



An
Bord
Pleanála

Inspector's Report

ABP-312335-21

Development

Description: Permission for a Build to Rent residential development at Sharman Crawford Street, Cork. The proposed development includes for the demolition of the remainder of the former warehouse currently on site and the construction of 21 no. apartments in a building of seven storeys over flood defence measures, landscaping, bicycle storage, and all associated and ancillary site works and services.

Location

Sharman Crawford Street, Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2140545

Applicant(s)

Emerald Living and Ceancullig
Investments Limited

Type of Application

Permission

Planning Authority Decision

Refuse

Type of Appeal	First Party
Appellant(s)	Emerald Living and Ceancullig Investments Limited
Observer(s)	None
Date of Site Inspection	03/05/2022
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The site is located on the western side of Sharman Crawford Street, which runs between Wandesford Quay, in the north, and Bishop Street, in the south, in the south-western portion of Cork city centre. This site lies in the northern portion of this Street, in a position opposite a traditional terrace of two storey dwelling houses, while the central and southern portions comprise the historic buildings of St. Marie of the Isle Convent and the Crawford School of Art and Design. Further to the south, on Bishop Street, lies St. Finbarre's Cathedral.
- 1.1.2. The site itself is of regular shape and it extends over an area of 0.07 hectares. The majority of this site has been cleared and it is presently vacant, although towards its northern end there are a cluster of stacked portacabins that are being stored, along with some incidental items. The remainder of the site accommodates in its northern end the shell of a former warehouse.
- 1.1.3. The site is accessed via a pair of gates in its south-eastern corner directly off Sharman Crawford Street. Another closed gate lies to the north within the eastern boundary wall to this Street. The site is bound to the north by Crawford Hall, a modern part three/part four-storey building in mixed educational and residential use, and to the west by a multi-story car park. The site is also bound to the west and to the south by a wall beyond which lies St. Aloysius Secondary School.

2.0 Proposed Development

- 2.1.1. On the 4th October 2021 planning permission was sought for the construction of a 7-storey building comprising 21 no. build-to-rent units on a 0.06ha site.
- 2.1.2. The planning report submitted with the application states that the applicant specialises in the provision of housing for active seniors (55+). The application was accompanied by a letter from Respond Housing Association confirming their interest in the scheme.
- 2.1.3. The Board will note the appeal submission proposes a 6-storey building of 17 no. BTR one-bedroom units.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 29th November 2021, the Planning Authority issued a notification of their intention to REFUSE permission for the following 3 no. reasons:

- 1 Having regard to height of the proposed development which is defined as a medium - rise building as per Paragraph 16.25 of the Cork City Development Plan 2015 - 2021 and having regard to performance criteria set out in the Ministerial Guidelines Urban Development and Building Height, 2018, the proposed development by reason of its massing, height and scale, has not satisfactorily demonstrated compliance with these criteria and is contrary to paragraph 16.26 and 16.29 of the City Development Plan. It is considered by virtue of the overall height and design of the scheme that the proposal fails to successfully architecturally integrate or enhance the character of the area, fails to make a positive contribution to placemaking and fails to make a positive contribution to the urban streetscape and will cause an unacceptable level of overshadowing in the vicinity and would therefore be contrary to the proper planning and sustainable development in the area.
- 2 Having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018, and in particular SPPR 7, it is considered that the proposed development represents sub - standard accommodation with inadequate communal facilities and would produce a living environment of low amenity value and constitutes an overdevelopment of the site. The foregoing would be contrary to the Cork City Development Plan 2015 - 2021 and the proper planning and sustainable development of the area.
- 3 Having regard to the location of the site adjacent to a designated Architectural Conservation area where it is policy to preserve and enhance the designated Architectural Conservation Areas of the city, it is considered that the proposed height, design and presentation to the streetscape would result in an inappropriate development which would adversely affect the setting and character of the surrounding Architectural

Conservation Area, have a negative visual impact, would detract from the architectural character of the immediate area and would set an undesirable precedent in this area. The proposed development would there be contrary to objectives 9.29 and 9.32 of the City Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. **Environment Report:** No objection subject to 4 no. conditions.
- 3.2.2. **Chief Fire Officer:** notes the proximity of a four storey open sided car park to the proposed residential development. Fire department has serious concerns regarding external fire spread in the event of a multiple car fire within the car park and has difficulty foreseeing any viable solution that would comply with the Irish Building Regulations.
- 3.2.3. **Conservation Officer:** Residential development at this location is welcomed but regard must be had to the South Parish ACA and the historic character of the area. Site is narrow and constrained and viability requires heights, however scale is too high. Several Protected Structures in the area which the proposed development would have a negative impact on. Concerns regarding flood defences and the impact of low engagement with the street, especially when compared to the terrace of houses opposite. Recommendation to refuse permission for 1 no. reason.
- 3.2.4. **Traffic Regulation & Safety:** No car parking proposed, this is acceptable. Construction Traffic Management Plan and Public Lighting Plan should be requested. No objection subject to conditions.
- 3.2.5. **Drainage Report:** Applicant should be requested to clarify the flood defence measures in place to prevent the ingress of flood waters to the plant room, either from the front or rear of the building. The applicant is requested to liaise with the Drainage Section to agree the storm drainage strategy, as there appear to be a number of unmapped, dedicated storm drainage systems in close proximity to the site, which could be more appropriate locations for the disposal of storm water run-off. No objection subject to 8 no. conditions, two of which refer to the issues raised in the report.
- 3.2.6. **Infrastructure Development Directorate:** Applicant should be requested to contact the directorate to agree a realignment of the south-eastern boundary of the site so as

to preserve Sharman Crawford Street for possible future public transport infrastructure.

- 3.2.7. **Urban Roads and Street Design:** Request for further information: the existing footpath along the development frontage is inadequate and given the intensification of use the proposed development will generate in terms of pedestrian movement, the applicant is required to accommodate a widened footpath. In accordance with DMURS guidance, the applicant is required to provide a widened footpath, minimum 3m wide with verges and strips as appropriate.
- 3.2.8. **Planning Report:** Proposed residential development is in keeping with the zoning objective. Scheme lacks any of the communal facilities required by SPPR 7, for e.g. bike stands, bin storage areas. Lack of same within the scheme is not acceptable, notwithstanding the provision of local services. SPPR8 applies to schemes that are in compliance with SPPR7, therefore there is no flexibility to be claimed. All storage space for the individual units is wholly contained within the bedrooms, contrary to section 3.31 of the 2018 guidelines. Proposed BTR is stated to be for 55+ age group but apartment size and type is not future proofed. No rationale for limiting to one-beds has been presented. Proposed development has a density of 350 units per hectare (21 units on a site of 0.06ha) and a plot ratio of 0.77. Surrounding pattern of development is 75 units per hectare. Considered to be significant over development, which in tandem with the design to the edge of the footpath leads to an overbearing presence. Established height pattern in the area is 2 to 3 storeys. Proposed 7-storey building is at significant variance with the area but also the guidance provided in the 2018 Building Height Guidelines and chapter 16 of the development plan. Design does not include sufficient variation, which undermines the sense of place-making and community contribution. Proposed street frontage is not acceptable and is at variance with the terrace of C19th dwellings opposite. There are 4 no. views and prospects of relevance to the site. Planning Authority is not satisfied with the photomontages submitted. Additional views required, from a number of angles. Daylight & Sunlight report that shows significant over shadowing of properties directly opposite the site is noted. Proposed development will have an adverse effect on adjacent properties. Notes concerns over noise and fire risk. Recommendation to refuse for 3 no. reasons.

3.3. Prescribed Bodies

- 3.3.1. **Inland Fisheries Ireland:** It appears that it is proposed to dispose of septic effluent from the development to the public sewer. IFI ask that Irish Water signifies that there is sufficient capacity to avoid overloading with hydraulically or organically, existing treatment facilities or result in polluting matter entering waters.
- 3.3.2. **TII:** No observation to make.
- 3.3.3. **Respond:** Confirms interest in the scheme. A need and demand for homes in this location has been confirmed and the scheme has support from the Local Authority for the provision of social housing.
- 3.3.4. **An Taisce:** Supports residential development at the location however seven storeys is very high and not in accordance with the development plan height guidelines. the site adjoins the South Parish ACA and is adjacent to protected structures. The balconies
- 3.3.5. **Irish Water:** No objection.

3.4. Third Party Observations

- 3.4.1. None on file.

4.0 Planning History

- 4.1.1. **ABP-308671-20:** Planning permission was sought for a three-year temporary permission for the provision and connection to existing services of 4 pre-constructed self-contained units for short term residential accommodation, demolition of the remainder of the former warehouse currently on site, the reopening of a former access from Sharman Crawford Street, landscaping, bin storage, bicycle parking, and all associated and ancillary site development works and services. Permission was **refused** for the following reasons:

- 1 Having regard to the Z03 Zoning Objective for the site in the Cork City Development Plan 2015 – 2021, the proposal for short-term letting accommodation would not fulfil the Zoning Objective “To reinforce the residential character of the residential neighbourhood”. Furthermore, due to the proximity of the siting of the proposed units to a three-storey building to the north and to a multi-storey car park to the west, they would afford a sub-standard level of amenity to occupiers, in terms of natural light, outlook, and

noise levels. The proposal would thus not accord with the residential zoning objective for the site and would not be in accordance with the proper planning and sustainable development of the area.

- 2 Having regard to Objective 13.21(a) of the Cork City Development Plan 2015 – 2021 and the location of the site in Cork city centre and in a position wherein it affects both the setting of Sub-Area A, Cathedral Quarter, of the South Parish Architectural Conservation Area and the settings of the protected structures St. Marie’s of the Isle Convent and the Crawford College of Art and Design, the Board considers that the proposal would by reason of its utilitarian design and appearance, detract from the settings of the Architectural Conservation Area and the protected structures and, conversely, it would fail to make a positive contribution to the character of the surrounding historic area. As such, it would contravene Objective 13.21(a), which seeks “To ensure that new development is of the highest quality and respects, safeguards and enhances the special character of the city centre”. The proposal would thus not accord with the proper planning and sustainable development of the area.

4.1.2. **ABP-303020-18:** Planning permission was sought for the construction of an extension to Saint Finbarr's Public Car Park to provide 100 number additional car spaces. The extension will consist of 60 number public car park spaces to be provided at second, third and roof level with access maintained through the existing entrance at Wandesford Quay and a car rental use consisting of 40 number car spaces at ground and first floor and an associated office 12.12 square metres located at the ground floor facing Wandesford Quay. Permission was **refused** for the following reasons:

- 1 Having regard to the zoning of the site in the Cork City Development Plan 2015–2021, wherein it is the objective ‘to reinforce the residential character of inner-city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions’, it is considered that the proposed development would constitute an incongruous development type within such an area and would, by reason of its use and operation, materially contravene this zoning objective. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the documentation submitted with the application and appeal, and in particular the capacity of the existing car park and the availability of car parking within the city centre area generally, it is considered that the proposed development, which would involve an increase in capacity of the existing car park, would undermine the policies and objectives of the planning authority to implement measures that would encourage a modal shift to sustainable transport modes, which policies and objectives are considered to be reasonable and in accordance with national policy on Smarter Travel. The proposed development would, therefore, materially contravene policy objective 5.1 of the Cork City Development Plan 2015–2021, and would be contrary to the proper planning and sustainable development of the area.
- 3 Having regard to the prominent location of the site opposite the South Parish Architectural Conservation Area, to the historic character of Sharman Crawford Street, and its proximity to important Protected Structures, it is considered that the proposed development, by reason of its design, elevational treatment and extent of dead frontage, would result in a visually discordant feature, which would be detrimental to the distinctive architectural and historic character of this area. The proposed development would, therefore, adversely affect the South Parish Architectural Conservation Area and be contrary to the proper planning and sustainable development of the area.

4.1.3. Planning Authority Reg. Ref. **08/33164**: Permission was granted in 2008 for the demolition of a disused commercial warehouse and the construction of an extension to St. Finbarre's public car park comprising of 80 no. car parking spaces at first, second, third and roof level, 6 no. ground floor commercial units with associated signage and the change of use of the existing ground floor car parking unit at the junction of Wandesford Quay and Sharman Crawford Street to retail use and incorporation into the existing retail unit fronting Sharman Crawford Street on a larger site at the junction of Wandesford Quay and Sharman Crawford Street which incorporated the subject site. Condition No. 2 attached to the grant of permission omitted 22no car parking spaces at first floor level and provided additional retail space to link with the ground floor units. The warehouse has been demolished

however this development has not been completed to date. An extension to the duration of the permission was granted in 2013 which extended the permission until November 2018.

- 4.1.4. **PL28.106070:** permission was granted in 1997 for St. Finbarre's Car Park, a multi-storey car park to the west of the subject site.

5.0 Policy Context

5.1. Project Ireland 2040: National Planning Framework

- 5.1.1. National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

- 5.1.2. Of relevance to the subject application are the following:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
- **National Policy Objective 5:** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
- **National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- **National Policy 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.

- **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.
- **National Policy Objective 27:** seeks 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.
- **National Policy Objective 33:** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.2. **Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018**

- 5.2.1. Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.
- 5.2.2. The first of the 10 National Strategic Outcomes in the National Planning Framework that the Government is seeking to secure relates to compact urban growth. Securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.
- 5.2.3. While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment,

services or retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.

5.2.4. **SPPR1:** In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

5.2.5. **SPPR3:** It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

5.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

- 5.3.1. **Pillar 4:** Improve the Rental Sector. The key objective is to address obstacles to greater private rented sector deliver and improving the supply of units at affordable rents. Key actions include encouraging the “build to rent” sector.

5.4. **Cork City Development Plan 2015-2021**

- 5.4.1. The 2022-2028 Cork City Development Plan is due to be adopted between July and August 2022. Currently the operative development plan for the area is the 2015-2021 plan.
- 5.4.2. The site is located in an area zoned Z03 – Inner City Residential Neighbourhood with the associated objective ‘to reinforce the residential character of inner-city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions. It is also shown as lying just outside: Sub-Area A, the Cathedral Quarter, of the South Parish Architectural Conservation Area (ACA), The Zone of Archaeological Potential, and The South Parish Cultural Precinct.
- 5.4.3. **Appendix 3 –South Parish Architectural Conservation Area** states ‘the area is under increasing pressure from traffic, has difficulties with parking and has a poor quality public realm which detracts from its amenity for residents and businesses. It is important that this be improved to encourage greater use of the existing building stock in a way that makes best use of its potential. There are also some vacant and under-utilised plots in the area, with scope for development to increase amenity and to reinforce the strong existing character of the area’.
- 5.4.4. With respect to Sub Area A of the ACA, the CDP recognises that there are vacant sites within this Sub-Area, and it states that there is scope for development to increase amenity and to reinforce the existing character of the area.
- 5.4.5. Elsewhere, to the south of the site, on Sharman Crawford Street lie two protected structures, St. Marie’s of the Isle Convent and the Crawford College of Art and Design, and, further to the south, on Bishop Street lies the protected structure, St. Fin Barre’s Cathedral. With respect to the South Parish Cultural Precinct, Paragraph 13.24 of the CDP, the Planning Authority undertakes to retain and enhance the residential function of each area and to consider small scale live/work units and developments which enhance the area’s cultural, artistic, and tourism potential.

- 5.4.6. The following Built Heritage and Urban Design Policies are also considered relevant.
- Objective 13.1 - Strategic Objectives – City Centre and Docklands
 - Objective 13.21 – City Centre Design Quality and Context
 - Objective 16.3 – Urban Design
- The site is located within a zone of archaeological potential as identified in Chapter 9 of the Development Plan.

5.5. Natural Heritage Designations

- 5.5.1. The Cork Harbour SPA (004030) is approx. 3.4km to the south-east

5.6. EIA Screening

- 5.6.1. The subject proposal refers to a brownfield site of 0.06ha, which is zoned ZO3 – Inner City Residential Neighbourhood. Permission is sought for the demolition of the remaining structures on site and the construction of a 7 storey building with 21 no. Build-To-Rent apartments.
- 5.6.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district.
- 5.6.3. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to some of the land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.
- 5.6.4. Having regard to nature and scale of the development and the built-up suburban location of the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An agent for the first party has submitted an appeal against the decision of the Planning Authority to refuse permission. The appeal submission provides detail of the site location and development context, of the proposed development including pre-planning undertaken with Cork City Council, the consideration of the proposed development by the Planning Authority, the planning history of the site and the specific grounds of appeal. The preamble of the appeal can be summarised as follows:

- There is a need for housing to support the needs of an ageing population. This is recognised by the City Council's Draft Joint Housing Strategy and the Housing Need Assessment. Policy Objective PO15 refers. The applicant works with approved housing bodies to provide high quality social housing for active seniors in accessible locations.
- Notwithstanding that the proposed development is supported by Government policy, the proposed development has been amended to reduce by one storey, reducing the number of apartments to 17 no.
- Reviewing the consideration of the application by the Planning Authority, it is clear that only the Conservation Officer objected to the proposal. The request of the Street Design Planning department to widen the path is not possible.
- No justification for single unit types is required for BTR developments.
- The subject site is too small to create a character area. The proposed simple design that will actively engage with its surroundings is an improvement on the under-used, derelict, vacant site.
- A thorough assessment of potential views of the proposed development was undertaken for the VIA. The Planning Authority's criticism of this expert is unfounded and refuted.
- The shadow assessment demonstrates that the proposed development will not result in significant additional overshadowing over and above that caused by the previous development on site or the previously permitted development.
- Significant noise levels are not anticipated from the adjoining car park.

- The Fire Safety Report submitted with the appeal demonstrates that there is no risk of external fire spread between the opposing elevations of both buildings.

6.1.2. The grounds of the appeal can be summarised as follows:

Reason no. 1

- The planning officers assessment of the proposed building height was against the policies of the Cork City Development Plan 2015 only, not the 2018 Building Height Guidelines. SPPR's take precedence over policies and objectives in the development plan.
- Assessing the proposed development against the criteria:
 - The proposed development is served by a network of high-quality footpaths, cycle paths and public transport routes, with a bus top within 60m of the site. The application was accompanied by a mobility management plan.
 - The site is not within an ACA, it is adjacent to the South Parish ACA. This has influenced the design of the proposed development. The VIA demonstrates the proposed development will make a positive contribution to the area, with a transformation of a redundant site.
 - The proposed development is not a large urban site but will make a positive contribution to place making, regenerating a derelict site and making a positive contribution to the streetscape.
 - The proposed development will replace a mostly blank block, creating an attractive entrance that engages with Sharman Crawford Street.
 - The site is located in Flood Zone B and flood prevention measures have been designed into the development.
 - The increase in height will mark a sense of arrival into the quayside areas, improving legibility.
 - The proposed development increases the mix of uses, introducing a high-quality apartment development and creating a mixed sustainable community in the area.

- The proposed development has been carefully designed to provide private and shared amenity space, maximum daylight, ventilation and views, all on a constrained site. There are no issues with overlooking.
- The Daylight and Sunlight Study submitted with the application concludes that when compared with the previously permitted 4-storey scheme, an additional 8 no. windows are below the passing criteria. Only 2 no. of these windows are serving living areas, the remaining 6 no. are bedroom windows. The wider context of the site is such that while some overshadowing is inevitable, it is expected in a city centre location. The proposed development will not have any impact on the rear gardens of the houses on Sharman Crawford Street.
- The proposed development complies with national guidance on building height, being within the baseline height of 4-9 storeys. The proposed development is not contrary to policies 16.26 and 16.29 of the development plan as the development plan does not preclude buildings taller than 3-5 storeys at appropriate locations.
- It is submitted that the proposed development meets the assessment criteria of the 2018 Urban development and Building Height Guidelines.
- The proposed development has been amended to reflect the concerns of the Planning Authority, reducing the height to 6 storeys and setting the 6th floor back at the southern end.

Reason no. 2

- The Housing Quality Assessment submitted with the application demonstrates that the proposed apartments meet the relevant standards of the 2018 Sustainable Urban Housing Design Standards for New Apartments.
- Regarding SPPR 7, it is submitted that the Planning Authority agreed to the lack of communal facilities at pre-planning stage. The Guidelines provide for flexibility in BTR communal facility provision, having regard to the scale, location and intended market of the development.
- The proposed development provides for waste management and an oversized external community amenity space. No additional internal communal areas are needed due to the small scale of the development and its city centre location.

- Notwithstanding the above, the amended proposal provides for a communal room on the 6th floor, with access to an external communal amenity space.
- The density of the proposed development does not constitute over development. the proposed density is higher than the surrounding area, but the plot ratio at 0.77 is significantly lower than the city development plan indicative ratios of up to 2.5 (table 16.1 of the plan refers). The proposed development provides 47% open space, is appropriate for the site and does not constitute over development.

Reason no. 3

- There is no prevailing style throughout the South Parish ACA. It has been designated an ACA due to the significant number of church, ecclesiastical and religious buildings, all of differing architectural styles.
- The proposed contemporary addition will make a positive contribution. It is purposely finished in a simple palette that is mindful of the ACA. The photomontages submitted with the application demonstrate that the proposed development will not overpower the adjoining street, nor impact on any protected views or the established amenity in the area.
- The subject site is not within an ACA and therefore Objective 9.32 is not applicable.
- The appeal concludes with the appellant stating that they strongly disagree with the three reasons the Planning Authority refused permission and a request that the Board grant planning permission subject to any conditions they see fit.
- The appeal is accompanied by the following:
 - Copy of Planning Authority decision
 - Fire Safety Compliance Report
 - Architects Conservation Report.

6.2. Planning Authority Response

6.2.1. None on file.

7.0 Assessment

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Build To Rent
- Urban Design - Height, Density
- Visual and Residential Amenity
- Appropriate Assessment

7.2. Principle of the Proposed Development

The subject site is located in an area zoned Inner City Residential, in which residential development is permitted in principle. In their appeal, the applicants have submitted a revised proposal, which they say will address the concerns of the Planning Authority. The alternative proposal submitted to An Bord Pleanála reduces the proposed building from 7 no. to 6 no. storeys, with a set-back at the southern end of the 6th floor. This results in a reduction in the number of units from 21 no. to 17 no., an increase in the balcony size of the middle unit on each floor (in the place of the central void), the addition of a communal activities room on the 6th floor and a communal balcony on the 6th floor.

7.2.1. The proposed amendments to the subject building are not considered significant. They mirror the sort of amendments that frequently form the basis of conditions attached to Planning Authority and An Bord Pleanála grants of permission. Notwithstanding that, I note that the applicants submission to the Planning Authority states that a minimum of 20 no. apartments is required to allow the management company to operate efficiently (section 7.0 of the Planning Cover letter submitted to the Planning Authority on the 4th October 2021).

7.3. Build To Rent

7.3.1. The proposed development comprises 21 apartments (proposed reduction to 17 no. at appeal) in a build to rent (BTR) format, and as such the Sustainable Urban

Housing: Design Standards for New Apartments 2020 has a bearing on design and the minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The Cork City Development Plan has no policies in relation to BTR.

- 7.3.2. Conventional build to sell apartments must comply with a wide range of SPPRs, however, BTR schemes do not have to meet all Apartment Guideline criteria and have a different set of requirements in the interests of accelerating the delivery of new housing at a significantly greater scale than at present.
- 7.3.3. Specific Planning Policy Requirement 7 (SPPR 7) requires that the proposed development is advertised as such in public notices, this has been done by the applicant. SPPR 7 requires restrictions in relation to ownership, operation and sale for a period of 15 years, this can be conditioned if permission is granted. The second part of SPPR 7 refers to detailed proposals for supporting communal and recreational amenities. These elements are split in to two categories, as follows:
- (i) Resident 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) Resident 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.
- 7.3.4. As noted by the Planning Authority, the only resident support facility proposed is waste management. Waste management can not be seen as a luxury add-on, it is the bare minimum expected in a multi-unit development. The proposed development at either 21 no. or 17 no. units is not insignificant. While it may not be of the scale to require a concierge or on-site management, it should nonetheless provide adequate facilities to allow residents to live.
- 7.3.5. The proposed one-bed units range in size from 46.1sq.m. to 51.1sq.m. I note that not all the proposed units provide the minimum aggregate bedroom floor area of 11.4sq.m. Further, the bedrooms in unit no.s 1 and 3 appear to be failing to meet the 2.7m width requirement. Whether the kitchens are large enough to provide a

washing machine for example is questioned. The area designated for dining (noting that the kitchen is not large enough to facilitate seating) appears to accommodate two people only. This is acceptable where alternative options are provided in the form of communal kitchens, dining rooms, recreational facilities. The proposed communal room on the 6th floor is large enough for only two sittings of 4 no., with no provision for opportunities to actively use the room – such as soft couches, tv's, areas for passive or active recreation.

- 7.3.6. The premise of BTR developments, has always been that while individual units may not be large enough for hosting visitors for example, alternatives were provided within the building so that the residential amenity of the residents was not compromised. This is specifically referenced in section 5.5 of the 2018 Design Standards Guidelines, when referring to BTR, stating that “The provision of dedicated amenities and facilities specifically for residents is usually a characteristic element. The provision of such facilities contributes to the creation of a shared environment where individual renters become more integrated and develop a sense of belonging with their neighbours in the scheme. This provides the opportunity for renters to be part of a community and seek to remain a tenant in the longer term, rather than a more transient development characterised by shorter duration tenancies that are less compatible with a long-term investment model”. This shortcoming in communal areas, is compounded by the small size of the proposed bedrooms and the lack of room for a wardrobe within some of the units.
- 7.3.7. The appellant notes that the Guidelines provide for some flexibility in the provision of resident support facilities (section 5.11 refers), having regard to the location and market for the proposed development. The appellant has not fulfilled the second element of that provision however, namely “an evidence basis that the proposed facilities are appropriate to the intended rental market”. I note the letter of support for the proposed development from the Respond Housing Association. This does not constitute an evidence basis for the appropriateness of the proposed facilities however. Notwithstanding that the proposed units may be specifically intended for the over 55 age group, no reasoning for the lack of adequate support facilities has been provided. Should the desired agreement with the housing association not be forthcoming, one must presume the proposed one-bed units would be made be available for other rental markets. As noted above, the applicant has acknowledged

that a minimum of 20 no. apartments is required to allow the management company to operate efficiently.

- 7.3.8. I am not satisfied that the proposed development has complied with the fundamental requirements of SPPR7, that would allow the development to be developed as a specific BTR development.
- 7.3.9. Where proposals do not meet the criteria of SPPR7, the development must be assessed as a conventional apartment development. The flexibility provided for in SPPR8 does not apply. Therefore, the subject development must comply with the requirements for dwelling mix, storage, private amenity space and communal amenity space, the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10%.
- 7.3.10. The proposed development has only one apartment type – a one-bed unit suitable for one person. The proposed development does not comply with SPPR1. The proposed development is an urban infill scheme on a site of less than 0.25ha and so SPPR2 is applicable. SPPR 2 states that for schemes of between 10-49 units, such as the subject proposal, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th. With only a single unit type proposed, the subject development does not comply with SPPR2.
- 7.3.11. Recognising the need for sustainable and good quality urban development, section 3.8 of the Guidelines require that a majority of all apartments in any scheme of more than ten units, exceed the minimum floor area by a minimum of 10%. The proposed one-bed units have a minimum floor area of 45sq.m. Neither the originally proposed 21 no. unit scheme or the amended 17 no. unit scheme proposed to An Bord Pleanála meet the 10% exceedance.
- 7.3.12. None of the proposed units are dual aspect. A single bathroom window and a high level bedroom window on the southern elevation does not make unit no. 3 dual aspect. The proposed development does not comply with SPPR4 therefore. Section 3.18 provides that where single aspect apartments are provided for, the number of south facing units should be maximised, with west or east facing units also being acceptable. All of the proposed units are east-facing, with large east-facing balconies.

- 7.3.13. The proposed development complies with SPPR5 which requires a minimum floor to ceiling height of 2.7m on the ground floor apartment. SPPR 6 does not apply to the proposed development.
- 7.3.14. The proposed development does not qualify as a BTR development, nor does it comply with the national policy on the required standards for conventional apartment development.

7.4. Urban Design - Height, Density

- 7.4.1. The proposed development at 7-storeys has an overall height of 23.7m. proposed to be reduced to 20.7m/ 6-storeys in the appeal submission.
- 7.4.2. That the subject site is under-used is accepted. Any development that re-animates the streetscape and provides much needed residential development is to be welcomed. The question therefore becomes solely about the quantum of development and how that is represented on site.
- 7.4.3. The intent of the 2018 Building Height Guidelines is to allow for greater heights on a site-specific basis rather than a blanket threshold. The assessment criteria allow a subject site and a proposal to be evaluated on a case by case basis. That evaluation will of course involve an element of subjectivity, as it is not an exact science. While it identifies a site that is suitable for a taller building, it does not identify how tall that building can be.
- 7.4.4. SPPR1 of the Guidelines provides for increased height and density in locations with good public transport accessibility, particularly town/ city cores. The subject site is within walking distance of the centre of Cork city and is an appropriate location for an increase in height and density.
- 7.4.5. SPPR 3 provides criteria against which proposals for taller buildings are to be assessed; namely at the town scale, district / neighbourhood / street scale and last at the scale of the site / building.

Scale of the city / town

- 7.4.6. There are three elements to the town scale assessment: public transport, the character and public realm of the area and on larger urban redevelopment sites: place making. The subject proposal is not a large urban redevelopment scheme. The subject site is not an ACA, but lies adjacent to the South Parish ACA. The guidelines

note that where a development is within an architecturally sensitive area, it must successfully integrate into / enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Applications for such development must be accompanied by a landscape and visual assessment. This is addressed further in section 7.5 below.

- 7.4.7. The Planning Authority raised a concern about the height of the proposed building relative to the adjoining land uses, notably the two storey dwellings on the opposite side of Sharman Crawford Street and the protected structure at Saint Marie of the Isle. I share that concern and consider that insufficient effort to address the architectural sensitivity of the adjoining area has been built into the design. The proposed development is a tall rectangular block – standing away from the northern, western and eastern boundaries and up against the eastern boundary with the public footpath. The proposed block sits away from the 4-storey blank elevation of the adjoining far park to the west, to allow the western façade of the proposed building to have windows. The result is, however, that the building from the southern view, stands apart from the wider urban block. This draws attention to the abrupt and significant increase in height from 4 storeys on the west and 2-storeys on the east. The site is constrained in size, however a series of set-backs or some form of gradual articulation in building form would allow the building to sit more successfully with its neighbours. The site is not large enough, nor in a prominent enough location to warrant a landmark building. It is considered that the proposed building does not integrate well into the receiving environment, in terms of building design, scale, mass and bulk.
- 7.4.8. The provision of 7-storeys (or 6-no. on appeal) of balconies on the eastern elevation at a distance of approx. 10m from the two-storey dwellings on the opposite side of the street, would introduce overlooking of these dwellings.
- 7.4.9. The guidelines set out 5 no. criteria at the scale of the district / neighbourhood / street. The first, is that the proposed building makes a positive contribution to the urban neighbourhood and streetscape. I am not satisfied that the proposed development makes a positive contribution to the streetscape or the neighbourhood. At street level, it is considered that an opportunity to animate the street has been lost. The proposed over 2m high blank wall is monolithic, with long uninterrupted sections of grey brick wall fails to enhance the urban design of the public realm. The

concerns over flooding are understood, but they cannot be allowed to dictate the built form at the expense of design. The second criteria refers to the design of the building. As above, I am not satisfied that the proposed development complies with this. It appears that the design has been created to fit the constraints of site only, with scant regard to the receiving environment. The proposed block does not address or recognise the architectural sensitivity of the surrounding buildings.

- 7.4.10. At the scale of the site / building, the Guidelines require that 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 application was accompanied by a Site Planning for Daylight and Sunlight report. The report states that calculations were carried out for the existing, the proposed and the recently permitted (Planning Authority reg. ref. 08/33164) scheme. Assessing VSC, the report finds that 21 of the 36 no. windows opposite the site are below the passing criteria. The report states that only 8 no. *additional* (my emphasis) windows will fall below the recommended BRE guidance when the proposed scheme is compared to the permitted scheme. By my counting of the results presented in Table 1 of the report, a total of 27 no. windows do not meet the criteria.
- 7.4.11. The report notes that that some form of over-shadowing is inevitable. This is correct and in an urban area with varying heights and land uses, some degree of over shadowing is to be expected. The vast majority of all windows assessed is not insignificant however, and cannot be accepted as an appropriate cost of developing a small urban site. Notwithstanding that some of windows are bedrooms, the proposed development will reduce the amount of direct light falling on to these windows to a significant degree. That a degree of overshadowing was accepted by the Planning Authority when granting planning permission for a car park in 2008, is not relevant to the proposed development.
- 7.4.12. In summary, I consider that the proposed development has not demonstrated compliance with SPPR3, namely that the proposed development will not successfully integrate with existing development in the vicinity and would therefore be contrary to the advice given by section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities.

7.4.13. As outlined above, the proposed development, would not satisfactorily integrate into or enhance the character of the area, and does not respond in a positive way to adjoining developments. I am satisfied that the proposed development is contrary to the advice set out in section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities: issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would therefore be contrary to the above-mentioned plan and Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

7.5. Visual and Residential Amenity

- 7.5.1. The application was accompanied by a Landscape and Visual Appraisal. The report notes that there are three protected views in the area – the view of St Finbarre’s Cathedral from Lancaster Quay (1), from Grenville Place (2) and the view of the Elizabeth Fort from Distillery Grounds (3). Nine viewpoints were chosen for the appraisal. View 1 from Bishop street is stated to have no effect, an assessment I find reasonable. View 2, from Sharman Crawford street is stated to have a moderate visual effect, the quality of which is stated to be beneficial. I cannot agree with this assessment. As stated in section 7.4 above, I consider the visual impact of the proposed block to be significant and adverse. The proposed block, standing away from the receiving built environment makes no reference to its surroundings, drawing attention to the stark transition in height, built form and massing. The proposed block appears at variance with the setting, creating an extensive intrusion in the view.
- 7.5.2. The effect from viewpoint 3 (Wandesford Quay junction) is less significant, broken up by the proposed balconies and relief in the eastern elevation. Notwithstanding that, I cannot accept the LVIA assessment of that view as being beneficial. Views no. 4 -9 are stated to have no effect or a neutral, which are considered reasonable.
- 7.5.3. In summary, the proposed re-development of an under-used, vacant site in a good location is welcomed. As would be any opportunity to address the blank streetscape along Sharman Crawford Street. It is considered that the proposed development fails to integrate successfully into a receiving environment that while is not an ACA, nonetheless accommodates a number of buildings of architectural merit

and a number of uses of architectural sensitivity. It is considered that the proposed block – at either 7 no. or 6 no. storeys represents a visually intrusive and dominant form, particularly when viewed from the southern section of Sharman Crawford Street.

7.6. Appropriate Assessment

- 7.6.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 7.6.2. 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. The proposed development 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).
- 7.6.3. The subject site is 3.4km the Cork Harbour SPA (004030). Surface water run-off could potentially flow into the SPA via the River Lee source-pathway-receptor link.

Designated Site	Qualifying Interest	Conservation Objective
Cork Harbour SPA (004030)	<ul style="list-style-type: none"> • Little Grebe • Great Crested Grebe • Cormorant • Grey Heron • Shelduck • Wigeon • Teal • Pintail • Shoveler • Red-breasted Merganser 	To maintain the favourable conservation condition of the species in Cork Harbour SPA, as well as the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it

	<ul style="list-style-type: none"> • Oystercatcher • Golden Plover • Grey Plover • Lapwing • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Curlew • Redshank • Greys Shank • Black-headed Gull • Common Gull • Lesser Black-headed Gull • Common Tern • Wetlands and Waterbirds 	
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7.6.4. Given the small scale of the development, the dilution capacity available within the harbour and the robust nature of the estuarine qualifying habitats, no pathway for impact has been identified. I am satisfied that the proposed development will not result in any significant deterioration in habitat quality or loss of habitat in any designated site. There will be no impact on qualifying interest birds in the SPA due to the distance between the subject and the designated site.

7.6.5. I consider it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

8.0 Recommendation

8.1. I recommend permission be REFUSED for the following reason:

- 1 The applicant has not satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area, having regard to prevailing heights in the surrounding

area. The height of the proposed building, notwithstanding the proposed revision to 6-storey at appeal stage, would not make a positive contribution to place-making and does not respond in a positive way to adjoining developments. At the scale of the site and the neighbourhood, the proposed development would not successfully integrate with existing development in the vicinity and would therefore be contrary to the advice given by section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities: issued by the Department of Housing, Planning and Local Government in December 2018. The proposed development would therefore be contrary to the above-mentioned plan and Ministerial Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Objective 13.21(a) of the Cork City Development Plan 2015 – 2021 and the location of the site in Cork city centre and in a position wherein it affects both the setting of Sub-Area A, Cathedral Quarter, of the South Parish Architectural Conservation Area and the settings of the protected structures St. Marie’s of the Isle Convent and the Crawford College of Art and Design, the Board considers that the proposal would by reason of its utilitarian design and appearance, detract from the settings of the Architectural Conservation Area and the protected structures and, conversely, it would fail to make a positive contribution to the character of the surrounding historic area. As such, it would contravene Objective 13.21(a), which seeks “To ensure that new development is of the highest quality and respects, safeguards and enhances the special character of the city centre”. The proposal would thus not accord with the proper planning and sustainable development of the area.
3. The proposed residential development of one-bedroom units do not meet the design standards of the Sustainable Urban Housing: Design Standards for New Apartments 2020, in terms of communal facilities, typology / unit mix and floor areas. The proposed development fails to provide adequate residential amenity for future residents of the proposed development and would therefore be contrary to the above-mentioned plan and Ministerial

Guidelines issued to planning authorities under section 28 of the Planning and Development Act, 2000, as amended, and would be contrary to the proper planning and sustainable development of the area.

Gillian Kane
Senior Planning Inspector

17 June 2022