open space provision. The planning authority further state that it is appropriate to highlight the lack of usable public / communal open space provision in the proposed development as it may point to overdevelopment. They request that the Board include this in their consideration of the proposed development.

Context

11.4.2 It is noted that a Landscape Design Rationale Report and associated drawings have been submitted with the application documentation.

11.4.3 I highlight to the Board that the submitted Architect's Design Statement gives figures for communal and public open space provision. It is unclear how these figures are arrived at and the submitted drawings do not clearly differentiate between differing open space areas (communal/public). It is stated in the Material Contravention Statement that 'there is more than adequate public open space provided for the development in the range of 36%'. It is unclear to me how this figure was arrived at. In terms of communal open space, I note the provision of roof terraces within Parcel A and Parcel B.

Public Open Space

11.4.4 The Development Plan sets out requirements in relation to public open space on such lands, namely a requirement for 10% of the site area (Table 16.6). I note sections 4.15- 4.21 (inclusive) of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) deals with the matter of public open space provision and for sites such as that proposed, states that public open space should generally be provided at a minimum rate of 10% of the total site area. The applicant does not adequately address the matter of public open space provision within the submitted reports, except, as stated above, in the Material Contravention Statement, where they state that public open space in the range of 36% is provided for. Again, it is unclear to me how this figure is arrived at. The only area that could be calculated as public open space in my mind, is that to the north of Parcel C adjoining the existing open space associated with the Ard Patrick development. This proposed area measures approximately 120 square metres by my calculations, representing approximately 1.5% of the overall site area. However, I highlight to the Board that it is a steep inaccessible, overgrown area at the current time with littering evident. The landscaping proposals do not appear to include for

any works to it (see Drwg. No. 20365-3-140) and no cross sections have been provided through it. This area is to remain as existing, namely a steep, inaccessible and unusable piece of residual land. In my opinion, it should not be counted as part as the public open space calculations.

11.4.5 The applicants do not adequately address this matter in the submitted documentation, which is an omission. In my mind, if a justification had been put forward in the documentation for the shortfall, it may have been appropriate to apply a condition in lieu of public open space provision. However, the shortfall is so great that in my opinion, it would be inappropriate to apply such a levy in this instance. I highlight to the Board that the applicants have not addressed this matter in terms of material contravention of the operative City Development Plan.

11.4.6 The open space provided in Parcel A is considered to be residual in nature, leftover after the placement of the blocks. The submitted Architectural Design Statement in reference to public open space identifies it as 'incidental planting and circulation area'. I would concur with this description. The area to the east and west of the blocks provide a buffer from the roadways, while the area between the two blocks is accurately described as a walkway in the submitted documentation- it provides access to the blocks and connectivity through from Assumption Road to North City Link Road. None of these spaces could be considered usable, appropriate public open space offering a mix of active and passive uses. In terms of Parcel B, again the area to the west of the existing mill building provides access to the proposed units and provides a buffer between the mill and the busy N20 link road. The area to the north of the mill is residual, left-over space- north facing, surrounded on three sides by roads. As before, the submitted Architectural Design Statement in reference to public open space identifies it as 'incidental planting and circulation area'. Inadequate landscaping details have been submitted for this parcel. The areas between the proposed cluster blocks are considered to be communal in nature- set down area for refuse trucks is located as part of this area. The remaining space with Parcel B is designated for car parking. In terms of Parcel C, no adequate details as to how the proposed 1.5% public open space is to be landscaped or rendered accessible have been submitted or how it would integrate with the adjoining open space to the east. As stated above, it is to remain as an unusable, inaccessible piece of residual land.

11.4.7 Section 16.19 of the operative City Development Plan states that public open space will normally be required in all developments, apart from in exceptional circumstances. Exceptional circumstances would include: • Where developments are close to existing public parks and other amenity facilities; • Smaller residential and commercial developments where it may not be appropriate to provide public open space; • The need to protect the established pattern of streets, spaces and/or development. The proposed development of 191 residential units, removed from immediately adjacent existing public parks and other amenity facilities is not considered to be an exceptional circumstances, in this regard. I am not satisfied in relation to the public open space provision and consider that it does not comply with the provisions of the operative City Development Plan nor national guidance including the Urban Design Manual and its associated 12 criteria, including 'Criteria No. 3 Inclusivity' and 'Criteria No. 8 Public Realm'. I consider this to be a significant failing of the proposed scheme and consider as a result that the proposal represents over-development of the parcels. I consider that the proposal would offer an inadequate level of amenity to future occupiers in this regard. No play areas are proposed, nor facilities for those at differing stages of the lifecycle catering to active and passive uses. While I note the areas of open space within the vicinity, this isn't an area exceptionally well served with public open space within walking distance of the site. I again highlight to the Board that the distances cited by the applicant to nearby public open spaces are incorrect. The Mobility Management Plan states that walking times from the development to Shalom Park and Kennedy Park are under 5 minutes when in fact, as noted by the planning authority, these green spaces are in the region of 28-30 minutes walking time. While existing public open space should be available for all, I consider it would be unfair on the residents of the Ard Patrick development to have the applicant provide a shortfall in this current scheme by reason of the adjoining designated space within their development. Given the extent of the shortfall, I consider it inappropriate to deal with this matter by means of the payment of a financial contribution in lieu. I again highlight to the Board that the matter was not dealt with in the submitted Material Contravention Statement.

Communal Open Space

11.4.8 In terms of communal open space provision, I note that the operative City Development Plan does not have standards in this regard. Appendix 1 of the

aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020) require the following minimum standards:

Table 4:

Studio	4m ²
One-bed	5m ²
Two-bed (3 person)	6m ²
Two-bed (4 person)	7m ²
Three-bed	9m ²

11.4.9 Again, as I have stated above, while the applicants have set out details of the resident support facilities/resident services and amenities, it is unclear what areas they are including as communal/public open space. I note the provision of two roof terraces within Parcel A (122.1m² and 464m²) and two terraces in Parcel B (76.2m² and 66.4m²). The landscaping drawings provide inadequate details for their landscaping/treatment- this matter could be dealt with by condition. No communal open space is proposed within Parcel C and the planning authority recommends a roof terrace on this block. In addition, I also again note that no resident support facilities/resident services and amenities are proposed within Parcel C. I consider that inadequate information has been submitted in this regard and there seems to be some confusion in the documentation between communal open space (external) and communal support facilities and amenities (internal). By my calculations, the proposal would require in the region of 1185 square metres communal open space. The submitted Architectural Design Statement states that Parcel A provides 586 m² of communal open space while Parcel B provides 143 m², which gives a total of 729 square metres. It is unclear what other areas, if any, the applicants are including within their communal open space designation.

11.4.10 I note SPPR 8(ii) of the Apartment Guidelines (2020) which allows for flexibility in relation to the provision of all of the communal open space referred as set out in Appendix 1 of these aforementioned guidelines, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. I highlight to the Board that this matter of communal open space was

not addressed in the submitted Material Contravention Statement, with the exception of section 3.8 which refers to 'community amenity space'. This section states that 'Each building has a significant quantity of community amenity space, and a centralized area of community amenity space which is accessible from all four buildings provides access to a gym, community gathering spaces, work spaces and function halls. It is envisaged that the design of the proposed development will assist in encouraging community development and quality communal spaces within the application site'. In this regard, it is unclear if the applicants are referring to the proposed future community residing within the proposed development or if elements of the proposed development will be available for wider community use. I again note that no communal support facilities and amenities are provided within Parcel C. I consider that alternative, compensatory communal support facilities and amenities are not sufficient to compensate for the shortfall in communal and public open space provided. I am not satisfied, based on the information before me, that the proposal will offer an adequate level of residential amenity to future occupiers.

Private Open Space/Material Contravention

11.4.11 Private open space is provided to all proposed units within the scheme, in the form of either patio terraces/balconies. The planning authority have not addressed the matter of private open space provision. One of the submissions received notes that the proposal materially contravenes the operative City Development Plan in terms of private open space and/or private amenity space. The planning authority do not address this matter of material contravention.

11.4.12 The applicants have addressed the matter of **material contravention** of the City Development Plan with regards to private open space provision within their submitted Material Contravention Statement. Table 16.7 of the Development Plan sets out private open space standards (min. requirements) as follows:

- Apartments- 1 bed: 6 sq.m
- Apartments- 2-bed: 8 sq.m
- Apartments- 3-bed: 12 sq.m

11.4.13 In this regard, the applicants refer to Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020), which indicate following minimum floor areas for private amenity space:

- One bed- 5 sq m
- Two-bed (3 persons)- 6 sq.m
- Two-bed (4 persons)- 7 sq. m
- Three-bed- 9 sqm

11.4.14 The applicants further note section 3.39 of the aforementioned Guidelines which states: “For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”.

11.4.15 They further note the provisions of SPPR8(ii) which allows for flexibility in relation to BTR schemes.

11.4.16 To this end, the following is noted:

- All apartments have private amenity space in form of balconies or marked out ground floor amenity area.
- All 1-bed units (100%) include balcony / amenity areas equal to or greater than 5 sq. m.
- 94% (61 units out of total of 65 no. units) of the proposed 2-bed units provide balcony/amenity space equal to or greater than 7 square metres. Of the 4 no. units that are less than 7 sq. m. these are located Hewitt Mills building.
- All 3-bed units (6 no.) provide less than 9 sq. m of balcony space with provisions being between 5.5 to 5.98 sq m. All 3-bed units are located in the Hewitt Mills building.

11.4.17 I note the non-compliance with the above standard of the operative City Development Plan. However, I do not consider this to be a material contravention of the Plan. I highlight to the Board that I am of the opinion that this non-compliance is with a standard of the operative City Development Plan, not a policy of this Plan. I have examined the provisions of section 16.7 of the operative City Plan and consider these to be standards. I also note that the proposal does not meet the minimum

floor areas for private amenity space in all instances, namely for units proposed within the Hewitt's Mills site. This is considered to be a marginal non-compliance.

11.4.18 The 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (December 2020) contains SPPRs in relation to build-to-rent developments, namely SPPR7 and SPPR8. Specifically, in relation to private amenity space requirements for build-to-rent developments, I note SPPR8 (ii), which I acknowledge takes precedence over any conflicting policies and objectives of Development Plans. SPPR8 (ii) of the Sustainable Urban Housing: Design Standards for New Apartments (2020) states that 'Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development'. It is noted that such SPPRs, which allow for flexibility in relation to build-to-rent developments, were not included in the 2015 guidelines.

11.4.19 As I have stated in the section relating to unit mix, I consider it reasonable to apply the updated section 28 guidance in this regard, which allows for flexibility in relation to build-to-rent developments in terms of private amenity space. The City Development Plan does not differentiate between build to sell or BTR, all residential units are treated the same in relation to private amenity space. The Apartment Guidelines differentiate between build to sell and BTR and state that there should be a flexible approach to private amenity space in terms of BTR schemes, SPPR 8(ii) refers. I note that the City Development Plan cross references national guidance. As stated elsewhere within my assessment, I consider the proposed development to be broadly in compliance with both the operative City Development Plan and national guidance. While there is some non-compliance with City Development Plan standards in terms of private amenity space, I do not consider this to be material in nature. The proposal is in compliance with SPPR8(ii) of the aforementioned Apartment Guidelines (December 2020).

11.4.20 In my opinion, while the quantum of private amenity space provision may marginally contravene this standard of the operative City Development Plan, I do not consider this to be a material contravention of the Development Plan. The proposal broadly complies with section 16.7 of the Plan and meets the standards of the

aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). The planning authority have not addressed this matter. I am satisfied in this regard.

11.4.21 To conclude this section, the proposal is considered to comply with SPPR 8(ii) of the aforementioned Sustainable Urban Housing: Apartment Design Guidelines (2020) in relation to private open space provision in BTR developments. I do not consider the proposal to represent a material contravention of the City Development Plan in terms of private amenity space, for the reasons addressed above.

Conclusion

11.4.22 I am not satisfied with the proposal put forward in relation to public/communal open space provision and this is one of the main issues I have with the proposal. There is a lack of clarity in the information provided and based on the information before me, I am not satisfied that the proposal will present a good quality of amenity to future occupiers. Public open space is severely lacking and given the lack of open spaces and the residual nature of those spaces, the proposed development is considered unsatisfactory. Given the extent of shortfall of public open space, I consider that a contribution for this shortfall would not be acceptable in this instance. In terms of private open space provision, I acknowledge that this is a BTR scheme and the provisions of SPPR 8(ii) of the aforementioned Apartment Guidelines are noted in this regard. I am satisfied in relation to private open space provision.

11.5 Impacts on Architectural Heritage

11.5.1 This section is closely linked to the following section 'Building Height/Visual Amenity' and I refer the Board to same.

11.5.2 A Landscape and Visual Impact Assessment Report, Landscape Design Rationale Report, Archaeological and Built Heritage Impact Assessment and photomontages have been submitted with the application. The submitted documentation shows the proposed development in the context of the existing surrounding area.

11.5.3 The submissions of third parties including Prescribed Bodies and the planning authority are noted in this regard. Many of the third parties raise concerns regarding

impacts of the proposal on visual amenity and concerns regarding impacts on Hewitt's Mill. It is noted that the planning authority, Elected Members (as contained in Chief Executive Report) and An Taisce as well as other third parties all raise concerns in relation to the impacts of the proposal on the architectural heritage of Hewitt's Mill (see more detailed summary of their concerns in section 9 above). The planning authority recommend a refusal of permission in relation to this matter and state that:

'Having regard to the Architectural Heritage Protection Guidelines for Planning Authorities, and Objectives 9.1 and 9.28 of the Cork City Development Plan 2015, the applicant has not demonstrated, based on the information submitted, that the proposed development at Parcel B, specifically the redevelopment of the Hewitt's Mills building, would not have an adverse impact on the historic character of the building through the removal of historic fabric and other alterations proposed. The proposed development at Parcel B is therefore not in accordance with the proper planning and sustainable development of the area'.

- 11.5.4 An Taisce are of the opinion that significant adjustments are proposed which are completely incompatible with its status as a NIAH-registered building. The mill dates to the late eighteenth century and was an important part of Cork's historic distilling heritage. An Taisce continue by stating that while they are very supportive of residential developments, which are badly needed in the city, they consider that a large number of apartments can be provided on this site, without the need to adjust the mill building to the extent proposed. They further consider that a more measured and sympathetic approach is required to its conversion, so as to avoid irreparable damage to its heritage.

Context

- 11.5.5 The attention of the Board is drawn to the fact that Parcel B contains Hewitt's Distillery, which is a Recorded Monument (RMP Ref: CO074- 116) and Parcel B lies within its Zone of Notification. The distillery has also been identified in the National Inventory of Architectural Heritage (NIAH Ref. 20862040). The NIAH gives it a 'Regional' rating, with its categories of special interest being Architectural and Social.

I note that the terms 'mill' and 'distillery' are used interchangeably in the documentation. Presently, the subject mill is not designated as a Protected Structure within the operative City Development Plan. However, the Architectural Conservation Officer highlights that all structures on the Cork NIAH have been recommended for inclusion on the RPS (in 2012). Despite the recommendation in 2012, the subject mill was not included on the RPS in the current Development Plan (dated 2015) nor does it appear to be included in the draft Development Plan 2022. I note that the distillery remains on the RMP within the draft City Development Plan. The closest Protected Structure is Madden's Buildings (RPS No. PS491), located approximately 50m to the west of Parcel B. The proposed development does not lie within an Architectural Conservation Area but is adjacent to the Blackpool ACA.

- 11.5.6 The proposal for Parcel B seeks to refurbishment/conversion the existing mill structure to residential use and the addition of three 'cluster' buildings to its rear. In total, the proposal for Parcel B provides for 69 residential units on a site area of 0.44 hectares. Deck access is provided for the units within the existing mill. The rationale for the proposed design response is stated to be in response to the existing site topography and so as to provide an appropriate urban frontage to Assumption Road.
- 11.5.7 The planning authority highlight that existing elevations of the mill building have not been submitted with the application documentation. I have however undertaken a visit of the site and environs. I also note that photographs of the existing structure have been submitted with the application documentation, as have existing floor plans. I am generally satisfied in this regard and consider that a comprehensive assessment of the proposal can be undertaken in the absence of these drawings.

Policy Context

- 11.5.8 In terms of local policy context I note that Chapter 9 of the operative City Development Plan deals with 'Built Heritage and Archaeology' and the following objectives are highlighted:

Objective 9.1- Built Heritage and Archaeology, which seeks to:

- a. To promote the protection of the heritage of the city and the implementation of the Heritage Plan;
- b. Ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain;
- c. Promote the retention, reuse, and enhancement of buildings and other elements of architectural or other significance;
- d. Ensure that development reflects and is sensitive to the historical importance and character of the city, in particular the street layout and pattern, plot sizes, building heights and scales;
- e. Improve and encourage access to and understanding of the architectural heritage of the city.

Objective 9.28- Protection of NIAH and Other Structures of Built Heritage Interest, which states that:

'the City Council as planning authority aims to protect structures of built heritage interest. The "Ministerial Recommendations", made under Section 53 of the Planning Acts, asking the City Council to protect structures will be taken into account when the City Council as planning authority is considering proposals for development that would affect the historic interest of these structures of significance. The City Council will protect structures by making additions to the Record of Protected Structures, designating Architectural Conservation Areas, or other appropriate means.

Structures (including those recommended by the Minister) will be prioritized for protection, where:

- Key stakeholders groups, building owners or members of the public ask that Cork City Council provide protection to specific buildings ; or

- Area-wide assessment through architectural conservation area assessment or the

development of forward planning frameworks lead to the need to protect key character areas and/ or buildings’.

11.5.9 Section 9.11 of the Plan notes that ‘The mills, warehouses, distilleries, breweries and other industrial buildings which survive in many parts of Cork bear witness to the great economic expansion of the 18th and 19th centuries. Many of these buildings, as well as being of industrial archaeological importance, are also of significant architectural and social interest, and contribute greatly to the city's character’.

11.5.10 Section 9.32 of the Plan notes that ‘Sympathetic maintenance, adaptation and re-use can allow the architectural heritage to yield aesthetic, environmental and economic benefits even when the original use may no longer be viable’.

11.5.11 The provisions of the Architectural Heritage Protection Guidelines for Planning Authorities are also noted and I note section 2.5.15 of these Guidelines which state that the specifically industrial aspect of some sites like mill buildings can often have a technical heritage value.

Impact on Hewitt’s Mill building

11.5.12 I would concur with the opinion of the Architectural Conservation Officer of the planning authority when it is stated that the approach of breaking up the mass of the new elements of the rear elevation is to be welcomed and is a good approach. I note that it is the western elevation of the mill building that is the most prominent as it fronts onto the N20. Given its elevated nature and large scale, it has a strong presence as one travels along the N20 and adds to the character of the area. It also fronts onto Maddens buildings, the Architectural Conservation Area of the historically industrial area of Blackpool, albeit on the opposite side of the very busy N20 roadway. The mill is currently vacant and boarded up. From an external visual inspection, it appears in quite good condition with external walls and roof substantially intact.

11.5.13 The Architectural Heritage Protection Guidelines for Planning Authorities notes that ‘doors, windows and the openings that contain them are important architectural features of an elevation. The design of doors and windows and the materials used can be of significance in establishing the special character of a structure. The way in

which the openings are formed and their architectural treatment is also important, as are the proportions of the openings themselves and the proportion of opening size to wall area' (section 10.1.1). It continues by stating that 'The architectural quality of a historic building may be compromised if the size of openings is altered; if existing openings are blocked up; if new openings are formed... Any new openings should be sympathetic with the architectural character of the building in terms of materials, design, scale and proportion' (sections 10.2.2- 10.2.4). While I acknowledge that the subject mill is not a Protected Structure, it is a building of historical importance. The primary characteristic of Hewitt's Mills, as with many industrial mill buildings of this size, are the small identically shaped windows arranged in a regular rhythm across the front and rear elevations. It is stated in the Architectural Conservation Officer's report that this was a technical feature for the ventilation for the drying, malting and storing of grain and so are an essential element of the character of the structure. I highlight to the Board that the proposed design is such that the original camber arched, brick lined window opes on the second and third floors are proposed for removal to be replaced with larger square headed contemporary window opes of varying widths and at a size that is not typical of mill buildings. In addition, the proposed first floor arrangement of balconies and large windows replacing the original arched windows is considered not to be in keeping with the historic character of the mill.

11.5.14 The Architectural Conservation Officer of the planning authority is of the opinion that a design approach prioritising the heritage significance of such buildings should acknowledge character defining features such as windows, elevation treatments, internal features, roof shape etc. These should be treated as design constraints and designed around in order to retain the special character of the structure. The structure is an historic mill and should read as an historic mill after its redevelopment. I would concur with this opinion.

11.5.15 The design statement accompanying this application states that "The treatment of the building facade has been modified to retain, where possible, existing window opes while sympathetically incorporating new openings, recessed and winter garden balconies with a balance of conservation and contemporary intervention." (page 14 Para 2). The Architectural Conservation Officer of the planning authority states that they fundamentally disagree with this statement, nor do they consider that the design

has been “well considered”. I would concur with the opinion of the Architectural Conservation Officer in this instance.

11.5.16 I have reservations in relation to the treatment of the western elevation of the original mill building. I acknowledge what the applicants are trying to achieve in terms of opening up the building, providing better residential amenity to future occupiers by the provision of larger opes and private open space provision. However in this instance, I consider that the treatment of the window opes on the western elevation is not acceptable and goes against basic conservation guidelines. If permitted as proposed, I am of the opinion that the character of the building by virtue of its small, uniform repeating windows will be lost in its entirety on this elevation. I consider the proposal before me in this regard to be a most unsympathetic design response. Given its elevated nature and prominence along the N20, these unsympathetic interventions will be highly visible. I am of the opinion that little cognisance has been taken of the significance and character of this Recorded Monument. The proposed design is not sensitive to the original character of the structure and the proposal, if permitted would result in a loss of historic fabric of the structure. While I can see the rationale by the applicants for proposing this solution, however, in this instance I do not consider this to be an appropriate intervention. The mill, as existing is substantially intact and while its re-use into the future is very much welcomed, I agree with the opinion of the Architectural Conservation Officer that this should not be at the expense of historic fabric or character. I am of the opinion that the design solution proposed for the western elevation would obliterate all character from this elevation and is completely inappropriate. While I agree with the City Architect that major intervention is necessary in undertaking any such conversion, I do not consider that the elevational changes as proposed to the most prominent elevation are the way to achieve this. I do not agree with the opinion of the City Architect, as contained in the Chief Executive Report, when it is stated that works to the western elevation are acceptable.

11.5.17 The Architectural Conservation Officer also raises concerns in relation to the alteration of the original masonry of the west elevation and considers it not to be acceptable. It is highlighted that drawings appear to show new, recessed masonry elements replacing the original 18th century masonry. The drawings are unclear.

The current proposal shows the loss of an unacceptably large amount of original fabric and character.

11.5.18 The Architectural Conservation Officer also raises concerns that while the Archaeology and Built Heritage Impact Assessment describes and illustrates internal significant features, a schedule and drawings illustrating the retention of the roof structure, trusses, corbels, internal columns, beams, beam tensioning system and fittings have not satisfactorily been provided to ensure the retention of each element. It is not clear which elements will be retained. It is the view of the Architectural Conservation Officer that all significant features should be retained and incorporated into the new scheme to ensure the special character of the mill is retained. While I would agree with the Architectural Conservation Officer in this regard, I do consider that this matter could be adequately dealt with by means of condition.

11.5.19 I am generally satisfied in terms of works proposed to the remainder of the elevations.

11.5.20 In terms of materials palette, the Architectural Conservation Officer of the planning authority notes that the materials palette listed on the drawings is not comprehensive and does not state for example if natural slate is proposed for the roof (recommended), cast iron rainwater goods are to be used (recommended) or window materials for the Mill building. Again, the planning authority are of the opinion that the lack of important details such as these suggests that the conservation of the original building has not been considered appropriately.

Impact on Architectural Conservation Areas

11.5.21 I note the proposed development, in particular Parcel B, fronts onto Maddens buildings, an Architectural Conservation Area of the historically industrial area of Blackpool. Given the distances involved and the intervening urban development in terms of the N20 North City Link Road, I have no information before me to believe that the proposal may have negative impacts on the setting of this aforementioned ACA or on any Protected Structure within the vicinity of the site. The planning authority have not raised concerns in this regard, neither have any Prescribed Bodies. I am of the opinion that any impacts on the setting of this ACA would not be so great as to warrant a refusal of permission.

Conclusion

11.5.22 Hewitt's Mill formed part of the extensive Watercourse Distillery complex and is considered by the NIAH to be an impressive reminder of the industrial heritage of Cork. I am very cognisant of the balance that is required to be achieved between protecting architectural heritage whilst accommodating growth and development within a thriving city. The re-development of the mill building is welcomed in principle. I do not have issue with the design strategy in terms of the cluster blocks to the eastern elevation nor the uses proposed therein. I consider that an appropriate re-development of this site would add significantly to the amenity of the area.

11.5.23 However, while the retention and re-use of the mill structure is welcomed, I am not convinced that the design proposal in this instance (in particular to the western elevation) reflects and/or is sensitive to the historical importance of the site, as per Objective 9.1 of the operative City Development Plan. The proposed alterations to the western elevation are considered to be an unsympathetic approach to the architectural heritage of the site and if permitted, would detract from the character of this mill structure. I am of the opinion that there is a better design response to this elevation than is currently proposed and I would largely concur with the opinion of the Architectural Conservation Officer in this regard. The lack of details relating to the retention of other elements of this Recorded Monument are also highlighted to the Board.

11.5.24 Therefore, having regard to all of the above, I would concur with the opinion of the planning authority in this instance and recommend a refusal of permission in relation to this element of the proposal. I highlight to the Board that the planning authority recommend a split decision in this instance (a refusal of permission for Parcel B and a grant of permission for Parcels A and C). I would have some concerns regarding the timelines for redevelopment Parcel B, if the remaining two sites are granted permission independently. In addition, I highlight that a split decision would result in no parking provision for the remainder of the development (as all proposed parking spaces are within Parcel B). In addition, given the lack of resident support facilities proposed within Parcel C, the nearest such facilities would be within Parcel A, the furthest parcel from that site.

11.6 Design Approach/Plot Ratio and Site Coverage/Density/Aspect/Materials Strategy

Context

- 11.6.1 With respect to design and layout, a number of documents accompany the application including a Design Statement, Landscape Design Rationale Report, Landscape and Visual Impact Assessment Report, photomontages, together with detailed drawings for each block. A Housing Quality Statement provides details about individual apartments.
- 11.6.2 Three individual sites comprise this development proposal, all are located either fronting onto or in the vicinity of the N20 Limerick Road. They comprise the following:

Table 5:

Parcel	Site Area	No. of units
Parcel A (most northerly site) (Island Site)	0.2 ha	99 apartments
Parcel B (Hewitt's Mill site)	0.44 ha	69 apartments
Parcel C (Pope's Hill)(most southerly site)	0.15 ha	23 apartments

- 11.6.3 Parcel A occupies a long slender 'island site' wedged between the northern arm of Assumption Road and the N20. To its rear is a large five-storey commercial building, currently occupied by the Revenue office. This is vacant ground left over after the construction of the N20 and Revenue Office.
- 11.6.4 Parcel B is formed primarily by the large former Hewitt's Mill structure and its attendant grounds. It is constructed on higher ground above the N20 road level with a large retaining wall forming the site's western edge. Access to the site is from its eastern side, on Assumption Road. The mill is an archaeological monument (RMP Ref: CO074- 116). It has also been identified, in the National Inventory of Archaeological Heritage (Ref. 20862040), as having regional level significance in architectural and social categories.

11.6.5 Parcel C is located on higher ground at the junction of Popes Hill and Assumption Road. This is a largely residential area.

Design Approach

11.6.6 The design approach has been raised as a concern in some of the third party submissions received including that from An Taisce. Concerns raised include the height and scale of the development proposed; considered to be over-development of the site; lack of open space and impacts on Hewitt's Mill building. The planning authority have raised concerns with regards the design approach for the mill building (and recommend a refusal of permission in this regard); the matter of open space provision and lack of residential facilities within Parcel C.

11.6.7 The proposal involves the construction of a residential development, which includes for 191 residential apartments. The proposal is to be accommodated in blocks up to nine storeys in height.

11.6.8 It is stated in the submitted Design Statement that the regeneration of the historic Hewitt Mill building is an important aspect the overall development, with the juxtaposition of 'old' and 'new' within the development to add to the urban environment. The matter of architectural heritage is dealt with above.

11.6.9 Parking is proposed within Parcel B only and the proposal will utilise the existing vehicular access from Assumption Road. Pedestrian improvements are proposed, these shall be dealt with in the following sections.

Plot Ratio

11.6.10 The NTA raise concerns with regards the overall density of the development, given the locational attributes and existing infrastructure attributes. An Taisce have also raised concerns in relation to the scale of the proposed development. I highlight to the Board that the overall scale of the proposal has been raised in many of the submissions received, including the Elected Members as contained in the Chief Executive Report, with many parties considering the proposal to represent over-development of the site. The planning authority do not refer to plot ratio in their Chief Executive Report but they do question whether Parcel A has the capacity for the scale of development proposed and questions whether it would constitute over-development. The operative City Development Plan (Table 16.13) sets an indicative

plot ratio standard of 1.0 – 1.5 in inner suburban areas. The proposed scheme has a stated plot ratio of 2.7.

11.6.11 The applicants have addressed the matter within their submitted Material Contravention Statement. They refer to Section 16.16 of the Plan which states that 'Plot ratio is secondary to other built form and planning considerations and should not be used to justify a particular built form as qualitative standards (such as scale, building height, enclosure ratio, space provision and quality, street widths, etc.) will be overriding considerations. A key assessment of proposals is their context and fitting in with the existing pattern of development. In some cases, higher plot ratios may be permitted e.g.: • Adjoining major public transport termini and nodes along rapid transit corridors where an appropriate mix of commercial and residential is proposed; • To maintain townscape and building elevation profiles'.

11.6.12 The proposed plot ratio is high, relative to the indicative standards set out in the operative City Development Plan for such inner suburban locations. I would echo the concerns of the planning authority and third parties in relation to over-development of the site, in particular in relation to Parcel A. I shall deal with this matter further below. Notwithstanding this, I do not consider this element of the proposal to represent a material contravention of the operative City Development Plan. As before, I note that Table 16.13 refers to '*indicative* plot ratio standards' (my emphasis), which infers a degree of flexibility in this regard. I also consider that section 16.16 (referred to above by the applicants) also allows for such flexibility. In any event, I have examined the provisions of section 16.13-16.16 inclusive of the operative City Plan and consider these to be standards, not policy. I am of the opinion that non-compliance with a standard of a Development Plan in a limited number of instances does not equate to a material contravention of that Plan.

Density

11.6.13 As stated above, a number of the third party submissions received, including those of the Elected Members as contained in Chief Executive Report consider that the proposal represents overdevelopment of the site in terms of scale and height. The planning authority states that the density of development proposed at Parcels B and C accord generally with policies relating to increased density within established settlements. It is considered however that the density at Parcel A, being 495 units

per hectare, is considerably higher than would normally be acceptable. They continue by stating that, with regards to Parcel A, there are concerns that the amenity to be enjoyed by future residents, parking and access to ancillary facilities, does not adequately support the high density proposed for Parcel A. The planning authority therefore ask that the Board carefully consider whether Parcel A has the capacity for this scale of development and whether it would constitute over development. The NTA states that while they support of the principle of higher density development, they have a number of concerns regarding the proposed development.

11.6.14 The following breakdown of density has been provided in the submitted Design Statement:

Table 6:

Parcel	Parcel Size	Density (units/ha)
A	0.2 ha	495
B	0.44 ha	156.6
C	0.15 ha	153.3

11.6.15 Paragraph 16.41 of the operative City Development Plan refers to minimum densities in suburban areas while Paragraph 16.42 states that ‘The residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare...’. Paragraph 16.12 of the operative Cork City Development Plan 2015 states: The attainment of higher densities is not a stand-alone objective; rather higher densities must be delivered in tandem with quality to ensure the creation of good urban places and attractive neighbourhoods. The appropriate density for any site will be determined by a wide range of factors. In assessing proposals for higher density development proposals the following design safeguards will be relevant:

- Presence or capacity of public transportation system (Chapter 5);
- Vision for urban form;
 - Appropriate response to context

- Acceptable building heights (Paras. 16.25-16.38)
- Conservation (ACA/ RPS and setting) (Chapter 9)
- Amenity considerations;
 - Overlooking, overshadowing, daylight, sunlight, etc.
 - Provision of adequate external space (16.18-16.20 and 16.64-16.69)
 - Provision of adequate internal space (16.52-16.53)
- Parking (Part G);
- Provision of ancillary facilities;
- Paragraph 16.40 - 16.42 for residential density.

11.6.16 Density across the three parcels is approximately 282 units/ha. Densities of this nature are generally considered appropriate for urban locations such as this and are considered to be in compliance with the operative City Development Plan and relevant section 28 ministerial guidelines. Section 16.42 of the operative City Development Plan states that the residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare responding to the nature of their context, and are more likely to be controlled by other considerations. These will include plot ratios (see Table 16.1), and other planning and design considerations.

11.6.17 However, in this instance I refer the Board to the individual parcels and individual densities proposed thereon. I consider the density proposed for Parcels B and C to be appropriate for this inner suburban location. The planning authority also considers such densities to be appropriate for these sites. I am of the opinion that they would support consolidation and densification at this location close to the city centre, close to existing public transport, employment and services. I would have concerns regarding public open space provision for these parcels but have dealt with that in the preceding sections.

11.6.18 However, I would echo the concerns expressed by the planning authority and third parties in relation to the density proposed in Parcel A. At 495 units/ha, I consider it to be very high, given the locational context of this site. I consider that a density such as that proposed in Parcel A would be more suitable in an inner city area. I

acknowledge the proximity of the site to Blackpool district centre and the local centre on the opposite side of the N20. I also acknowledge the established nature of the area and the existing and planned public transport services (I refer the Board to section 11.10 Traffic and Transport below in relation to planned public transport facilities in the wider area). Notwithstanding this, I would question if this is sufficient to permit a development of the density proposed within Parcel A. While I don't have issue with the height of the structures proposed on Parcel A, I highlight to the Board that there is no public open space proposed within this parcel and I question the level of amenity this would afford to future occupiers. Any open space is considered communal/residual in nature, leftover from the positioning of the blocks on site. The open space between the two blocks has been accurately described as a walkway in the submitted documentation while the open space to the east and west are buffers separating the proposal from the busy N20 to the west and the Assumption Road to the east. The applicant has not addressed this matter in the submitted application documentation, which is an omission. I also note that there is no car parking provision or even car club provision serving this parcel, which I don't have issue with in principle but when combined with the above, raises some concerns. The proposal could be considered to represent over-development of the site for these reasons.

11.6.19 Having regard to all of the above, I do not consider the proposal to materially contravene the operative City Development Plan in terms of density. I am of the opinion that density proposed in Parcels B and C is appropriate at this location and would be consistent with the policies and intended outcomes of current Government policy, including the National Planning Framework and RSES for the Southern Region, both of which seek to increase densities in suitable locations and consolidate development. I have concerns however, regarding the density of the proposal at Parcel A for the reasons outlined above.

Aspect

11.6.20 I highlight to the Board that there are inconsistencies in the submitted documentation in this regard, with the submitted Statement of Consistency stating that 100% (section 3.2.4.8.2) of units are dual aspect, while elsewhere in the same document, it is stated that 62% of units are dual aspect (section 2.4.4.2). I have reviewed the drawings and I consider the 62% calculation to be a more accurate figure. I note that

there are 6 no. north facing one-bed units within Parcel B (within the new build blocks).

11.6.21 The planning authority highlight this discrepancy but do not make further comment in relation to aspect. One of the submissions received notes that the proposal materially contravenes the operative City Development Plan in terms of number of dual aspect units. The planning authority do not address this matter of material contravention.

11.6.22 Section 16.51 of the operative City Development Plan deals with aspect and states that the target is for 90% of apartments to be dual aspect and that no single aspect apartments should be north facing.

11.6.23 SPPR 4 of the aforementioned Sustainable Urban Housing Guidelines (2020) deals with the minimum number of dual aspect apartments that may be provided within any single apartment scheme and states that a minimum of 33% dual aspect units will be required in more central and accessible urban locations while a minimum of 50% dual aspect units will be required in suburban or intermediate locations.

11.6.24 The applicants have addressed this matter within their submitted Material Contravention Statement. They do not explicitly state that they consider this element of the proposal to represent a material contravention of the Plan and as before, I note that the applicants state that they have adopted a more conservative approach. They refer to SPPR 4 in this regard and state that the proposal complies with this aforementioned SPPR.

11.6.25 SPPR 4 states that:

“In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- i. A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.
- ii. In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.
- iii. For building refurbishment schemes on sites of any size or

urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.”

11.6.26 I do not consider this element of the proposal to represent a material contravention of the operative City Development Plan. I note that section 16.51 states that ‘the *target* is for 90% of apartments to be dual aspect’ (my emphasis), which infers a degree of flexibility in this regard. In any event, I have examined the provisions of section 16.51 of the operative City Plan and consider these to be standards, not policy. I am of the opinion that non-compliance with a standard of a Development Plan in a limited number of instances does not equate to a material contravention of that Plan. I again note that the Sustainable Urban housing Guidelines (2020) post-date the operative City Development Plan and that the operative Plan references national guidance within the document. I consider it reasonable to apply national guidance in this regard and I note SPPR 4 in relation to aspect. I consider this to be a suburban location, as defined in the aforementioned Sustainable Urban Housing Guidelines (2020) and consider the 50% threshold to apply in this instance. The site is located within an urban area of the city, close to public transport facilities and numerous commercial and employment bases. I am satisfied with the quantum of dual aspect units proposed. I acknowledge that this site is not without its constraints. I also note SPPR4 in this regard and consider the proposal to be in compliance with same.

11.6.27 I highlight to the Board that the matter of north-facing units has not been dealt with in the submitted Material Contravention Statement. As stated above, section 16.51 of the operative City Development Plan states that ‘No single aspect apartments should be north facing’. In this regard, six one-bed units within Parcel B are single aspect, north facing. Given that this represents a mere 3% of the overall units, I consider this figure to be marginal. I do not consider this to be a material contravention of the operative City Development Plan.

Materials Strategy

11.6.28 This is a development of significant scale and the appropriate selection of materials, in terms of colour, tone, texture and durability is therefore crucial. This is particularly

important given the prominent location of the site. The matter of materiality has been considered in the architectural drawings and the primary materials for the scheme are brick cladding, which seeks to reflect the materiality of the wider area. I am generally satisfied with the approach taken in this regard. Materiality of the Hewitt's Mill building is dealt with above. I note that some elements of timber cladding are proposed. Given concerns regarding weathering and maintenance, I am of the opinion that these elements should be omitted from the proposal. Notwithstanding this, I am satisfied that if the Board is disposed towards a grant of permission, that exact details relating to this matter could be adequately dealt with by way of condition.

Conclusion

11.6.29 I am generally satisfied with the general design approach proposed. The matter of design approach to Hewitt's Mill will be dealt with in the previous section. The design rationale provides an appropriate edge to both the N20 and Assumption Road. The heights, scale and massing are generally considered acceptable and reflect the locational context of the site and the topography of the ground. The overall density is considered acceptable, although I have concerns with the density proposed in Parcel A. The plot ratio at 2.7 is also high, given the locational context, although could be considered acceptable if a quality scheme were put forward. Information in relation to site coverage has not been provided. As stated previously, in terms of open space provision, I am not satisfied with the proposal put forward and this is one of the main issues I have with the proposal.

11.6.30 While each of the issues identified above may individually be acceptable, subject to amendment, I am of the opinion that cumulatively they could result in a proposal that represents over-development of the site. I concur with the opinion of the planning authority and third parties in this regard.

11.7 Building Height/ Visual Amenity

Building Height

11.7.1 I have considered the third party submissions received, almost all of which raise concerns with regards the height of the proposed development and its impacts at this location. One of the submissions received notes that the proposal materially contravenes the operative City Development Plan in terms of building height. The

Elected Members, as contained in the Chief Executive Report, also raise concerns with regards the height and scale proposed. Many of the submissions received state that the proposed height is such would be out of character with the existing area and would impact negatively on the area. The City Architect's report, as contained in the Chief Executive Report states that it is considered that the height, scale and massing proposed is appropriate for all three parcels. The planning authority do not make further comment in this regard. Prescribed Bodies do not make raise concerns in relation to the height of the proposal. I note the DAA have not raised concerns with regards the height of the proposed development.

11.7.2 It is noted that a number of visualisations and photomontages have been submitted with the application documentation.

11.7.3 The proposal ranges in height from 3-9 storeys. Heights proposed within Parcel A are 8-9 storeys, within Parcel B are 4-7 storeys while Parcel C are 3-6 storeys. The height strategy is considered appropriate at this location and takes cognisance of local factors such as topography, distance from existing residential properties, forming of a strong edge to N20 and architectural heritage protection. Proposed heights are reduced nearer existing properties. The CGIs of the proposed development show the proposed development in the context of existing development immediately adjoining the site. I consider that the proposal would not be visually dominant when viewed from the surrounding area.

11.7.4 Section 16.25 of the operative Cork City Development Plan deals with the issue of building height and states that within the context of Cork city, the following building height categories can be identified:

- Low-rise buildings (1-3 storeys in height);
- Medium-rise buildings (less than 32 metres in height, 4-9 stories approximately). Buildings which are taller than the general building height in any area will be considered "taller" even where they are less than 10 storeys;
- Tall buildings (32 metres or higher, the approximate equivalent of a 10 storey building with a commercial ground floor and residential in the remaining floors).

11.7.5 The following is noted for building height within suburban areas, as set out in section 16.27-16.28 of the operative City Development Plan:

‘Within the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate (including cases where demolition and replacement of existing buildings occurs) except in the following areas:

- Major development areas identified in this development plan for which a local area plan or Development Brief will be prepared;
- Larger development sites – sites of greater than 0.5 hectares (or one residential block) which are capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.

Buildings of between 3-5 storeys will be considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23 metres (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan’.

11.7.6 A number of tall buildings locations are identified in the Cork City Development Plan 2015. As the subject site has not been identified for a tall building, this would normally limit the building height to 3-5 storeys as the site is situated in a suburban area. The buildings proposed on the subject site range in height from 3 to 9 storeys and are therefore classed as ‘medium-rise’ buildings in the Cork City Development Plan 2015. I consider the exceedance in terms of storeys proposed to be material. Therefore the proposed development materially contravenes section 16.28 of the Cork City Development Plan 2015-2021. A Material Contravention Statement is submitted with the application, which addresses this matter.

11.7.7 I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. It is acknowledged that the operative City Development Plan Height Guidelines have been superseded by the Urban Building Height Guidelines.

11.7.8 Section 3.1 of the Building Height Guidelines present three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights (note my response is under each question):

1. *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

My Opinion: Yes – as noted and explained throughout this report by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres. The planning authority is also of the opinion that the site is suitable for a higher density of development in accordance with the principles established in the National Planning Framework

2. *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

My Opinion: No – the City Development Plan predates the Guidelines and therefore has not taken clear account of the requirements set out in the Guidelines.

3. *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

My Opinion: It cannot be demonstrated that implementation of the policies, which predate the Guidelines support the objectives and policies of the NPF.

11.7.9 In addition to the above, I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal. This states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the

scale of site/building, in addition to specific assessments. I am of the opinion that while the principle of a development of the nature and height proposed has the potential to generally make a positive contribution to this area, however as stated elsewhere, there are elements of the proposal that are of concern. I note the following:

At the **scale of city/town**:

- The re-development and regeneration of these parcels is welcomed in principle and will improve the streetscape and visual amenity of the area. The appropriate regeneration of this site will bring wider benefits to the local community.
- Locational context of the site, being within an established area of Cork city, within walking distance of Blackpool district centre, nearby employment bases and city centre
- Site is served by public transport with two bus routes located within 50m of the site. The proximity of the site to Kent station and Parnell Place bus station, together with proposals for upgrades of public transport in the vicinity are noted. Currently, the nearest bus services to the site are routes 203 and 215, located within 50m of the subject site. The 203 route operates at 10 minute intervals during peak times. The seated capacity of a single decker bus, the only type of bus that appears to be operated on the 203 route, varies from between 26 and 31 seats (Citaro bus) and the total capacity to include standees also varies but may add between 60 and 74 people to the overall loading that a bus may legally carry. The hourly peak capacity would be circa 516 passengers. The 215 service would have similar capacity but runs at 30 minute intervals throughout the day. I therefore consider this to be a high frequency, high capacity bus service and I consider the site to be well served and accessible to high capacity and frequent national and commuter rail services; and national/local bus services. I refer the Board to section 11.10 Traffic and Transportation for further assessment in this regard.
- The proposed buildings will provide a focal point as one travels along the N20- transitions in heights noted with taller buildings located further away from existing residential development.

- The extension of the existing public open space associated with the Ard Patrick residential development has the potential to make a positive contribution to the environment of the wider area, if developed appropriately.
- A Landscape & Visual Impact Assessment Report was submitted with the application documentation. Visual impacts are dealt with in the following section
- The proposed development would not interfere with significant views in the locality, the site is not located within an architecturally sensitive area (although Parcel C is adjacent to an Area of High Landscape Value) and I am of the opinion that a development of the height proposed could be accommodated on this site without detriment to the visual amenities of the area given the existing built environment
- The use of material and finishes to the elevations contributes to breaking down the overall mass of the proposed development. There is sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape. CGIs of the proposed development have also been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the height and massing of the development appropriate for the location.
- While I have reservations in relation to the lack of usable public open space proposed, which could indicate over-development of the site, I do acknowledge that the proposal will enhance the public realm of the area. The proposal will also improve permeability and pedestrian facilities.
- Proposal will introduce new height, architectural expression and layouts into this area.

At the **scale of district/neighbourhood and street:**

- The architectural standard proposed, with variety of styles, architectural expression and materiality, is such that that it generally provides a good response to the overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape at this location.

- The proposal is not monolithic in nature. It comprises a number of blocks of varying heights and setbacks. The heights respond well to the site characteristics and locational context
- While I acknowledge that this is a residential scheme, I note mix of uses within this established area which include for retail, childcare, office and commercial uses.
- The proposal has the potential to contribute to the vitality of the area

At the **scale of site/building**:

- Microclimate reports submitted demonstrate access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents.
- Adequate separation distances are proposed between buildings.

Specific Assessments

- Site specific impact assessments, included with the application, have been referred to throughout my report and I am generally satisfied in this regard.
- AA Screening and NIS concludes that the possibility may be excluded that the development will have a significant effect on any European sites.
- An EIA Screening has been submitted which concludes that the proposed development by reason of its scale, construction and operational impact would not meet the requirements of Schedule 7 for sub-threshold developments and the submission of an EIAR is not required
- While ecological surveys have not been submitted, these matters could be adequately dealt with by means of condition

I am satisfied with the principle of building heights proposed within an urban location such as this. This is considered to be a strategic site due to its locational context within an established urban location, close to good public transport links. The opportunity for this site to be developed is to be welcomed.

Material Contravention in relation to Building Height

11.7.10 The attention of the Board is drawn to the fact that a Material Contravention Statement has been submitted with the application and the applicants have advertised same within their public notices, as required under the legislation. This Statement deals with the issue of height. A justification has been put forward which relates to the relevant section 28 guidelines, regional guidelines or national frameworks together with a response to the surroundings and connectivity. The applicants contend that the proposal is an appropriate design response that strikes a balance between respecting the surrounding environment and ensuring that the development potential of a large, underutilised, strategically located site is maximised. The planning authority have not addressed the matter of material contravention in relation to building height.

11.7.11 In terms of building height and as outlined above, the City Development Plan normally limits building height to 3-5 storeys at such a location, as the site is situated in a suburban area. The buildings proposed on the subject site range in height from 3 to 9 storeys and are therefore classed as 'medium-rise' buildings in the Cork City Development Plan 2015. Given the extent of exceedance of these figures, I consider the proposal to represent a material contravention of the operative City Development Plan in this instance.

11.7.12 Under the Planning and Development Act 2000, it is open to the Board to grant permission for development that is considered to be a material contravention in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of development and permissions granted in the vicinity since the adoption of the development plan.

11.7.13 I am of the opinion that a grant of permission that would materially contravene section 16.7.2 of the Cork City Development Plan 2015-2021, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, on the following basis.

11.7.14 In relation to section 37(2)(b)(i), I note that the current application, which is for 191 build-to-rent residential units, has been lodged under the strategic housing legislation

and is considered to be strategic in nature. One of the submissions received states that the subject site is not of strategic importance and I would not agree with that contention. I also note that the subject site is located on lands for which residential development is permissible. I note the potential of the proposal to contribute to the achievement of the Government policy to increase the delivery of housing from its current under supply set out in Rebuilding Ireland- Action Plan for Housing and Homelessness, issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban location close to public transport and centres of employment. The newly published 'Housing for All' is also noted in this regard. I am of the opinion that the strategic importance of the delivery of housing units to address housing shortages in the principal urban areas is established in the national, regional and local planning policy context.

11.7.15 In relation to section 37(2)(b)(iii), I note the Building Heights Guidelines for Planning Authorities (December 2018), which provides a policy basis for increased building heights at appropriate locations. Specific Planning Policy Requirement SPPR 1 of the Guidelines provide that planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development... and shall not provide for blanket numerical limitations on building height. While I note the height limits set out in section 16.28 of the operative City Development Plan, I am of the opinion that it could be argued that a blanket numerical limitation for residential and commercial development applies to suburban areas within the Cork city administrative boundary, with certain, very limited areas identified for buildings of greater height. Specific Planning Policy Requirement SPPR 3A of the Guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria specified in the Guidelines are met. I have had regard to the aforementioned performance criteria (see above) and am satisfied that they are substantially being met in this instance.

11.7.16 The National Planning Framework – Ireland 2040 fully supports the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I note Objectives 13 and 35 of the NPF in this regard. Objective 13 states that 'In urban areas, planning

and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected'. Objective 35 promotes an 'Increase residential density in settlement, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

11.7.17 Notwithstanding my concerns in relation to aspects of this proposed development, I consider that having regard to the above, there is sufficient justification for the Board to invoke their material contravention powers and grant the height as proposed in this current application. Thus, I am satisfied that the proposal can be granted with respect to section 37(b)(2)(i) and (iii) of the Planning and Development Act, due to the strategic nature of the development and national guidance in this regard.

Visual Amenity

11.7.18 A Landscape and Visual Impact Assessment Report, Landscape Design Rationale Report, Archaeological and Built Heritage Impact Assessment and photomontages have been submitted with the application. The submitted documentation shows the proposed development in the context of the existing surrounding area. A rationale for the proposed height has been outlined and this is set out above.

11.7.19 Many of the third parties raise concerns regarding impacts of the proposal on visual amenity and impacts on views- impacts on views from the dwellings in Ard Patrick and impacts on views of Graffiti Theatre Company and Cork Foyer. It is noted that the planning authority, Elected Members (as contained in Chief Executive Report) and An Taisce as well as other third parties all raise concerns in relation to the visual impacts of the proposal. The concerns of the planning authority in this regard relate primarily to the impacts on the visual amenity of Hewitt's Mill.

11.7.20 I note the designated views within the wider area, as contained within the operative City Development Plan. There are no designated views pertaining specifically to the subject parcels. The planning authority have not raised impacts on views as a matter of concern.

11.7.21 I acknowledge the concerns expressed in the submissions received. The proposal, will without doubt, have impacts on views within the surrounding context and from various vantage points across the city. Views are ever-changing, often fleeting. This is to be expected within a thriving, developing city.

11.7.22 I have examined all the documentation before me and I acknowledge that the proposal will result in a change in outlook as the site changes from its current underutilised use to a site accommodating development of the nature and scale proposed. As the site is opened up, it will become more visually prominent than is currently the case. Without doubt, there will be significant long term impacts on the visual landscape context of the area. This is inevitable when dealing with taller buildings and is not necessarily a negative. The skyline is an ever evolving entity.

11.7.23 I have inspected the site and viewed it from a variety of locations. I have also reviewed all the documentation on the file. I am of the opinion that while undoubtedly visible, the proposal would not have such a detrimental impact on the character and setting of key views within the city, as to warrant a refusal of permission. There is greater potential for visual impacts at a more local level and this is acknowledged. I consider the transition in scale to be acceptable in this instance having regard to the mixed character of the area. I have no doubt that the proposed development will add to this existing character, bringing a new dimension to this area of the city. I am satisfied that the proposed development has the potential to add visual interest; will make a positive contribution to the skyline and will improve legibility within this city area and that, in principle, its height, scale and massing is acceptable in townscape and visual terms. The planning authority recommend a grant of permission for the proposed development, subject to amendments detailed above.

Conclusion

11.7.24 I acknowledge the concerns raised by third party submissions including Elected Members, as expressed in the Chief Executive Report. I acknowledge national guidance in relation to the consolidation and densification of development site within urban areas. I do not have issue with the principal of the heights proposed and consider that they would be an appropriate invention at this urban location, adjacent to one of the main access routes into the city centre. These are currently under-utilised parcels of land that detract significantly from the streetscape at this location. I

consider that any impacts on views would not be so great as to warrant a refusal of permission. The streetscape and townscape benefits would outweigh any negative impacts in terms of impacts on views.

11.7.25 As stated above, notwithstanding my concerns in relation to elements of this proposed development, I consider that there is sufficient justification for the Board to invoke their material contravention powers and grant the height as proposed in this current application. I am satisfied that the proposal can be granted with respect to section 37(b)(2)(i) and (iii) of the Planning and Development Act. As stated above, Specific Planning Policy Requirement SPPR 3A of the Guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria specified in the Guidelines are met. I have had regard to the aforementioned performance criteria (see above) and am satisfied that they are substantially being met in this instance.

11.8 Impacts on Existing Residential Amenity

Context

11.8.1 Concerns regarding impacts on existing residential amenity have been put forward in many of the observer submissions received, including concerns regarding overlooking, overshadowing and loss of light, together with privacy concerns, use of public open space and overspill car parking. I deal with the matters of public open space and overspill parking elsewhere within this report, and in the interests of brevity, will not reiterate. The planning authority note that due to their location and orientation, the proposed buildings on Parcels A and B will not impact negatively upon the amenity of existing residents through overlooking or overshadowing. The planning authority continue by stating that Parcel C has the potential to impact upon the amenity of residents of The Avenue, to the east of the subject site. However, given the orientation of the new building, to the east of the existing homes, it is considered unlikely that there will be any undue loss of access to light. They consider the separation distances between the new building and existing residents to be appropriate, in order to ensure the protection of privacy.

11.8.2 In terms of impacts on existing residential amenity, at the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current

level of development to that accommodating a high density development, such as that proposed. This is not necessarily a negative. I am cognisant of the relationship of the proposed development to neighbouring dwellings. In my opinion, a sufficient distance is being maintained from existing properties to ensure that any impacts are in line with what might be expected in an area such as this, and therefore are considered not to be excessively overbearing given this context. There is an acknowledged housing crisis and this is a serviceable site, zoned for residential development in an established urban area, where there are public transport links with ample services, facilities and employment in close proximity. I have no information before me to believe that the proposal if permitted would lead to the devaluation of property in the vicinity.

Daylight and Sunlight

- 11.8.3 In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms.
- 11.8.4 It is noted that loss of daylight and overshadowing forms one of the key objections from local residents. I note the layout of the proposal is such that a significant separation distance is proposed between the proposed development and nearby residential properties and the attention of the Board is drawn to this fact. The stepping of the building height on Parcel C is also noted (whereby it is at its lowest nearest existing residential properties). This is addressed further below.
- 11.8.5 The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its

potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

- 11.8.6 I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.
- 11.8.7 A 'Daylight Reception Report', 'Sunlight Reception Analysis' and 'Effects on Daylight Reception Analysis' were submitted with the application. The information contained therein generally appears reasonable, robust and accurate. I note that the submitted Reports have been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 2nd Edition 2011; Irish Standard IS EN 17037:2018 and CIBSE Guide 10 Day Light and Lighting for Buildings. I have considered the reports submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have carried out an inspection of the site and its environs.
- 11.8.8 As stated above, the matter of daylight/sunlight/overshadowing has been raised in many of the third party submissions received. The planning authority have not raised concern in this regard.

Daylight

11.8.9 In relation to daylight, paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time.

11.8.10 Properties analysed are set out in section 5 of the report- 9 locations for Parcel A, 12 locations within Parcel B and 8 locations within Parcel C. These are the buildings in closest proximity to the subject development and all windows fronting the proposed development were analysed.

11.8.11 See below for properties and impact classification:

Table 7:

Receptor	Address	Use	Change	Result
Parcel A				
A1	7 Watercourse Road	Residential	0.90	Pass
A2	19 Watercourse Road	Residential	0.86	Pass
A3	Brefni Court, Watercourse Road	Residential	0.94	Pass
A4	Graffiti Theatre	Office/Business	0.96	Pass
A5	Cork Foyer	Office/Business	0.96	Pass
A6	Revenue Regional Office	Office/Business	0.81	Pass
A7	Revenue Regional Office	Office/Business	0.81	Pass
A8	18 The Avenue	Residential	0.87	Pass
A9	17 The Avenue	Residential	0.89	Pass
Parcel B				
B1	N20 Blackpool	Residential	0.91	Pass
B2	N20 Blackpool	Residential	0.94	Pass

B3	No. 1 Madden's Buildings	Residential	0.93	Pass
B4	Revenue Regional Office	Office/Business	0.81	Pass
B5	12 The Avenue	Residential	0.97	Pass
B6	10 The Avenue	Residential	0.95	Pass
B7	Seana Mhuilleann Apts	Residential	0.95	Pass
B8	Seana Mhuilleann Apts	Residential	0.90	Pass
B9	Seana Mhuilleann Apts	Residential	0.81	Pass
B10	Seana Mhuilleann Apts	Residential	0.81	Pass
B11	Seana Mhuilleann Apts	Residential	0.81	Pass
B12	Seana Mhuilleann Apts	Residential	0.85	Pass
Parcel C				
C1	Seana Mhuilleann Apts	Residential	0.91	Pass
C2	Seana Mhuilleann Apts	Residential	0.91	Pass
C3	Seana Mhuilleann Apts	Residential	0.91	Pass
C4	10 The Avenue	Residential	0.95	Pass
C5	4 The Avenue	Residential	0.94	Pass
C6	3 The Avenue	Residential	0.90	Pass
C7	2 The Avenue	Residential	0.87	Pass
C8	1 The Avenue	Residential	0.88	Pass

11.8.12 I am satisfied that all relevant properties have been considered. The results show that of the windows analysed, the calculated change in daylight reception in the selected locations are all within the BRE recommended maximum change factor of 0.8.

11.8.13 The above is noted and I am of the opinion that the results confirm that access to daylight for existing surrounding properties, when compared with their existing baseline experience, will not be unduly compromised as a result of the proposed development. The VSC results indicate that the proposed development will have a generally negligible impact on the majority of the surrounding buildings.

11.8.14 I am of the opinion that the scale of any proposed development adjacent to existing development would need to be very low rise to cause no impact to the levels of daylight in the existing apartments. I note the height of the proposed development

and consider it to be appropriate in principle for this area, given its locational context and current national guidance in this regard. I note the level differences between existing properties and blocks proposed and the separation distances involved including across the busy N20. I note the landscaping buffers proposed between the proposed blocks and those existing. This aids in increasing separation distances and also provides a wider planning gain from an environmental, visual and ecological perspective. The design rationale is noted whereby buildings are set away from the boundaries. The planning gain associated with the regeneration of this site is noted and is in accordance with both national and local policy objectives.

11.8.15 I am of the opinion that any impacts on nearby properties are on balance acceptable, having regard to the limited nature of the impacts on the windows of these identified properties, to the existing open nature of the site and to the need to deliver wider planning aims, including the delivery of housing and the development of an underutilised urban site.

Sunlight

11.8.16 The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied and is applied only to windows that face within 90 degrees of due south. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. The only windows facing within 90 degrees of due south that could be affected by the proposed development are those in the Granary Court development. The submitted assessment does not provide analysis in this regard; however, I note that the Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation. The Building Height Guidelines state in criteria 3.2 that 'the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light'. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'.

11.8.17 While there is no analysis provided, I note the orientation of the site. In my opinion, the results in relation to sunlight impact could be expected to have a similar effect as set out above in relation to daylight. But given the orientation of blocks and separation distances proposed, I am satisfied that the acceptable levels of sunlight will be maintained to existing development, in recognition of BRE criteria.

11.8.18 I am satisfied that impacts of the development on sunlight levels to surrounding property will be minor, and are on balance, acceptable.

Overshadowing

11.8.19 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. Image 6.1 of the submitted 'Sunlight Reception Analysis' (page 13) indicates the neighbouring amenity areas that have been selected and analysed. The calculation results show that all of selected existing amenity spaces received 2 hours of sunlight or more on at least 50% of the area before and after the introduction of the new development. The applicants also assessed whether any loss of sunlight would be greater than 0.8 (20% reduction) times its former size. In this regard, two receptors were noted. These two receptors were No. 1 (to the north of Parcel A) and No. 6 (open space to the north of Parcel C). The calculation results for Receptor No. 1 indicate a change factor of 0.48 to the shadow/sunlight due to the new proposed development. The result is beyond the constraints of the BRE guidelines. The applicants contend that this amenity space is within the realm of the new development and is therefore not deemed to be a neighbouring amenity space. It is unclear to me what they applicants mean in this regard. However, I note that this area appears to be residual space, is overgrown and does not provide a high amenity value to the area. Receptor No. 6 calculation results in a change factor of 0.78 to the shadow/sunlight due to the proposed development. The result is 2% outside the maximum change factor guidelines. This is the area of public open space associated with the Ard Patrick Avenue development. I note the above and I acknowledge that there will be generally minor impacts on some existing amenity spaces in the vicinity. I also note the design and layout of the proposed blocks which seeks to provide streetscape improvements at this location and I consider the benefit of the appropriate redevelopment/rejuvenation of these left-over, residual sites would outweigh any minor impacts on amenity spaces in the vicinity. The heights and

layout have been design to respond to the site characteristics. I also note the orientation of the sites, the separation distances proposed and the design and layout of the proposal. I am content that the proposed development would not unduly overshadow surrounding amenity spaces, over and above the current situation and importantly existing external amenity areas retain a minimum of 2 hours of sunlight or more on at least 50% of the area before and after the introduction of the new development, as per BRE guidelines. I am satisfied in this regard

Conclusion

11.8.20 I do not consider there to be significant impact upon surrounding residents' daylight and sunlight as a result of the proposed development. The level of impact is considered to be acceptable. In my opinion, and based upon the analysis presented, the proposed development does not significantly alter daylight, sunlight or overshadowing impacts from those properties existing and this is considered acceptable. The proposed development is located on a site identified for residential development. Having regard to the scale of development permitted or constructed in the wider area and to planning policy for densification of the urban area, I am of the opinion that the impact is consistent with emerging trends for development in the area and that the impact of the proposed development on existing buildings in proximity to the application site may be considered to be consistent with an emerging pattern of medium to high density development in the wider area. This is considered reasonable. While there will be some impacts on a small number of windows, on balance, the associated impacts, both individually and cumulatively are considered to be acceptable. The planning authority have not raised any concerns in relation to this matter.

Overlooking and impacts on privacy

11.8.21 I highlight to the Board that the matter of overlooking and impacts on privacy has been raised as a concern in some of the third party submissions received.

11.8.22 I note the separation distances proposed (minimum separation distances in excess of 16 metres) and consider these to be sufficient to safeguard the residential amenities of residents within the neighbouring properties by avoiding excessive levels of overlooking from occurring.

11.8.23 Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, I consider that matters of overlooking would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking and overshadowing is to be anticipated. It is also to be anticipated that one would see other development from their property. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. This is an urban area and the site is zoned for residential development. The principle of a dense scheme at this location, accords with national policy in this regard.

Noise

11.8.24 The matter of noise and impacts on amenity given proximity to N20, has been raised in some of the third party submissions received.

11.8.25 Given the nature of the development proposed, I do not anticipate noise levels to be excessive. I acknowledge that there may be some noise disruption during the course of construction works. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. A condition should be attached to any grant of permission regarding construction hours. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note that a Construction Environment Management Plan (CEMP) has been submitted with the application, which deals with the issues of noise and vibration, dust control, demolition procedures and construction working hours. In addition, a Noise and Vibration Report was submitted, which includes for mitigation measures for both construction and operational phases. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. I have no information before me to believe that the proposal will negatively impact on air quality. Construction related matters can be adequately dealt with by means of condition. However, if the Board is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

11.8.26 I note the planning authority suggest the provision of a roof terrace within Parcel C to compensate for inadequate communal/public open space provision. I have no

information before me to believe that noise from the proposed amenity spaces would be excessive and I would not anticipate it to be any greater than noise from a back garden of an existing residential dwelling. Notwithstanding this, if the Board is disposed towards a grant of permission that includes for the provision of a roof terrace to Parcel C, I recommend that a solid barrier is introduced to the terrace in order to mitigate against noise spilling from the communal area into any adjoining residential properties.

11.8.27 I note the report of the Environment Section of the planning authority which does not raise concern in this regard, subject to condition. I am satisfied in this regard.

11.9 Quality of Proposed Residential Development

Context

11.9.1 It is noted that some of the third party submissions received raise concern with regards the quality of residential amenity being afforded to future occupants of the proposed scheme. The planning authority highlight the lack of usable public/communal open space provision in the proposed development as it may point to overdevelopment. They also highlight that there are no communal facilities proposed for Parcel C. They consider it appropriate to request the omission of two apartments to facilitate the provision of communal facilities.

11.9.2 Many of the third party submissions received have raised concerns with regard the proposed unit mix.

11.9.3 In terms of unit mix, some submission raise concern with the number of one and two bed units proposed, which they consider would not facilitate in the creation of sustainable communities and would not be suitable for the accommodation of families. Some of the Elected Members have also raised concerns in this regard. The planning authority have not addressed this matter in their Chief Executive Report. Prescribed Bodies have not raised concerns in this regard.

Unit Mix and Material Contravention

11.9.4 The overall proposed unit mix is as follows:

Table 8: Overall Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	-	99	69	23	191
As % of total	-	52%	36%	12%	100%

11.9.5 I note that one- and two-bed units comprise 88% of the proposed residential mix with 12% of the proposed units being three-bed units. The Urban Design Manual, in particular Criteria 03 and 04, 'Inclusivity' and 'Variety', are noted. This puts forward the idea that in larger developments, the overall mix should be selected to create a mixed neighbourhood that can support a variety of people through all stage of their lives. I do not have concerns with regards the unit mix proposed. Presently, the wider area could be described as a mixed neighbourhood and I am of the opinion that the proposed development will contribute positively to that. I also fully acknowledge changing household sizes and note that the NPF states that seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. Again, I reiterate that as this is a build-to-rent development, the provisions of SPPR 8(i) of the Apartment Guidelines apply, which state that that no restrictions on dwelling mix...shall apply. This is the current national policy context in which I am assessing the proposal.

Unit Mix/Material Contravention

11.9.6 The attention of the Board is drawn to the fact that the submitted Material Contravention Statement deals with, amongst other matters, the issue of unit mix. The submitted Statement notes that the applicants have taken a conservative approach in this regard and the document provides justification regarding the possible contravention of the provisions of the Development Plan with regards to the matters addressed. One of the submissions received notes that the proposal materially contravenes the operative City Development Plan in terms of unit mix. The planning authority do not address this matter of material contravention.

11.9.7 Section 16.43-16.45 inclusive of the Cork City Council Development Plan 2015-2021, sets out the requirements in relation the mix of dwellings provided as part of new apartment developments. Table 16.4 sets out 'Indicative Targets for Dwelling

Size and Distribution', which provides for a maximum of 15% one-bedroom units, maximum of 50% two-bed and a minimum of 35% three- or more bedroom units. It acknowledges that the provision of a range of housing types and sizes in the city will increase in importance as trends show a decline in family households and an increase in elderly and single person households..

11.9.8 The proposal is for a long-term, purpose-built managed scheme of over 50 units, developed under the 'build-to-let' model. I note that the planning authority do not address this matter within their Chief Executive Report.

11.9.9 I have examined the provisions of section 16.43-16.45 of the operative City Plan and consider these to be standards, not policy. I am of the opinion that non-compliance with a standard of a Development Plan in a limited number of instances does not equate to a material contravention of that Plan. Crucially, I note that Table 16.4 refers to '*Indicative Targets*' (my italics), which infers a degree of flexibility in this regard.

11.9.10 It is noted that since the adoption of the Cork City Development Plan 2015-2020, the Sustainable Urban Housing: Design Standards for New Apartments (2015) have been updated (December 2020). I note that the planning authority in their Chief Executive Report continually refer to the updated 2020 guidelines (occasionally the 2018 guidelines are referred to but I am assuming that is an error as opposed to a policy stance). One of the main differences between the 2015 and 2020 guidance documents relates to, inter alia, build to rent developments and associated "Specific Planning Policy Requirements" (SPPRs). The 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (December 2020) contains SPPRs in relation to build-to rent developments, namely SPPR7 and SPPR8. Specifically, in relation to unit mix requirements for build-to-rent developments, I note SPPR8 (i), which I acknowledge takes precedence over any conflicting policies and objectives of Development Plans. SPPR8 (i) of the Apartment Guidelines (2020) states that 'No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise'. It is noted that such SPPRs, which allow for flexibility in relation to build-to-rent developments, were not included in the 2015 guidelines. This form of housing tenure was not included for in the City Development Plan.

11.9.11 I consider it reasonable to apply the updated section 28 guidance in this regard, which allows for flexibility in relation to build-to-rent developments in terms of unit mix. The City Development Plan does not differentiate between build to sell or BTR, all residential units are treated the same in this regard. The Apartment Guidelines differentiate between build to sell and BTR and state that there should be no restrictions on dwelling mix in terms of BTR schemes, SPPR 8(i) refers. I note that the City Development Plan cross references national guidance while the Chief Executive Report regularly applies both its own standards and current national guidelines. This is considered to be a reasonable approach. As stated elsewhere within my assessment, I consider the proposed development to be broadly in compliance with both the operative City Development Plan and national guidance. While there is some non-compliance with City Development Plan standards in terms of unit mix, I do not consider this to be material in nature. The proposal is in compliance with SPPR8(i) of the aforementioned Apartment Guidelines (December 2020).

11.9.12 In my opinion, while the unit mix may contravene this standard of the operative City Development Plan, I do not consider it to be a material contravention of the Development Plan. The proposal broadly complies with section 16.43-16.45 of the Plan and meets the standards of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). The planning authority have not stated that they consider this matter to be a material contravention of the Plan. I am satisfied in this regard.

11.9.13 To conclude this section, I acknowledge the concerns of the third parties and Elected Members, as contained in Chief Executive Report, in relation to this matter. Notwithstanding this, I acknowledge the current proposal is catering to a certain cohort of the population, in an urban location that has traditionally been well served with larger units. I also acknowledge changing household sizes and the type of units required to meet current and future demands.

11.9.14 Importantly, I note that as this is a build-to-rent scheme and the provisions of SPPR 8(i) of the aforementioned Apartment Guidelines (2020) apply, which state that no restrictions on dwelling mix shall apply to such schemes. The proposal is considered to comply with SPPR 8(i) of the aforementioned Sustainable Urban Housing: Apartment Design Guidelines (2020) in relation to unit mix in BTR developments.

Finally, I do not consider the proposal to represent a material contravention of the City Development Plan in terms of unit mix, for the reasons addressed above.

Floor to Ceiling Heights/Lift and Stair Cores

11.9.15 Section 16.54 of the operative City Development Plan references minimum floor to ceiling heights and states that 'Providing decent floor-to-ceiling heights has significant benefits for dwellings, including more attractive living spaces, better daylight/sunlight / ventilation, and improved storage space opportunities. Apartments will have a minimum floor to ceiling height of 2.7m (3m floor to floor) apart from in exceptional circumstances relating to architectural conservation and historic character of townscapes and the significant character of streets and their existing building elevations'. SPPR5 of the aforementioned Apartment Guidelines 2020 is also noted in relation to floor to ceiling heights. The proposal complies with both the operative City Development Plan and the aforementioned Apartment Guidelines in this regard.

11.9.16 Section 16.55 of the operative City Development Plan states that 'It is recommended that a maximum of 4 apartments per floor should be accessed from a lift/stair core in order to ensure a high quality of internal circulation space'. SPPR 8(v) of the Apartment Guidelines 2020 states that: "The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations."

11.9.17 Within the submitted Statement of Consistency, the applicant inadvertently refers to this as a BTS scheme. They state that SPPR 8(v) applies and that the proposed development complies with existing building regulations. In the interests of clarity, I highlight that this is a BTR scheme. I note that the proposal is not in compliance with section 16.55 of the operative City Development Plan in this regard. The applicants have not addressed this matter in the submitted Material Contravention Statement. Given the marginal exceedance of the standard relating to stair cores, I do not consider this to be a material contravention of the operative City Development Plan. The planning authority have not stated that this is a material contravention of the Plan. I note the flexibility implied in this section, as it is only recommended that there be a maximum of four apartments per floor as opposed to this being a requirement. I consider that limited non-compliance with standards of a Development Plan does not

represent a material contravention of any said Plan. SPPR 8(v) of the Apartment Guidelines is noted which states that 'The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations'. It appears to me from an examination of the submitted plans that no block has more than 12 units per single core. I am satisfied in this regard.

Floor Areas

11.9.18 Chapter 16 of the operative City Development Plan sets out minimum overall apartment floor areas as follows:

- 1-bed - 55 sq.m
- 2-bed/3 person - 80 sq.m
- 2-bed/4 person- 90 sq.m
- 3-bed- 100sq.m

11.9.19 The proposed apartments range in size from one- to three- bed units and provide a range of sizes to accommodate a range of household sizes. The units have been designed to comply with the Sustainable Urban House: Design Standards for New Apartments (2020) and therefore fall below the minimum thresholds for unit size outlined in the CDP 2015 in some instances, thereby contravening the operative City Development Plan.

11.9.20 One of the submissions received notes that the proposal materially contravenes the operative City Development Plan in terms of floor area. The planning authority do not address this matter of material contravention.

11.9.21 The applicants have addressed this matter within their submitted Material Contravention Statement. I note that the proposal does not meet the CDP standards in all instances. However, it is noted that in many instances, the unit sizes significantly exceed the minimum floor area requirements of the CDP. As stated previously, the Apartment Guidelines distinguishes between build-to-sell and build-to-rent typologies (unlike the operative City Development Plan) and provides express guidance on the Build to Rent (BTR) development typology as proposed in the subject application - in this regard SPPR 7 of the guidance is relevant. I note that Appendix 1 sets out minimum overall apartment floor areas and the proposal is fully

compliant in this regard. SPPR 8 goes on to provide distinct planning criteria applicable to BTR development and in this regard SPPR 8 (iv) removes the requirement that majority of all apartments in a proposed BTR scheme should exceed the minimum floor area standards by a minimum of 10%.

11.9.22 With respect the design standard for new apartments, Appendix A of the CDP 2015 notes that the Design Standards for New Apartments (2007) have been used to set out the requirements for apartments in the Development Plan. The standards in relation to apartment size and design have been reviewed twice since the adoption of the CDP 2015. The proposed apartments are fully compliant with the standards of the 2020 Apartment Guidelines in relation to unit size.

11.9.23 Given the marginal exceedance of the standard relating to floor areas, I do not consider this to be a material contravention of the operative City Development Plan. The planning authority have not stated that this is a material contravention of the Plan. I am satisfied in this regard.

Room Width/Room Sizes/Storage

11.9.24 Section 16.53 of the operative City Development Plan states that ‘the minimum internal room dimensions outlined in Quality Housing for Sustainable Communities (DoEHLG, 2007) will be applied to new dwellings’. This document has been superseded by the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). I consider it reasonable to apply the current standards. Appendix 1 of the Apartment Guidelines, 2020 sets out minimum aggregate floor areas and storage space requirements. The proposed development is in compliance with these standards. I note that one of the submissions received raised concern in relation to the level of storage proposed. I note that some of the proposed units within the mill conversion have access to storage areas at attic level. This is welcomed and would greatly enhance the amenity of these units. I am generally satisfied in this regard.

11.9.25 To conclude this section, on the whole I agree that the standards of the Development Plan with regard to stair cores and floor areas are not being met in all cases. I consider the provisions of section 16 of the operative City Development Plan to be standards, not policy. I note that all of the parameters with regards to the above matters meet or exceed the standards set out by the Apartment Guidelines.

11.9.26 I consider that the proposed development is in accordance with SPPR 3 and SPPR 8 of the Apartment Guidelines. I can see no contravention of the Plan in this respect. The planning authority have do not state that they consider the proposal to be a material contravention of the operative City Development Plan. I am satisfied in this regard.

Daylight and Sunlight to Proposed Residential Units

11.9.27 Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

11.9.28 As before, I have considered the 'Daylight Reception Report', 'Sunlight Reception Analysis' and 'Effects on Daylight Reception Analysis' reports that were submitted with the application and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated

guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines.

Daylight

11.9.29 In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

11.9.30 The internal daylight analysis was undertaken for 68 rooms across the development on the basis that these locations are more daylight challenging. This is considered reasonable.

11.9.31 The proposed units contain combined kitchen/living/dining layouts.

11.9.32 The applicant has applied the 2% ADF value for kitchen/living/dining area and 1% for bedrooms. When combined kitchen/living rooms are benchmarked against the 2.0% target and bedrooms benchmarked against 1% target, it is noted that all rooms tested meet or exceed the relevant BRE 209 standard. I note that the kitchen areas were not excluded from the calculations. I am therefore satisfied in this regard.

Sunlight

11.9.33 In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. The submitted assessment does not provide analysis in this regard; however, I note that the Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation. The Building Height

Guidelines state in criteria 3.2 that ‘the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light’. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally ‘light’.

11.9.34 While there is no analysis provided, I note the orientation of the site with many units in the proposed development facing south, east or west, with associated access to sunlight. Given the orientation of blocks and separation distances proposed, I am satisfied that the acceptable levels of sunlight will be achieved to most living rooms in the proposed development, in recognition of BRE criteria.

Internal Open Spaces

11.9.35 Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. It is noted that all proposed amenity spaces exceed this target. This is considered acceptable.

Conclusion

11.9.36 The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

11.9.37 Having regard to the information outlined above, as contained in the submitted Daylight and Sunlight Analysis, I note that for the proposed apartment units, full

compliance with the ADF target of 2% for kitchen/living rooms and 1% for bedrooms is achieved.

11.9.38 I am generally satisfied that there will not be significant impact on nearby properties and am satisfied that the design results in sufficient daylight and sunlight for future residents.

11.10 Traffic and Transportation

Context/Proposal

11.10.1 It is noted that a Quality Audit- Stage 1 including Mobility Management Plan was submitted with the application. I again highlight inaccuracies in the submitted documentation. The Mobility Management Plan states that walking times from the development to Shalom Park and Kennedy Park are under 5 minutes when in fact, the planning authority states that these green spaces are in the region of 28-30 minutes walking time. St Patrick Street is noted as an 11 minute walk but this is in fact approx. 20 minutes walking time.

11.10.2 It is stated in the documentation that that the proposal provides 14 car park spaces (10 proposed; access to 4 existing). Of the 10 spaces proposed, 8 of these accessible spaces. In total, the proposal provides for 448 bicycle spaces. All car parking spaces are located within Parcel B and will be shared among the 3 sites. They are intended for periodic use by residents and staff, principally as set-down or periodic temporary use. No dedicated long term resident parking is proposed. There is no car parking on the N20 and Assumption Road. The applicants contend that the lack of car parking will discourage car use, thereby promoting sustainable modes of transport. The target modal split of the development targets 5% private car use with the other 95% spread generally across walking, cycling and public transport. No further details in relation to the management of the proposed car parking spaces has been put forward.

11.10.3 The proposal also includes for upgrade to public road junctions in proximity to the site, in order to improve pedestrian permeability in the area. These locations are indicated as follows

- Watercourse Road/R846, works include, dropped kerb and tactile paving to be added to existing controlled junction (Northern Crossing Only)

- Pope's Hill/N20 Junction; works include addition of tactile paving and dropped kerb to existing pedestrian crossing
- Shandon View Cottages/N20 Junction; works include addition of tactile paving to existing pedestrian crossing
- Pope's Hill/Rathmore Park Junction; works include addition of tactile paving, dropped kerb & road marking for 2 additional Pedestrian Crossings
- Goldsmiths Avenue/Old Youghal Road Junction: works include addition of dropped kerb and tactile paving with the existing footpath to be increased in width through removal of bollards and drainage gullies to facilitate pedestrian movement.
- Assumption Road at 3 no. locations to include the following, a) upgrade of existing pedestrian crossing adjacent to existing tax office to include addition of tactile paving, dropped kerb and road markings; b) upgrade of existing pedestrian crossing north east corner of existing Hewitt's Mills building to consist of additional tactile paving, dropped kerb to eastern side and addition of road markings; c) addition of tactile paving, dropped kerb and road marking for 1 additional pedestrian crossing at the location of proposed pedestrian access at the proposed Hewitt's Mills site.

11.10.4 Currently I note there is poor pedestrian connectivity in the immediate area.

Footpaths are narrow. One currently has to cross the road at a busy, dangerous corner at Pope's Hill (Parcel C) so as to continue use of the footpath. There are no cycle paths in the vicinity of the site. There are currently two bus routes within 50m of the proposed development site. It is stated in the documentation that there are 8 bus routes within a five-minute walk of the site.

11.10.5 Traffic and transportation issues were raised as a matter concern within many of the third party submissions received with concerns regarding lack of parking, over-spill into adjoining area, creation of traffic hazard; inadequacy of existing pedestrian and cycle facilities; concerns regarding safety of children. The matter of the lack of provision of a set-down area to Parcel C has also been raised as a concern in some of the submissions received. The matter of inadequate public transport has also been raised as a concern.

- 11.10.6 A number of internal reports were received from the planning authority, as contained in the Chief Executive Report, including those from the Infrastructure Development section, Urban Roads and Street Design (Planning) Section and Traffic Regulation and Safety Report. In the interests of brevity, I shall refer to each of these reports throughout my assessment.
- 11.10.7 The report from the NTA has been summarised above. In summary, the NTA supports the principle of higher density development at the proposed location and minimisation of parking provision if it can be justified on the basis of a reasonable provision of safe and convenient access to alternative modes of transport and where such an approach would not adversely interfere with the integrity or capacity of the surrounding road network. However, they are not satisfied that the current environmental conditions pertaining to the local area, transport objectives, statutory provisions of the Cork City Development Plan or ministerial guidelines provide sufficient justification in this instance and at this time, to warrant the minimal level of parking on which the proposed development is based.
- 11.10.8 The NTA note that the subject sites are situated on the busy N20 arterial route, circa 1.8km from Kent train station, 1.4km from Parnell bus station and 1.4km from the city centre (Patrick Street), all of which lie beyond the preferred 800m walkability catchment as defined in CMATS nor are the sites currently well served by significant high frequency public transport. Currently, there is no cycle infrastructure linking this area with either the city centre or Blackpool shopping centre or other transport nodes and the existing pedestrian infrastructure is confined to existing narrow footpaths adjacent to all three proposed development parcels.
- 11.10.9 The NTA also has concerns that the proposal has potential to create an off-site parking demand on adjoining public roads and streets, which could potentially give rise to vehicular congestion, conflict between vehicular and pedestrian/cycle movement and in general run counter to the CMATS objectives of providing for enhanced environment for public transport, walking and cycling. Safeguarding the operational integrity of the N20 and junctions at this gateway position to the city centre is also vital to ensure its safe and efficient operation.

11.10.10 To conclude, the NTA considers that the application has not clearly demonstrated how the proposed minimal level of parking will align with the policies of CMATS as well as statutory planning policy.

11.10.11 The report from Transport Infrastructure Ireland (TII) states that they will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to recommended conditions.

Assessment

11.10.12 I highlight to the Board that in my mind the issues to be addressed in this regard are (i) the appropriateness of a development such as that proposed at this current location in the context of existing/planned public transport (ii) the quality of pedestrian/cycle infrastructure in the area to cater for a development of the scale proposed and (iii) car parking provision.

Public Transport

11.10.13 I note that a number of the third-party submissions referred to the lack of public transport in the area. One of the third party submissions states that the application documentation has not demonstrated that there is sufficient public transport infrastructure capacity to support the proposed development. I note that the Planning Authority also referred public transport provision in the area.

11.10.14 The report of the Infrastructure Development section of the planning authority states that the Cork Metropolitan Area Transport Strategy (CMATS) 2040 has been developed by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII), Cork City Council and Cork County Council. CMATS proposes a coordinated land use and transport strategy to cover the period up to 2040 based principally on upgrading and prioritising public transport, walking and cycling in urban areas across the Cork Metropolitan area through programmes such as Bus Connects.

11.10.15 Bus Connects Cork is a live project and it is stated that the redesigned bus network will be finalised early in 2022. It is anticipated that the roll out of the changes to bus routing, increased frequencies etc., will begin in 2023. This new network will be further supported by several Core Bus Corridors (CBC's) which will allow for improved bus priority as well as walking and cycling facilities. These proposals will

be published and subject to public consultation. In terms of specifics for this application, it is stated by the planning authority that in the draft Bus Connects Cork redesigned bus network, Watercourse Road is scheduled to have several high frequency bus services running along it. It is also being considered as a possible emerging route as a CBC. It is expected that the proposals for CBC's in Cork will be published and subject to public consultation in Q1 2022. The www.busconnects.ie/busconnects-cork website states that the publication of a Final New Bus Network will be later this year.

11.10.16 In addition, the planning authority state that Watercourse Road will also link to an upcoming NTA funded and Cork City Council designed quiet streets cycling scheme which will link Upper John Street/ Lower John Street and Knapp's Square to Camden Quay and Popes Quay. Therefore, should this application receive a grant of permission, a special financial contribution should be conditioned and agreed with Cork City Council prior to the commencement of any works on site, to facilitate linkage of the proposed SHD development to Watercourse Road for access to high quality walking, cycling and public transport facilities. The report of the Urban Roads & Street Design (Planning) Section of the planning authority is noted and I refer the Board to same. It states that 'these infrastructure projects will greatly enhance the sustainable transport modes for the residents of the subject site and promote Watercourse Road as an alternative route to connect the residents to the City Centre. The Watercourse Road will permit a significant high frequency bus route as well as enhanced pedestrian and cycling facilities. These proposals, committed to by the NTA, coupled with the applicants commitment to enhance the immediate local pedestrian network, support the principle of a higher density development and minimisation of parking provision given the reasonable provision of and, safe and convenient access to alternative modes of transport'.

11.10.17 I have had regard to all of the information before me in this regard and note the planned improvements to public transport and cycling infrastructure that are planned for the wider area. Watercourse Road is a short walk from the subject site, albeit across the busy N20. Such improvements will undoubtedly improve accessibility for future residents of the subject site. Notwithstanding this, I note Section 3.2 of the Urban Development and Building Heights guidelines refers to the need for a proposed development to be 'well served by public transport with high

capacity, frequent service and good links to other modes of public transport'. The quality of existing public transport in the area has been raised as a concern in some of the third party submissions received, but I note they do not provide any detailed technical information on the frequency/ capacity of the existing bus services, and they do not demonstrate why this service cannot cater for the proposed development. I note section 5.7 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), in relation to brownfield sites which refers to existing or future public transport corridors and the opportunity to develop at higher densities. In this regard, I also note section 5.8 of the aforementioned guidelines which state that it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns- including higher densities-on lands within existing or planned transport corridors.

11.10.18 Currently, the nearest bus services to the site are routes 203 and 215, located within 50m of the subject site. The 203 route operates at 10 minute intervals during peak times. The seated capacity of a single decker bus, the only type of bus that appears to be operated on the 203 route, varies from between 26 and 31 seats (Citaro bus) and the total capacity to include standees also varies but may add between 60 and 74 people to the overall loading that a bus may legally carry. The hourly peak capacity would be circa 516 passengers. The 215 service would have similar capacity but runs at 30 minute intervals throughout the day. I therefore consider this to be a high frequency, high capacity bus service.

11.10.19 I would disagree with these comments in relation to inadequate public transport facilities as the bus service, existing and proposed, passes in close proximity to the site and the frequency is good/ suitable for the immediate area. The existing bus stops would all be within easy walking distance from all points within the proposed development. I also note the proximity of Kent station to the subject site (1.8km) and Parnell Place bus station (1.4km), which would offer high capacity, frequent local and national train/bus services. Under CMATS, there is a planned train station in Blackpool. I have already commented on the average capacity per hour per direction of the nearest existing bus services and consider this suitable to serve the proposed development, in particular noting the scale of the development in the context of the existing population. The extension of the bus service under Bus

Connects, improves accessibility to a wider area/ greater range of services than is the case at present. I also note the general commitments of the NTA in increase public transport provision and review on an on-going basis. The provision of additional buses on these services, would not require additional consents, it would be purely an operational matter to increase additional buses on these routes, if required. I am of the opinion that it would not be sustainable to provide empty buses on these routes, if not required and I am satisfied that additional capacity can be provided, if required. Finally, I also highlight that peak hours vary in length, so it is not expected that everyone commutes only during these times. For example, pupils/ students using the bus to attend schools/colleges may use the bus in the core AM peak but travel home outside of the PM peak. Such travel patterns are replicated throughout the day, and this is more pronounced with the move away from 9 to 5 working patterns. I also highlight that the subject site is within 20 minutes walking distance of the city centre.

11.10.20 I am generally satisfied in this regard.

Pedestrian Infrastructure

11.10.21 Many of the third party submissions received raise concern regarding the existing pedestrian infrastructure in the vicinity of the sites; road safety concerns and concerns regarding the creation of a traffic hazard. The NTA also raise concerns in this regard. The planning authority state that if pedestrian, cycle and public transport access is not readily available then the quantum of development proposed and the absence of parking cannot be supported. They acknowledge however, that while the current receiving environment is not safe or inviting to pedestrian, cycle and public transport access, committed improvements in the area, specifically on the Watercourse Road will improve the situation. To access this key new infrastructure residents will have to cross the N20. The pedestrian signalised crossing point will need to be upgraded to cater for residents of the new development. A condition requiring the payment of a special development contribution for the provision of this facilitatory piece of infrastructure is required. Finally, they highlight that should the Board be mindful to grant permission to the proposed development it is considered of key importance that this condition be attached to any grant. This is considered reasonable.

11.10.22 I fully acknowledge that pedestrian connectivity and legibility from the development sites across the N20 and to the city centre is not ideal at the present time and that there are substantial gaps in the local pedestrian network. The junction of Assumption Road/N20 is currently difficult to navigate as a pedestrian, significantly delays journey times and corrals pedestrians away from desire lines. I noted during my site visit that irrespective of the speed limit in place, speeds are high along the N20 and it is a heavily trafficked route. I noted a number of small children trying to cross, both with carers and part of a school group. Pedestrian lights are slow to change. While there is existing pedestrian provision on the N20 there is no cyclist provision. I also observed carers with young children trying to walk from the N20 up Pope's Hill. Footpaths are narrow and are not continuous, on one side of the road only in places. One has to cross the road near the junction of the Avenue and Pope's Hill to continue along a footpath. The interaction and treatment with the existing junctions, particularly in the local road network, requires substantial review to enhance priority for pedestrians (and cyclists).

11.10.23 I have had regard to all of the information before me in relation to this matter. It is noted the applicant has agreed to provide a number of accessible and suitable pedestrian facilities at eight specified locations, which would include at a minimum 2m wide, tactile paving, dropped kerbs at junctions, suitable pedestrian/cyclist crossing provision, to address some of the gaps to create a continuous, contiguous pedestrian network in the locality to link the development sites with the high frequency public transport service, schools and the city centre. I am of the opinion that this would improve connectivity between the parcels, which has been raised as a concern of the NTA.

11.10.24 The report from the DMURS section of the planning authority states that the infrastructure projects associated with BusConnects Cork will greatly enhance the sustainable transport modes for the residents of the subject site and promote Watercourse Road as an alternative route to connect the residents to the city centre. Watercourse Road, along with a significant high frequency bus route, will also be served with enhanced pedestrian and cycling facilities. These proposals, committed to by the NTA, coupled with the applicants commitment to enhance the immediate local pedestrian network, support the principle of a higher density development and minimisation of parking provision given the reasonable provision of and, safe and

convenient access to alternative modes of transport. They further note that 'the existing pedestrian network has outstanding gaps linking the development site(s) with the high frequency public transport service, schools and the City Centre. However, it is unreasonable for the applicant to address all the deficiencies in the sub optimum pedestrian network which Cork City Council are responsible for and it is noted that the City Council have committed, through the above schemes, to address a number of these gaps'.

11.10.25 Having regard to all of the above, I acknowledge the concerns of third parties and the NTA in relation to this matter. I also acknowledge that at the present time, the existing infrastructure is lacking in terms of pedestrian/cycle connectivity. However, I note the planned improvements in relation to these matters and the estimated timeframes for same. I also note the improvements proposed as part of this current application. As stated elsewhere in this report, details regarding timeframes/phasing of same is lacking but this could be dealt with by means of condition, if the Board were disposed towards a grant of permission. I am of the opinion that the proposed pedestrian improvements should be fully completed, prior to the occupation of any unit of site. The Board may consider that the proposed development is premature in the absence of these improvements having been completed. This could be considered a reasonable conclusion. However, I note the timeframes involved in the roll-out of these upgrades, together with the timelines involved in constructing any new development on these application sites. I am of the opinion that the matter could be adequately dealt with by means of condition. I note that the planning authority are not recommending a refusal of permission in this regard. While I acknowledge the concerns of the NTA, I note that neither the NTA nor the TII are recommending a refusal of permission in this regard.

11.10.26 I therefore consider that the principle of a development of the nature and scale proposed is acceptable in the context of planned pedestrian/cycle infrastructural upgrades, subject to condition.

Car Parking

11.10.27 As stated above, in terms of car parking, 14 spaces are being provided (10 proposed; 4 existing) of which 8 are accessible spaces. All spaces are located within Parcel B. One of the submissions received notes that the proposal materially

contravenes the operative City Development Plan in terms of car parking provision. The planning authority do not address this matter of material contravention

- 11.10.28 The development site falls within Zone 3 of the City Development Plan and Table 16.8 sets out car parking standards for this zone of one space per residential unit (1-2 bed) and two spaces per residential unit (3 bed). These standards are stated to be maximums in order to constrain car trip generation and promote patronage of "green" modes of transport. The planning authority state that as defined in the Sustainable Urban Housing: Design Standards for New Apartments, the development does not fall within the criteria as a Central and/or Accessible Urban Locations where the requirement is that parking is substantially reduced or wholly removed. They are of the opinion that this development is located in an area that would be defined in these guidelines as an Intermediate Urban Area where a reduced parking standard may be applied.
- 11.10.29 The planning authority note that the development is 1.8 km walking distance from Kent Railway Station and 1.3 km walking distance from the city centre with walking times of approximately 20-25 minutes. They consider the target modal split to be highly ambitious with a private car use at 5%. Given the overall city target in CMATS at 49% for 2040 and the location of the development in an intermediate urban area, it is their opinion that the correct balance has not been achieved for this development.
- 11.10.30 Furthermore, the internal reports of the planning authority state that should additional parking be considered appropriate for this development with access from the N20 at the junction of Assumption Road, consideration needs to be given to improvements at this junction. This junction is a high accident location with a known road safety issue for right turning movements from the N20 onto Assumption Road. Any improvements to the junction will need to be agreed and designed with the agreement and approval of TII and Cork City Council.
- 11.10.31 The concerns expressed by the NTA in relation to car parking provision have been addressed within the Urban Roads & Street Design (Planning) section of the planning authority and I refer the Board to their report. They state that 'It is unclear the rationale for the NTA to acknowledge the support set out in planning guidelines for significant reduced car parking provision which can contribute towards integrated

landuse and transport planning and yet oppose the developments reduced car parking provision while NTA schemes in the immediate locality will facilitate non-car accessibility and attract more pedestrians to areas, such as the Watercourse Road which will result in qualitative attributes, such as 'feeling safe walking', new businesses opening etc'.

11.10.32 I have reviewed all of the information on file in this regard, including the reports of the planning authority, third parties and Prescribed Bodies. On balance, I am not convinced that this is not a central/accessible location, as defined in the Sustainable Urban Housing: Design Standards for New Apartments (2020). The site is located within an established suburb of Cork city. It is proximate to high frequency, high capacity existing and planned public transport with accessibility to both national train and bus services at Kent station and Parnell Place bus station; proximate to Blackpool district centre; proximate to a wide range of educational, cultural, retail and commercial areas. It is approximately 20 minutes' walk from Cork city centre. I am generally satisfied with the level of car parking proposed. Management of same could be dealt with by means of condition. I do not consider the proposal to represent a material contravention of the operative City Development Plan in this regard. The planning authority have not stated that they consider it to be a material contravention. The standards set out in Table 16.8 are stated to be maximum standards. Again, they are standards, not policy of the operative City Development Plan. I am satisfied in this regard.

11.10.33 I acknowledge concerns expressed by the planning authority, the NTA and third parties in relation to over-spill of parking into adjoining areas. I note that off-street parking is provided to the residents of The Avenue and that some limited unmarked, on-street parking is available on this roadway. On-street parking was available at this location at the time of my site visit. Any issue of unauthorised parking is a matter for An Garda Síochána. Importantly, it is my opinion that potential future occupiers of this scheme will base their decision to rent or otherwise, in the knowledge that there is only very limited parking available on site. All future occupiers should be expressly notified of the limited parking on site, before agreeing to rent a unit in the proposed scheme. Notwithstanding, an existing Go-Car station at Leitrim Street, I consider that if the Board is disposed towards a grant of permission, a condition relating to the provision of some car club spaces should be

attached to any such grant. This has been raised as a recommendation in one of the third party submissions received.

Other Matters

Cycle Parking

11.10.34 In total, the proposal includes for 448 cycle spaces are proposed. Table 16.9 of the operative City Development Plan sets out bicycle parking requirements of 0.5 spaces per unit in the suburbs. This provision is in excess of Development Plan requirements of minimum 1 space per unit and meets the standards set out in the Apartment Guidelines. I am generally satisfied in this regard. The documentation does not appear to differentiate between resident and visitor cycle parking. The planning authority have not raised concern in this regard, subject to condition. The exact location and design of cycle parking proposed could be dealt with by means of condition. All cycle parking should be in place prior to the occupation of the development. One third party submission raised the recommendation of electric bicycle charging points and cargo bike spaces to be provided within the proposed development. Such provision is considered reasonable and I am of the opinion that all these matters could be adequately dealt with by means of condition.

Traffic Impacts

11.10.35 Some third party submissions raise concerns regarding increased traffic congestion as a result of the proposed development. The applicants state that a site visit was undertaken on 12/04/2021 between 09.30 and 12.30. It is stated that traffic levels were moderate on the N20 and low on Assumption Road, Pope's Hill and The Avenue. I highlight to the Board that no data has been submitted in this regard.

11.10.36 Notwithstanding the lack of data above, I consider that given the limited level of car parking proposed, the proposed development is not expected to generate significant levels of traffic. I have no information before me to believe that the proposal, if permitted would lead to the obstruction of road users or creation of a traffic hazard. Some details in relation to construction traffic are contained within the submitted CEMP. The planning authority have not raised concerns in this regard. I consider that if the Board is disposed towards a grant of permission, the matter of construction management could be adequately dealt with by means of condition.

Set-down Area/Loading Bays

11.10.37 Parcel A includes for the provision of an upgraded public footpath on the eastern side of Assumption Road along the frontage of the development. This is welcomed by the planning authority, considering the expected increase in volume of pedestrians as a result of the development. It is noted that the applicant is also proposing to introduce a set down area/loading bay along the eastern frontage of this development site. The current design results in the pedestrian footpath being realigned. The planning authority state that to ensure comfort for pedestrians accessing the development, the loading bay areas should be at grade with the footpath/footway area, so that when not in use it can revert back to pedestrian use. This is considered reasonable. It is unclear from the drawings if the loading bays are at grade with the footpath or carriageway. This matter could be clarified by means of condition.

11.10.38 The matter of a lack of set-down area for Parcel C has been raised in many of the submissions received, in particular with regards to concerns regarding deliveries. I highlight this matter to the Board.

Conclusion

11.10.39 To conclude, I am generally satisfied that the proposal is acceptable in terms of traffic and transportation. I have had regard to the established, urban location of the site, north of Cork city and proximate to Blackpool district centre and to both existing/planned public transport and pedestrian infrastructure. I also note section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations. The internal reports of the planning authority are noted, together with the opinions of the Elected Members in this regard. The concerns of the National Transport Authority are also noted, as are those of third parties.

11.10.40 Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

11.11 Drainage and Flood Risk

Drainage

- 11.11.1 A limited number of documents were submitted which deal with the matter of drainage and flood risk, Some of the third party submissions received raise concerns regarding flooding. One of the third party submissions states that the application documentation has not demonstrated that there is sufficient drainage, water services and flood risk infrastructure capacity to support the proposed development.
- 11.11.2 It is noted that the applicants have received three separate confirmations of feasibility from Irish Water for the proposed three parcels of land. In addition, a Statement of Design Acceptance has been received for all three parcels from Irish Water. A report received by An Bord Pleanála at application stage from Irish Water states that a wastewater connection and water connection to the public network is feasible and is not subject to any upgrades, subject to condition. I am satisfied that the report of Irish Water demonstrates that there is sufficient capacity in the system to accommodate the proposed development. No evidence has been put forward in the third party submission received to validate the claims regarding lack of infrastructural capacity. Neither the planning authority nor Irish Water have raised concerns in this regard. I am satisfied in this regard.
- 11.11.3 The Drainage Division of the planning authority note that the applicant has not submitted a SuDS strategy for the proposed development, nor have they submitted any storm water drainage design details or calculations for example run-off calculations, attenuation sizing, petrol interceptors. In addition, no long section drawings have been submitted for the storm water infrastructure. In addition, the Water Services Division of the planning authority highlight that no design proposals for water distribution have been provided by the applicant and as such they are unable to comment on the internal layout and proposed connection points. This is another omission in the submitted documentation, which I highlight to the Board. The primary reference to surface water proposals in the submitted documentation is found in section 3.1.7.2 of the submitted Report to Information Screening for Appropriate Assessment, which acknowledges that surface water currently flows into the River Bride via the stormwater drainage system and eventually into the River Lee downstream. This section further states that surface water during construction will

either be retained on site or flow into the existing storm water drainage system via the existing gullies and drains outside the site. I highlight to the Board that google earth imagery is the only reference cited to identify gullies in the vicinity of the site. This is the only information provided in this regard.

11.11.4 It is noted by the Drainage Division of the planning authority that Parcel B, does not appear to provide any attenuation. They highlight that this site is located adjacent to a section of the N20 (National Primary) North City Link Road, at a junction with Watercourse Road, where regular pluvial road flooding is known to occur. Therefore, regardless of its existing built-up status, it is appropriate that as part of this redevelopment, this site's proposed storm discharges should be subject to assessment and attenuation. I note that it is difficult to undertake this assessment, based on the documentation (or lack thereof) provided.

11.11.5 The planning authority also highlight that the applicant appears to be proposing an extension to the public sewer as part of the connection of Parcel C to the public storm water network. However, no details, other than those contained on drawing P2104-0500-0003 have been submitted.

11.11.6 Drawing P2104-0500-0001 indicates that Parcel A proposes to make a storm connection to the public sewer in the N20 (National Primary) North City Link Road. The planning authority would prefer to avoid works on this section of the N20, where possible and consider a more appropriate connection point may be to the existing storm line in the road linking the N20 and Assumption Road, to the south of the Parcel A. Details in relation to same should be agreed in writing with the planning authority prior to the commencement of any works on site.

Water Pollution

11.11.7 The Drainage Division of the planning authority note that the Construction Environmental Management Plan submitted makes no reference to which standards will be used to guide the applicant's approach to controlling potential water pollution from the site. The Drainage Division highlights that the site is located immediately adjacent to culverted sections of the Bride River and any pollution event arising can immediately graduate via nearby road gullies directly into the culvert, and hence the watercourse. Considering the proximity of the adjacent culverts to the site(s) and their direct linkage to the River Lee and hence, downstream Natura 2000 sites, it is

important that the CEMP clearly sets out what standard(s) water pollution control is to be based on. This matter is highlighted to the Board. I do note that the submitted 'Report to Inform Screening for Appropriate Assessment' (section 6) references CIRIA (2001) Control of Water Pollution from Construction Sites. Guidance for Consultants and contractors (C532) and CIRIA (2001). Sustainable Construction Procurement. A Guide to Delivering Environmentally Responsible Projects (C571).

Flooding

11.11.8 The matter of flooding has been raised in one of the third party submissions received.

11.11.9 The applicants have not submitted a Site Specific Flood Risk Assessment, nor have they adequately addressed the matter in the documentation submitted. The only reference to flooding is contained within section 2.3 of the submitted Construction and Environment Management Plan which states that 'The OPW Floodmaps.ie have a recorded flooding event on the Watercourse Rd on the 27th of June 2012. Multiple flooding events were recorded along the River Bride and Glen River to the north of the site in Blackpool'. Appendix 1 of the submitted Construction and Environment Management Plan is also noted which includes an OPW Flood Hazard Mapping. No further details are submitted in this regard and I highlight this matter to the Board. Given the elevated nature of the sites above the N20, in proximity to the River Bride (albeit culverted), I consider this to be a significant omission.

11.11.10 The Drainage Division of the planning authority state that none of the lands within the application fall within flood prone areas. Information contained on www.floodinfo.ie which I have examined is noted. The proposed development is located within Flood Zone C and therefore the proposed development is deemed 'Appropriate' in accordance with OPW guidelines. The site appears to be located outside the area deemed to be at risk of coastal, fluvial and pluvial flooding for all annual exceedance probabilities. However, inadequate information is submitted in this regard and I highlight this matter to the Board.

Conclusion

11.11.11 I note that this is a serviced, appropriately zoned site at an urban location. The Drainage Division of planning authority has raised concerns in relation to the standard of documentation submitted in relation to this matter and they consider that the approach to storm water management, SuDS strategy and pollution control

requires additional effort. Irish Water have not raised concerns in relation to this matter, subject to conditions. Based on the inadequate level of information provided, it has not been adequately demonstrated to me that the proposal will not result in increased flooding in the wider area. The proposal is therefore considered to be inconsistent with the proper planning and sustainable development of the area.

11.12 Biodiversity

11.12.1I highlight to the Board that this is not a matter that was raised as concern in the submissions received. Notwithstanding this, I am of the opinion that the matter of biodiversity has not been adequately addressed within the submitted documentation. No ecological impact assessment was undertaken and no site surveys, including walk-over surveys appear to have been undertaken. Inadequate details of habitats, fauna, flora, mammals or bird species present or likely to occur on site were submitted. The submitted AA Screening Report acknowledges that vegetation surveys will be required at Parcels A and C to determine the value of vegetation present within the parcels. The parcels are largely overgrown, in particular Parcel C and contain a derelict dwelling, a vacant mill structure and associated boundary walls. In my opinion, it is very likely that there may be bats roosting in any of these structures (protected under the Wildlife Act 1976). The matter of bats was inadequately addressed in the documentation and I refer the Board to section 4.2.2.5 of the submitted CEMP where the only reference to same is made, which states that 'as part of best practice construction measures a preconstruction bat survey shall be carried out if needed within the site prior to construction to reconfirm the findings of the preplanning surveys'. No details of any pre-planning surveys have been submitted in this regard. Given the site characteristics with two structures suitable for roosting bats, I would be of the opinion that these bats surveys are a necessary requirement and should have been undertaken prior to lodgement of the application.

11.12.2No invasive species survey appears to have been undertaken and the only reference to same is within the submitted CEMP (section 4.2.2.2) which states that 'If any Medium-Impact species are observed within the footprint of the proposed development or if any 'High Impact' invasive species are observed within the proposed development, 7m from the proposed development and within the lands within the general plan an invasive species management plan will be developed and

put in place by an ecologist experienced in invasive species management or experienced invasive species specialist'. The matter is addressed in the submitted AA Screening Report states that the site is within the 2km grid square W67R and a number of species have been recorded here. Invasive species which have historically been recorded in this 2km square include: Japanese knotweed, cherry laurel, Himalayan knotweed, Indian Balsam. A number of these species could potentially be found in the development site. Elsewhere, within the AA Screening Report (Table 4.5), I note it is stated that there are several stands of Buddleja davidii within Sites A and B, which is a medium risk invasive species and has the potential to spread as a result of the works. This statement would imply that some level of survey was completed, although no Invasive Species Management Plan has been submitted. Again, given the nature of the site and this information cited above, I consider that this matter should have been more adequately addressed prior to the lodgement of the application. My concerns in this regard relate to the local ecological protection, as opposed to any concerns relating to designated natura 2000 sites.

11.12.3I highlight this matter to the Board. If they are disposed towards a grant of permission, the matter could be dealt with by means of condition.

11.13 Other Matters

Legal Matters

11.13.1I note that one of the submissions received relates to states that An Bord Pleanála cannot grant permission for the proposed development, as it is considered that the ministerial guidelines, specifically Sustainable Urban housing: Design Standards for New Apartments (2020) and Building Height guidelines (2018) are ultra vires and not authorised by section 28(1C) of the Planning and Development Act 2000 (as amended). The submission also states that these guidelines are contrary to the SEA Directive.

11.13.2This is considered to be legal matter, outside the remit of this current application. I am assessing the application under the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. An Bord Pleanála is obliged to have regard to all relevant Ministerial guidelines.

Wording of development in public notices

One of the submissions received raises concern regarding the development description in the public notices, which they consider to be inadequate. The purpose of the public notices is to give an indication to the general public that a planning application has been lodged on the subject lands and a broad outline of the development proposed. It is clear that the general public have been made aware of the proposed development, given the volume of submissions received. I am satisfied that the applicants have complied with the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016 and associated Regulations of 2017 in this regard.

Cultural provision/Childcare/School Demand

- 11.13.3 Some of the third party submissions received raises the matter that a community/cultural/work hub use would be more appropriate for the mill structure than that proposed. I note that there is no requirement for such a use under the provisions of the operative City Development Plan. While I would not necessarily disagree with this opinion, I note that the subject site is in private ownership and residential use is permissible thereon, under the provisions of the operative City Development Plan. I note the proximity of the site to the Graffiti Theatre Company, which currently offers a cultural use within the area. I am satisfied in this regard.
- 11.13.4 One of the third party submissions consider that it would be appropriate to relocate the sculpture of Christy Ring from Cork Airport to the Hewitt's Mill site. Such a proposal does not form part of this current application and I have no information in relation to this matter, which is considered to be outside the remit of this current application.
- 11.13.5 Some of the third party submissions received raise concerns regarding the lack of a childcare facility in the proposed development. In this regard, the applicants have submitted a Childcare Capacity Statement. They note that excluding one- bed units would give rise to a childcare demand of 19.5 places. I note the justification put forward by the applicants for a lack of childcare facility in this proposed development and I accept this justification. Given the minimal number of spaces required by the proposed development and the availability of places within the wider area, I consider that the non-provision of a childcare facility is acceptable in this instance.

11.13.6A School Capacity Statement was submitted which states that the proposed development has the potential to generate 10 no. primary school places and 6.5 no. post-primary school places. It concludes by stating that the school demand generated by the proposed development can be accommodated within existing schools. I would not disagree with this assertion.

11.13.7 Some of the third party submissions received raise concerns regarding existing social infrastructure in the area and its capacity to deal with the proposed development. The site is located within an established part of the city, in an area undergoing redevelopment. It is in close proximity to established services and facilities including retail, educational, recreational and a wide range of employment generating uses. It is proximate to public transport facilities, with further improvements planned, all located a short distance from Cork city centre. I have no information before me to believe that the existing social infrastructure in the area does not have capacity to absorb a development of the nature and scale proposed.

Part V

11.13.8 The operative City Development Plan requirement that 10% social and affordable housing be provided on such lands is being achieved in this instance with 19 units proposed. The breakdown of units is as follows- 10 x one-bed; 9x two-bed units in Parcel C. The planning authority state that the applicant has engaged with them in relation to the matter of Part V and have not raised concerns in this regard. I highlight to the Board that of the 23 units proposed within Parcel C, only four units are not proposed as Part V units. I question the appropriateness of only maintaining four units within this block for non-Part V usage and how this would work for a management/maintenance perspective.

11.13.9 I note the provisions of the Affordable Housing Act 2021. I also note from the submitted documentation that the subject lands were purchased after September 1st 2015. If the Board is disposed towards a grant of permission, I recommend that the matter of Part V be dealt with by means of condition. Details of compliance can be dealt with by the planning authority, or ABP, in case of disagreement. In any event, the applicant will be obliged to comply with these new requirements as amended. I have no issue in relation to this matter.

Waste Management

11.13.10 In terms of waste management, it is stated in the CEMP that a Waste Management Plan has been prepared in line with the relevant National Waste Management Guidelines and the European Waste Management Hierarchy, as enshrined in the Waste Management Act 1996, as amended. No such Waste Management Plan has been submitted with the application documentation. The matter of waste disposal/re-use/cycling was raised in one of the third party submissions received. I am of the opinion that this matter could be dealt with by means of condition.

Plant/Machinery at Roof Level

11.13.11 If the Board is disposed towards a grant of permission, I recommend that a condition should be attached to any such grant stipulating that plant/machinery at roof level be the subject of a separate application. This matter could be adequately dealt with by means of condition.

Plans/Particulars

11.13.12 One of the submissions received states that the application does not comply with the requirements of the Planning and Development Regulations 2001 (as amended) in terms of the particulars to be provided with the application in respect of the proposed development. In this regard, reference is made to the lack of detailed plans and particulars in relation to the extent of the proposed development cutting into uphill slopes. I highlight this matter to the Board. While I have stated throughout my report, that there is a lack of information in certain respects, I am of the opinion that the documentation submitted in respect of this application is sufficient to comply with the requirements of the Planning and Development Regulations 2017 (as amended). Much of the information referred to within my assessment could be submitted by means of condition, if the Board were disposed towards a grant of permission. I acknowledge that drawings showing extent of cutting into uphill slopes have not been submitted, however I note there are cross-sections submitted with the application documentation. This matter could be dealt with by means of condition, if the Board were disposed towards a grant of permission.

Planning Permissions in Wider Area/Council Owned Land/Levies/Taking in Charge of existing Development/ Gating of existing development

11.7.26 A number of matters have been raised in the third party submissions that are considered to be outside the remit of this planning application. These include matters raised relating to Council owned lands opposite the site; taking in charge of existing development in the area; need for gating of existing development as a result of proposal; the payment of outstanding levies by the applicant and an examination of company accounts are outside the remit of this planning application.

11.7.27 In addition, it is not open to me to make comment on previously permitted developments within the wider area, which do not relate to this current application.

Procedural Matters

11.7.28 I note one of the third party submissions received states that the application website (www.distilleryquartershd.com) was not live when site notices were placed on site on Oct 26th and states that the website went live *around* the 7th of November. I highlight to the Board that the application was lodged on November 5th, 2021. I do not know definitively when the website went live but I am of the opinion that it is clear that the general public have been made aware of the proposed development, given the volume of submissions received. I am satisfied that the applicants have complied with the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016 and associated Regulations of 2017 in this regard. I can confirm that I was able to access the website during the my assessment of the proposal.

12.0 Appropriate Assessment

Introduction

12.1 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

Compliance with Article 6(3) of the EU Habitats Directive

12.2 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.3 The proposed development at Distillery Quarter, North City Link Road (N20), Blackpool, Co. Cork a residential development comprising 191 residential units, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Context

- 12.4 The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.
- 12.5 An Appropriate Assessment Screening Report (contained within section 4 of submitted document) and Natura Impact Statement (contained within section 5 of submitted document) were submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.
- 12.6 The AA Screening Report concludes that:

'The potential for significant effects on European sites cannot conclusively be ruled out on the basis of objective scientific information due to gaps in data relating to invasive species and vegetation on site, and surface water drainage during construction.
- 12.7 Potential for significant effects on Cork Harbour SPA and Great Island Channel SAC due to surface water drainage from project were identified. In the absence of mitigation measures to control silt and concrete run off, the potential for likely significant effects to the conservation objectives of the Cork Harbour SPA and Great Island Channel SAC cannot be excluded... recommends that a Natura Impact Statement is carried out to assess the project in further detail'.
- 12.8 Having reviewed the documents and all submissions received, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Appropriate Assessment Screening

- 12.9 The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 12.10 The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief Description of Proposed Development/Site

- 12.11 The proposal comprises a residential development of 191 residential units and ancillary site development works (see section 3 above for a detailed description of the proposed development). The application site has an area of 0.79 hectares and comprises three parcels of land.
- 12.12 The development site lies within the Lee, Cork Harbour and Youghal Bay WFD catchment (ID 19). The Glen River (EPA code: 19D09) runs west of Site A and merges with the River Bride (19K75) east of Site B. The River Bride travels in a north-south direction and enters the River Lee 0.8km downstream. The Bride is culverted beneath the N20 as it passes the site and has a River Waterbodies Risk of 'at risk' and a WFD status of 'unassigned'.

Submissions/Observations

- 12.13 The attention of the Board is drawn to the fact that third party concerns regarding information contained within the appropriate assessment documentation have been expressed in particular assertions that the information contained therein is insufficient, contains lacunae and is not based on appropriate scientific expertise (see submission from bkc Solicitors on behalf of John Conway and Louth Environmental Group).
- 12.14 The planning authority in their Chief Executive Report do make comment in this regard, aside from the comments contained in the Drainage Report (cited above) in relation to water pollution control. None of the submissions from Prescribed Bodies make reference to appropriate assessment/nature conservation.

12.15 I have reviewed all submissions made and issues where relevant are addressed within my assessment hereunder.

Designated Sites

12.16 The subject site is not located within any designated European site. It is considered by the applicants that the Zone of Influence has been identified to include European Sites that have a hydrological connection with the proposed development site. These are as follows:

Table 9:

Site Name and Code Qualifying Interests/SCI Conservation Objectives	Distance from Dev Site	Screening Comment in submitted AA Screening Report
<p>Cork Harbour SPA (Site Code 004030)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Little Grebe</p> <p>Great Crested Grebe</p> <p>Cormorant</p> <p>Grey Heron</p> <p>Shelduck</p> <p>Wigeon</p> <p>Teal</p> <p>Pintail</p> <p>Shoveler</p> <p>Red-breasted Merganser</p> <p>Oystercatcher</p> <p>Golden Plover</p> <p>Grey Plover</p> <p><u>Conservation Objective:</u></p>	<p>c.3.7 km SE (direct line)</p>	<p>The River Bride is culverted as it runs along the eastern boundary of site. It is proposed that surface water from the site during construction and operation will outfall into the River Bride before it reaches the River Lee. Thus creating a hydrological link between the site and this European site downstream in Cork Harbour.</p>

<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected.</p>		
<p>Great Island Channel SAC (Site Code 001058)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Atlantic salt meadows</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected.</p>	<p>c.8.7km E (direct line)</p>	<p>The River Bride is culverted as it runs along the eastern boundary of site. It is proposed that surface water from the site during construction and operation will outfall into the River Bride before it reaches the River Lee, thus creating a hydrological link between the site and this European site downstream in Cork Harbour.</p>

12.17 One of the third party submissions received states that the Zol referred to is not reasoned or explained and that it is unclear how such a zone was determined. Furthermore, they state that the limitation of the consideration of protected sites to a 15km radius is not explained and it is unclear how such a limitation was determined. I highlight to the Board that the applicants do not reference a 15km Zol in their submitted documentation and the identification of Zol is clearly set out in section 4.1 of the submitted AA Screening document. I am satisfied in this regard and I do not consider that any other European Sites fall within the zone of influence of the project,

based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

Identification of Likely Significant Effects

- 12.18 Further to the assessment in the submitted Screening Report and given the location, nature and scale of the proposed project, the qualifying interests and SCIs of the two designated sites identified above are stated by the applicants to require further consideration. The reasoning for this is the River Bride is culverted as it runs along the eastern boundary of site. It is proposed that surface water from the site during construction and operation will outfall into the River Bride before it reaches the River Lee. Thus creating a hydrological link between the site and this European site downstream in Cork Harbour.

SCI Bird Species

- 12.19 The SCI bird species associated with the Cork Harbour SPA are noted. Cork Harbour SPA is located approximately 3.7km SE at a direct line distance. The intervening environment is an urban, industrial landscape. I highlight to the Board that my concerns raised in the 'Biodiversity' section of this assessment in relation to lack of ecological assessment including bird surveys, relates to local ecology only and does not relate to concerns regarding SCI/QI of any designated site. While I acknowledge that there is mature vegetation on Parcel C in particular that has not been identified, I am of the opinion that the site is unlikely to be used by any mobile QI species from nearby designated sites given its highly urban environment and brownfield nature. I would anticipate that the only birds that would be present on this site would be common garden birds. I am satisfied in this regard as my concerns relate to protection of ecology at a local level.
- 12.20 The potential for construction noise disturbance to the Special Conservation Interests (SCIs) of nearby designated sites to arise as a result of construction activities has been addressed in the applicants Screening Report. I concur with the conclusion of the Screening Report in this regard. I note the nature and scale of the development proposed, 191 residential units on a brownfield site. The site is located within an urban environment. The nature of the intervening urban space including

busy roads and established development is noted. The development site is at a much greater remove from designated sites than other noise generating uses in the vicinity. It is my opinion that the SCIs associated with the designated sites would be accustomed to a certain level of noise, given the urban environment.

- 12.21 I note the construction practices proposed, which include for noise control monitoring and noise abatement measures. These measures are included within the submitted reports. In my mind they are not mitigation measures but constitute a standard established approach to construction works on such lands. They are best-practice measures and their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. I am satisfied that the intention of the measures in question, are such, that they were adopted not for the purpose of avoiding or reducing the potential impact on the SCI of any designated sites but were adopted solely and exclusively for some other purpose, namely the protection of amenity at a local level. Even if these practices were not implemented or were implemented and failed, I am satisfied that given the nature and scale of the development proposed on a brownfield site; the nature of the urban environment, the distances involved and conservation objectives of designated sites, there are unlikely to be significant effects on any SCI species associated with designated sites as a result of noise disturbance.

Invasive Species

- 12.22 I highlight to the Board that concerns raised in the 'Biodiversity' section of my assessment in relation to lack of information/discrepancy in information pertaining to invasive species relates solely to local ecological concerns and does not relate to concerns regarding impacts of invasive species on designated sites. I note the distances involved, the intervening urban, industrial environment the marine influence of the designated sites and I do not have concerns that invasive species would have any significant impacts on any designated site.
- 12.23 I note the submitted CEMP deals with the matter of invasive species (Section 4.2.2.2) and states that if required, an invasive species management plan will be

developed and put in place by an ecologist experienced in invasive species management or experienced invasive species specialist. The invasive species management plan will include prevention, containment, treatment and eradication and will adhere to the most up-to-date Irish invasive species guidelines. I note the importance of this from a local ecology viewpoint. I am satisfied that the intention of the measures in question, are such, that they are proposed not for the purpose of avoiding or reducing the potential impact on the SCI of any designated sites but are proposed solely and exclusively for some other purpose, namely the protection of amenity at a local level. Even if these practices contained in the management plan were not implemented or were implemented and failed, I am satisfied that given the nature and scale of the development proposed on a brownfield site; the nature of the urban environment, the culverting of the River Bride at this location, the distances involved and conservation objectives of designated sites, there are unlikely to be significant effects on any SCI species associated with designated sites as a result of invasive species.

Screening Determination

12.24 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) significant effects on two European Sites within Cork harbour in view of the Conservation Objectives of those sites could not be ruled out, and Appropriate Assessment is therefore required for the following:

Table 10:

Site Name	Site Code	Distance
Cork Harbour SPA	004030	c.3.7km
Great Island Channel SAC	001058	c.8.7km

12.25 In a precautionary measure, I have screened in these two sites due primarily to (i) the proximity of the development site to the River Bride, which although culverted runs along the eastern boundary of the site and which provides a hydrological pathway to the above designated sites (ii) the scale of the development and (iii) the

overall site size. Potential impacts are primarily related to the potential transfer of pollution and/or sediments via existing surface water drainage infrastructure.

- 12.26 The possibility of significant effects on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites for the need for appropriate assessment, based on a combination of factors including the intervening minimum distances, the marine buffer/dilution factor, the insignificant increase in the loading at the Wastewater Treatment Plant, the lack of suitable habitat for a number of qualifying interests of SPAs within or within close proximity to the proposed development (as applicable) and the lack of hydrological connections. I am satisfied that there is no potential for likely significant effects on these screened out sites.
- 12.27 Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.
- 12.28 I confirm that the sites screened in for appropriate assessment are included in the NIS prepared by the project proponent.

Stage 2- Appropriate Assessment

Introduction

- 12.29 The application included a NIS for the proposed development at Distillery Quarter, North City Link Road (N20), Blackpool, Co. Cork. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites (identified above). Potential significant effects arising from the proposed development are outlined in section 5.2. Cumulative impacts are examined within section 5.2.2 and it is concluded that cumulative impacts cannot be ruled out without the use of mitigation measures. Details of mitigation measures are outlined in section 5.5.
- 12.30 The NIS concludes that in the light of the best scientific knowledge in the field, all aspects of the proposed project which, by itself, or in combination with other plans or projects, which may affect the relevant European Sites have been considered. The NIS contains information which the competent authority, may consider in making its own complete, precise and definitive findings and conclusions and upon which it is capable of determining that all reasonable scientific doubt has been removed as to

the effects of the proposed project on the integrity of the relevant European sites. In the light of the conclusions of the assessment which it shall conduct on the implications for the European sites concerned, the competent authority is enabled to ascertain that the proposed project will not adversely affect the integrity of any of the European sites concerned.

12.31 The Department of Housing, Local Government and Heritage did not make comment on this application.

12.32 By applying a precautionary principle and on the basis of objective information, it is my opinion, that the designated sites within Cork Harbour in closest proximity to the development site, require further consideration only due to (i) the proximity of the development site to the River Bride, which although culverted runs along the eastern boundary of the site and which provides a hydrological pathway to the above designated sites (ii) the scale of the development and (iii) the overall site. Based on the above and taking a precautionary approach, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 11:

Site Name	Site Code	Distance
Cork Harbour SPA	004030	c.3.7km
Great Island Channel SAC	001058	c.8.7km

12.33 One of the submission received states that the NIS is flawed insofar as it does not contain sufficient or any data and/or contains lacuna in relation to likely qualifying species and/or other species that may utilise the site and its subsequent impact on Natura 2000 sites. I do not agree with this assertion.

12.34 Having reviewed the documentation available to me, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse affects of the development on the conservation objectives of the two European sites listed above, alone or in combination with other plans and projects.

Appropriate Assessment of implications of the proposed development on each European Site

12.35 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the two European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

12.36 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

12.37 A description of the two designated and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Potential Impacts on identified European Sites

12.38 The proposed development is hydrologically linked to the Cork Harbour SPA (3.7km downstream) and the Great Island Channel SAC (8.9km east) via the River Bride and River Lee. Surface water during construction will enter the existing stormwater drainage system which discharges into the culverted River Bride south of the site. The following potential impacts have been identified:

Impacts during construction

- 12.39 There is hydrological connectivity to Cork Harbour via existing surface and storm water drainage infrastructure.

Impacts during operational phase

- 12.40 Potential impacts arising from the operational phase are related to surface water drainage from the built development- there will be general run-off to the local surface drainage system from roofs and hard surfaces, with potential for leakage of petrol/diesel fuel from vehicles.

Appropriate Assessment of implications of the proposed development on each European Site

Special Area of Conservation- Great Island Channel SAC

- 12.41 There will be no direct impacts on any SAC site as a result of the proposed development as the development is located wholly outside of any European Site. There is no watercourse on the development site, the River Bride is culverted beneath the N20 as it passes the site. It travels in a north-south direction and enters the River Lee 0.8km downstream. There is no direct flow path.
- 12.42 The habitats within the zone of influence of potential pollution and/or sedimentation impacts are those influenced by tidal waters and these habitats are listed below.

Table 12:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
Great Island Channel SAC	Mudflats and sandflats not covered by seawater at low tide	Maintain
	Atlantic Salt Meadows	Restore

- 12.43 Qualifying Interests identified in the NIS could be at risk from potential construction related surface water discharges, in the absence of mitigation, should the discharges be of sufficient quantity and/or duration to affect water quality within the site. The habitats that could be affected by decreased water quality are highlighted above. The potential for significant effects would be dependent on the magnitude of the

pollution and/or sedimentation event, the resilience of the habitat and the in combination effect of that event with other water quality pressures due to other plans and projects. In terms of mudflats and sandflats not covered by seawater at low tide, I note that the permanent habitat area is stable or increasing and that a pollution event from the proposed works would not result in a reduction in habitat area or community distribution of this Qualifying Interest. The proposed development is stated to have no impact on the habitat. In terms of Atlantic salt meadows, I note that the area is stable or increasing and there is a potential for the project to impact on this qualifying interest without the inclusion of mitigation measures.

- 12.44 I am of the opinion that the risk of a pollution/sedimentation event is predicted to be low as any event would be accidental and short lived. Furthermore, the capacity of the surface water drainage network to transfer sediments would limit the amount of sediment that could be transferred in any one event.
- 12.45 Mitigation measures have been outlined in the submitted NIS and the measures outlined in section 4 of the submitted Outline Construction Management Plan are noted. This Plan, submitted as a separate document, covers all potentially polluting activities and includes mitigation measures. Measures include reducing the risk of sediment run-off/pollutants reaching the surface water drainage network, namely to avoid or reduce any risk of pollution from the construction phase. Storm water attenuation will be incorporated into the proposed development to limit surface water discharge from Parcels A and B to two attenuation tanks. Mitigation measures for potential groundwater effects are similar in nature. Having regard to the measures outlined as well as the application of best practice construction methods, I am satisfied that there will be no adverse effects on the Great Island Channel SAC in view of the site's conservation objectives as a result of the proposed development.
- 12.46 In terms of in-combination effects, section 5.2.2 of the NIS considers the potential for cumulative effects on nearby designated sites arising in combination with other plans or projects and lists permitted/proposed future developments in the area. It is not anticipated that other projects will act in-combination with the proposed development to give rise to cumulative effects on any European sites, once mitigation measures detailed are undertaken.

12.47 Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Great Island Channel SAC in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Special Protection Areas (SPAs) - Cork Harbour SPA

12.48 The proposed development site is wholly located outside of European sites and as outlined for the SAC sites above, there will be no direct impacts on any SPA sites in terms of the permanent area of wetland habitat as defined in conservation objectives of those sites. The designated SPA site is located approximately 3.7km from the development site.

12.49 There is a risk of pollution and/or sediment transfer as a result of the construction phase being transferred to Cork harbour via existing and proposed surface water drainage infrastructure and/or via ground water. Pollution could arise from silt sediment and dust from the construction site and could potentially have significant direct or indirect affects on the water quality of this downstream European site. Pollution could also arise from the operational phase due to uncontrolled run-off to the local surface water drainage system from the built development should for example leakage of fuel from vehicles. There is potential for indirect effects to impact designated bird species as a result of water quality changes which could cause the fatality of individuals or populations. Changes in water quality could reduce prey availability for marine birds within the SPA and reduce breeding sites for fish species.

Table 13:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
Cork Harbour SPA (004030)	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the

	Wigeon Teal Pintail Shoveler Red-breasted Merganser Oystercatcher Golden Plover Grey Plover	Annex II species for which the SPA has been selected.
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12.50 In terms of the factors that could affect the conservation objectives, there will be no loss or modification of habitats within the SPAs that result in the displacement of these species from areas within the SPA.

12.51 Mitigation measures are required to avoid or minimise the risk of pollution or sediment transfer to Cork Harbour. Mitigation measures have been outlined in section 5.5 of the submitted NIS, which state that a Construction Management Plan will ensure that appropriate information will be available on site outlining the spillage response procedure and a contingency plan to contain silt. Adequate security will be provided to prevent spillage as a result of vandalism. A regular review of weather forecasts of heavy rainfall is required, and a contingency plan will be prepared for before and after such events. Mitigation measures include:

- No construction stage drainage will be allowed to discharge directly to any watercourses
- Refuelling of plant during construction will only be carried out at designated refuelling station locations on site. Namely at the temporary construction compounds
- Concrete pours shall not be carried out during periods of high or constant precipitation
- Harmful materials to be stored within bunded area

- Emergency spill kits maintained on site

12.52 In my opinion, these are considered to be essentially best practice construction measures. I consider that the proposed measures are clearly described, are reasonable, practical and enforceable. I also consider that they fully address the potential impacts arising from the proposed development such that it will not give rise to adverse affects, either alone or in combination with other potential impact sources.

Appropriate Assessment Conclusion

12.53 The proposed residential development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

12.54 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites.

12.55 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

12.56 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European Sites (Cork Harbour SPA and Great Island Channel SAC) or any other European site, in view of the site's Conservation Objectives.

12.57 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of these designated sites.

13.0 Environmental Impact Assessment Screening

- 13.1 Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 13.2 The proposed development is for 191 residential units on a site c. 0.79 ha. The site is located within the administrative area of Cork City Council and is within the built-up area. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).
- 13.3 The criteria at schedule 7 to the Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report (section 6 of Planning Statement & EIA Screening) which includes the information required under Schedule 7A to the planning regulations. The Screening Report states that the proposed development by reason of its scale, construction and operational impact would not meet the requirements of Schedule 7 for sub-threshold developments. It is therefore submitted that an EIAR is not required. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 13.4 I have assessed the proposed development having regard to the information above; to the Schedule 7A information and other information which accompanied the application, *inter alia*, Appropriate Assessment Screening and NIS, and I have completed a screening assessment as set out in Appendix A.

- 13.5 The current proposal is an urban development project that would be in a built-up area. The proposal is for 191 residential units on a stated site area of 0.79 hectares. The nature and size of the proposed development is well below the applicable thresholds for EIA. The residential uses would be similar to the predominant land uses in the area. The proposed development would be located on brownfield lands beside existing development. The site is not designated for the protection of a landscape, Parcel C is located adjacent to an Area of High Landscape Value. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report and NIS that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.
- 13.6 The development would result in works on zoned lands. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. The proposed development would be a residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. It appears that the site is not located within a flood risk zone. Inadequate drainage information has been submitted in relation to surface water, however this matter could be adequately dealt with by means of condition. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance or a risk of accidents. The former use of the site is noted. The potential for contaminated material to be encountered during excavation, with the potential for impacts on the environment with regard to land and soils, was considered and assessed in the submitted Construction and Environmental Management Plan, and the proposal will not give rise to significant environmental impacts. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP) are noted.
- 13.7 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted development in proximity to the site, and demonstrate that, subject to the various construction and design related measures recommended, the proposed development will not have a significant impact on the

environment. I have had regard to the characteristics of the site, location of the proposed development and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions and I have considered all information which accompanied the application including inter alia:

- Appropriate Assessment Screening and Natura Impact Statement, prepared by Fehily Timoney
- Planning Statement & EIA Screening Report, prepared by Fehily Timoney
- Construction and Environmental Management Plan prepared by Fehily Timoney
- Drainage & Irish Water Compliance, prepared by Fehily Timoney
- Landscape Design Rationale prepared by Cunnane Stratton Reynolds
- Site Specific Apartment Management Strategy, prepared by Cushman & Wakefield
- Quality Audit- Stage 1 for Distillery Quarter SHD including Mobility Management Plan, prepared by Fehily Timoney

13.8 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I highlight to the Board that such a statement has not been submitted with the application. However, an AA Screening Report and NIS in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. The Archaeological and Built Heritage Impact Assessment has been prepared in accordance with the provisions of the Valetta Treaty (1995) and the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003, ratified by Ireland in 2015. A CEMP has been submitted which addresses hazardous waste. While it does not specify which European Union legislation regard was had to, I note Directive (EU) 91/689/EEC in this regard. A Noise and Vibration report has been submitted and while it does not specify which European Union legislation regard was

had to, I note EIA Directive (2014/52/EU) in this regard. The EIA screening report prepared by the applicant has, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR. Ecological reports, including bat surveys, can be adequately dealt with by condition. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the SEA for the operative City Development Plan.

- 13.9 I have completed an EIA screening assessment as set out in Appendix A of this report.
- 13.10 I consider that the location of the proposed development is such that the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects, the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.
- 13.11 Overall, I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.
- 13.12 Having regard to: -
- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
 - (b) the location of the site on lands zoned 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment

policies outlined in Chapter 3' in the Cork City Development Plan 2015-2021, and the results of the Strategic Environmental Assessment of the plan;

(c) The existing use on the site and pattern of development in surrounding area;

(d) The planning history relating to the site

(e) The availability of mains water and wastewater services to serve the proposed development,

(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

13.13 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

14 Conclusion and Recommendation

14.1 The appropriate re-development and regeneration of these brownfield lands is welcome in principle, in particular the re-use of the former Hewitt's Mill site. I do not have issue with the principle of a development of the nature proposed at this location nor do I have issue with the layout, height or mix of units proposed. In this regard, the proposed design rationale is considered acceptable. The overall density proposed is considered acceptable, however I have some concerns in relation to the

density proposed in Parcel A. The plot ratio is also considered high given the locational context of the site. Both these matters could lead one to consider the proposal represents over-development of the lands, in particular given the lack of quality public open space proposed. The proposal includes for an upgrade of pedestrian facilities in the area, which is again welcomed, however inadequate details as to when these works would be completed as part of a phasing programme have been submitted. I also highlight to the Board that they may consider the proposed development to be premature pending the implementation of the proposals contained within the CMATS. I don't consider the proposal premature in this regard, and note existing and planned public transport in the vicinity of the site.

- 14.2 My primary concerns in relation to this proposed development are in relation to public open space provision and the impacts this would have on the residential amenity of future occupiers, together with concerns regarding the impacts of the proposal in the architectural heritage of the area. I also have concerns in relation to surface water drainage and flood risk, given the lack of information available on file. Many of the other matters raised in my assessment and individually could possibly be dealt with by means of condition, if a quality proposal had been put forward that demonstrated that the proposal would protect the architectural heritage of the area and would provide a high level of residential amenity to future occupiers. This has not been demonstrated to me and it is the cumulative impact of all of these issues that raises concerns for me. The lack of an adequate justification indicating how the development will be delivered in a cohesive manner as a single SHD proposal. The lack of information on such matters relating to ecological impact assessment including bats given the vacant structures on site and vegetation located thereon. The lack of adequate surface water drainage, SuDS and flooding information. All of these matters, and others highlighted within my assessment, are considered to be serious omissions.
- 14.3 In addition, information is not contained where one would expect, making it difficult to find for all parties. For example, the extremely limited information submitted in relation to flooding is found in the CEMP while public open space calculations are found in the submitted Sunlight Reception Analysis Report. There are consistent discrepancies between reports (for example number of units proposed; invasive species information) and inaccuracies in the information provided (distances to

public transport and existing public open space). In my opinion, a poor standard of application/documentation has been put forward.

- 14.4 Notwithstanding the above, the matters of greatest concern to me relate to the inadequate public open space provision and the impacts this would have on the residential amenity of future occupiers. The proposal is considered not to be in accordance with Development Plan policy in this regard, nor is it considered to be in accordance with the Urban Design Manual. Secondly, the proposed works to the western elevation of Hewitt's Mill, a National Monument, are considered to be an insensitive and inappropriate design approach that would detract significantly from its historic character and would be inconsistent with the proper planning and sustainable development of the area.
- 14.5 Having regard to the above assessment, I recommend that permission be REFUSED, for the development, as proposed, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 05th day of November 2021 by Eichsfeld Ltd. care of Fehily Timoney, Cork.

Proposed Development:

Permission for a strategic housing development at this site in Blackpool, Cork City on an overall site of approximately 0.79 hectares across 3 adjacent land parcels comprising; Parcel A – at Assumption Road and N20 North City Link Road; Parcel B - Hewitts Mills Building at the junction of Assumption Road and the N20 North City Link Road; and, Parcel C - at Shandon Villa, Popes Hill Road. To provide a total number of 191 no. Built to Rent apartments, 10 no. car parking spaces and access to 4 no. existing car spaces, and 448 no. bicycle spaces. The development will consist of the following:

Parcel A, located north of the junction of Assumption Road and N20 North City Link Road, Blackpool. The site is bound to the west by the N20 national road and to the east and south by Assumption Road and will comprise of 99 apartments in 2 no apartment blocks comprising; the north apartment block of 9 storeys with rooftop amenity terrace and landing structure with a height over ground level of 31.8m to parapet level; and the south apartment block of 9 storeys with a height over ground level of 29.65m to parapet level.

Proposed works include:

- The provision of 99 no apartments comprised of 59 no. 1 bedroom (3,220.1 total sq.m) and 40 no 2 bedroom (3,189.4 total sq.m) apartments,

- The provision of a communal facilities including; Function Room (100.7 sq.m), Meeting Room (64.0 sq.m), Residents Lounge (80.7 sq.m), Workspace (35.9 sq.m) and dining / kitchen facilities (33.3 sq.m and 46.1 sqm),
- The provision of 260 no. bicycle spaces,
- All ancillary site works including drainage and landscaping and public realm improvements fronting onto the N20 road.

Parcel B, consists of the existing Hewitt's Mill building located south of the junction of Assumption Road and the N20 North City Link Road, Blackpool, Cork. The site is bound to the west by the N20 City Link Road, to the east and north by Assumption Road. Permission is sought to retain and adapt the existing Hewitts Mill Building (NIAH Reg No. 20862040 and National Monument Ref. no. CO074-116) at its existing height over ground level of 15.66m (ridge level) over 4 storeys, and incorporation of additional building of 4 to 7 storeys to the rear (east) of the existing Hewitts Mill building to a height over ground level of 25.24m to parapet level to provide 69 no apartments.

Proposed works include;

- The provision of 69 no. apartments comprised of 48 no 1 bedroom (2,655.0 total sq.m), 15 no 2 bedroom (1804.9 total sq.m) and 6 no. 3 bedroom (836.5 total sq.m) apartments,
- The provision of a communal facilities including; Cinema/Media Room (87.0 sq.m), Function Room (86.4 sq.m), Residential Lounge (107.6 sq.m) and Gym Facilities (265.6 sq.m),
- 142 no. bicycle spaces,
- 10 no car spaces and access to 4 no existing car spaces
- All ancillary works including drainage and landscaping.

Parcel C, is located at Shandon Villa, Popes Hill Road, Blackpool, Cork. The site is bound to the south by Popes Road to the west by Assumption Road and to the east by The Avenue, Ardpatrick. Permission is sought for a single apartment block on a sloping site with a height over ground level of 21.6m to parapet over 6 no. storeys on its western elevation and 3 no. storeys on its eastern elevation to provide 23 no.

apartments.

Proposed works include:

- The demolition of a derelict house,
- Land clearance
- The provision of 23 no apartments comprised of 13 no 1 bedroom (706.2 total sq.m) and 10 no 2 bedroom (772.9 total sq.m) apartments
- The provision of 46 no. Bicycle spaces
- All ancillary works including drainage and landscaping.

Permission is also sought to upgrade public road junctions in proximity to the site in order to improve pedestrian permeability in the area at the following locations;

- Watercourse Road/R846, works include, dropped kerb and tactile paving to be added to existing controlled junction (Northern Crossing Only)
- Pope's Hill/N20 Junction; works include addition of tactile paving and dropped kerb to existing pedestrian crossing
- Shandon View Cottages/N20 Junction; works include addition of tactile paving to existing pedestrian crossing
- Pope's Hill/Rathmore Park Junction; works include addition of tactile paving, dropped kerb & road marking for 2 additional Pedestrian Crossings
- Goldsmiths Avenue/Old Youghal Road Junction: works include addition of dropped kerb and tactile paving with the existing footpath to be increased in width through removal of bollards and drainage gullies to facilitate pedestrian movement.
- Assumption Road at 3 no. locations to include the following, a)upgrade of existing pedestrian crossing adjacent to existing tax office to include addition of tactile paving, dropped kerb and road markings; b) upgrade of existing pedestrian crossing north east corner of existing Hewitt's Mills building to consist of additional tactile paving, dropped kerb to eastern side and addition of road markings; c) addition of tactile paving, dropped kerb and road marking for 1 additional pedestrian crossing at the location of proposed pedestrian access at the proposed Hewitt's Mills site.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Cork City Development Plan 2015-2021.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

A Natura Impact Statement has been prepared in respect of the proposed development.

This project is a Build To Rent scheme and will be subject to a long-term covenant or legal agreement that the Build To Rent status will be in place for a period of not less than 15 years and that no individual units will be sold or rented separately within that period. The proposed development is intended to augment the housing provision within the northwest and central area of Cork City and support the continued use of warehouse structure by way of residential provision.

REFUSE permission for the proposed development for the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Table 16.2 of the Cork City Development Plan 2015 sets out a requirement of 10% public open space provision for new residential developments. The Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, includes key criteria such as Inclusivity, Layout and Public Realm. It is considered that the development, as proposed, results in a poor design concept that is substandard in its form and layout due to the lack of sufficient high quality usable open spaces, appropriately landscaped, available for a mix of active and passive uses. As a result of the inadequate level of public open space proposed, it is considered that the proposal represents over-development of the site and would lead to conditions injurious to the residential amenities of future occupants.

In addition, Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of Housing, Local Government and Heritage (2020) sets out minimum floor areas for communal open space. It is unclear from the documentation submitted how the proposal complies with these minimum standards.

Having regard to the above, the proposal is considered not to be in compliance with Table 16.2 of the operative Cork City Development Plan and conflicts with the above Ministerial guidelines. As a result, the proposal would represent over-development of the site; would seriously injure the residential amenities of future occupants and would be contrary to the proper planning and sustainable development of the area.

2. Hewitt's Distillery, is a Recorded Monument (RMP Ref: CO074- 116) and has been identified in the National Inventory of Archaeological Heritage (NIAH Ref. 20862040) with its categories of special interest being Architectural and Social. It is recognised as an important part of Cork's historic distilling heritage, and particularly the social and industrial heritage of the

Blackpool/Watercourse Road area. Objective 9.1 of the operative Cork City Development Plan 2015 seeks to promote the protection of the heritage of the city and to ensure that development reflects and is sensitive to the historical importance and character of the city while Objective 9.28 seeks the protection of NIAH and other structures of built heritage interest. The Architectural Heritage Protection Guidelines for Planning Authorities note that 'The architectural quality of a historic building may be compromised if the size of openings is altered; if existing openings are blocked up; if new openings are formed... Any new openings should be sympathetic with the architectural character of the building in terms of materials, design, scale and proportion' (sections 10.2.2- 10.2.4).

It is considered that the applicant has not demonstrated, based on the information submitted, that the proposed development at Parcel B, specifically the redevelopment of the Hewitt's Mills building and works proposed to its western elevation, would not have an adverse impact on the historic character and architectural quality of the building through the removal of historic fabric and other alterations proposed.

In addition, significant features should be retained and incorporated into any new scheme to ensure the special character of the mill is retained. In this regard, it is considered that while the submitted Archaeology and Built Heritage Impact Assessment describes and illustrates internal significant features, a schedule and drawings illustrating the retention of the roof structure, trusses, corbels, internal columns, beams, beam tensioning system and fittings has not satisfactorily been provided to ensure the retention of each element and it is not clear which elements will be retained.

Having regard to the above, the Board considers that the proposed development is not in compliance with Objectives 9.1 and 9.28 of the operative Cork City Development Plan 2015-2021. The proposal is also considered to be inconsistent with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities. The proposed development

would detract from the historic character of this significant industrial building and in particular, is considered to be an unsympathetic design response to the western elevation. The proposal is therefore considered to be unacceptable and not in accordance with the proper planning and sustainable development of the area.

3. Inadequate information has been submitted in relation to the proposed SUDS strategy, in addition to storm water drainage and flood risk. In the absence of this information, it has not been adequately demonstrated that the proposed development would not be prejudicial to public health and would not lead to flooding in the vicinity of the site. The proposed development is therefore considered to be inconsistent with the proper planning and sustainable development of the area.

Note to applicants:

Inadequate information has been submitted in relation to, inter alia:

- how the proposed BTR development will be developed in a cohesive manner as a single SHD proposal
- comprehensive evaluation of the impacts of the proposed development on flora, fauna and natural habitats, including invasive species occurring on the development site, possible bat species and any other mammals, protected under the Habitats Directive (92/43/EEC) and the Wildlife Acts 1976 to 2018.

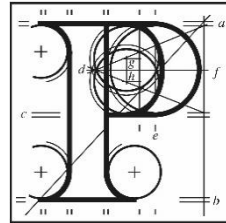
The granting of permission for the proposed development would be premature pending the submission of the information detailed above.

Lorraine Dockery

Senior Planning Inspector

March 1st, 2022

Appendix A: EIA Screening Form



**An
Bord
Pleanála**

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-311874-21
Development Summary		Construction of 191 residential units and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Assessment, a AA Screening Report and NIS were submitted with the application

<p>2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>See Inspector's Report section 13.8 SEA undertaken in respect of the Cork City Development Plan 2016-2022</p>

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
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		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of 191 residential units on lands for which residential use is permissible in principle in keeping with development in the vicinity.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes the construction of an apartment development which is not considered to be out of character with the pattern of development in the surrounding area.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially	Yes	Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are	No

<p>resources which are non-renewable or in short supply?</p>		<p>not regarded as significant in nature. Impacts on biodiversity can be dealt with by means of conditions/mitigation measures, prior to commencement of any works on site</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated. All such matters can be adequately dealt with by means of condition.</p>	<p>No</p>
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<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. There is a lack of surface water details on file, however this matter can be adequately dealt with by means of condition</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in</p>	<p>No</p>

		<p>accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated. The matter could be adequately dealt with by means of condition</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso/COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in an increase in residential units of 191 no. units which is considered commensurate with the development of a suburban zoned site within Cork city</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Stand alone development, with minor developments in the immediately surrounding area.</p>	<p>No</p>
<p>2. Location of proposed development</p>			

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>An AA Screening Assessment and NIA has been undertaken which concluded no significant adverse impact on any European Sites.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding,</p>	<p>No</p>	<p>Habitat not suitable for protected bird species- no such species are anticipated.</p>	<p>No</p>

<p>nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>		<p>I note that a bat survey/ecological surveys were not submitted. Such surveys should be undertaken, in advance of any demolition works taking place on site. The matter can be adequately dealt with by means of condition.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>Site contains an historic mill structure (RMP CO074-116 Hewitt's Distillery). Concerns are expressed with regards the treatment of the west elevation of this structure. These are planning concerns, not environmental concerns. The proposal seeks the re-use and renovation of this historic structure and the principle of this is welcomed.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p>project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>			
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no connections to watercourses in the area. No SuDS details were submitted, however this matter can be adequately dealt with by means of condition. No SSFRA was submitted, however it appears from the information available that the site is not at risk of flooding.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>

or which cause environmental problems, which could be affected by the project?			
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There is a homeless facility and theatre group in proximity to the site. It is not anticipated that these uses could be affected by the project.	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3' in the Cork City Development Plan 2015-2021, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (e) The availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ **Lorraine Dockery**

Date: _____

END

