



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312475-22

<b>Development</b>	Demolition of two buildings, construction of a mixed-use scheme in three blocks, comprising 65 apartments with residents' gym, meeting room, and amenities, and four commercial units (retail// retail services use). NIS submitted with the planning application.
<b>Location</b>	East Douglas Street, and Douglas Village, Douglas, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	21/40566
<b>Applicant(s)</b>	Sirio Investment Management Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party vs Decision
<b>Appellant(s)</b>	Sirio Investment Management Ltd
<b>Observer(s)</b>	Cathal Kenneally
<b>Date of Site Inspection</b>	19 <sup>th</sup> August 2022
<b>Inspector</b>	Phillippa Joyce

## 1.0 Site Location and Description

- 1.1. The appeal site is located at East Douglas Street and East Village in Douglas, c.3.5km southeast of Cork City. The site, aligned on a northeast-southwest orientation, is located centrally within an urban block formed by East Douglas Street to the west and south, and by the R610 Douglas Relief Road to the north and east. The block is divergent in terms of character and pattern of development, comprising historic streetscape fabric along East Douglas Street (2 and 3 storey traditional terraced buildings), residential streets in Gartan Park (2 storey dwellings in terraces), apartment and commercial infill development along East Village (3 storey detached blocks, including Barryscourt Apartments), and stand-alone retail (Aldi), commercial (Circle K, Watergold offices), and restaurant outlets (McDonalds) of varying building heights (single to 5 storeys), with large areas of surface car parking.
- 1.2. The site is rectangular in configuration (long and narrow) and is indicated as measuring 0.35ha. The site comprises two properties, in the southwestern portion of the site is a 3 storey terrace building (single storey rear return) fronting onto East Douglas Street, and in the northeastern portion is a detached 3 storey office building fronting onto the East Village Access Road (serving Aldi, McDonalds and the Watergold building) off the Douglas Relief Road. The total floor area of the buildings to be demolished is indicated as 1,224sqm. To the rear of each building, comprising the centre of the site, is an area of hardstanding/ surface car parking. Site boundaries comprise blockwalls with sporadic trees/ vegetation.
- 1.3. The site is relatively level in topography, with ground levels rising slightly in a northeasterly direction across the site towards East Village Access Road. The lands within the overall block are of artificial construction, and notably the ground level of the central area of the site is lower than the ground levels of the adjacent Aldi and Barryscourt Apartments in East Village.
- 1.4. The site is located in relative proximity to watercourses and Douglas Estuary/ Cork Harbour coastline. These include the Douglas River (Ballybrack Stream) c.250m to the west, which flows into the Tramore River located c.170m to the northwest, which in turn flows into the Douglas Estuary c.135m to the northeast. The rivers are largely culverted through Douglas village, and the area has a history of flooding.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing buildings within the site, site clearance (including removal or diversion of existing water infrastructure), excavation works for the construction of a reinforced concrete secant piled wall for the basement level substructure, and the construction of a mixed-use scheme of three buildings, referred to as Blocks A, B, and C, over the basement level (with car and cycle parking spaces), a vehicular entrance, pedestrian paths and accesses, services and utilities, boundary treatments, landscaping, and public realm works.
- 2.2. The three proposed blocks maintain the same orientation of the site and are laid out on northeast-southwest axes. The blocks, with rectangular building footprints, are separated by new pedestrian footpaths and two areas of open space (referred to as Plazas A and B). Block A (3 to 6 storeys in height) directly addresses East Douglas Street with a pedestrian path (formed by a setback from the site's southern boundary) extending along the block's southern elevation. Block B (6 storeys) is positioned centrally within the site, opposite Barryscourt apartments in East Village, and maintaining the building line formed by the southern elevation of Block A. Block C (7 to 10 storeys) directly addresses East Village Access Road and extends the width of the site.
- 2.3. The proposal comprises a mix of uses, including commercial (4 separate units), residential (65 apartments), and ancillary residential facilities and amenities. The commercial component of the scheme, indicated as being for retail and/ or retail services use, is accommodated at the ground floor levels of the blocks, including 2 units in Block A (Unit 1, 217sqm, and Unit 2, 143sqm), 1 unit in Block B (Kiosk, 28sqm), and 1 unit in Block C (Unit 3, 155sqm). The ground floor levels of Blocks B and C also include ancillary residential amenities (gym, foyer, and access areas). The remaining floor levels of each block comprise residential accommodation of 65 apartments (20 units in Block A, 15 units in Block B, and 30 units in Block C). The tenure of the residential development is a combination of build-to-sell (20 apartments in Block A) and build-to-rent (45 apartments in Blocks B and C).

- 2.4. With regard to site access, the proposal includes for servicing and deliveries on East Douglas Street (new set down area, loading bays), new pedestrian paths through the site connecting the East Douglas Street and East Village Access Road, new pedestrian accesses into the site connecting Aldi to the north and East Village to the south, and a new vehicular entrance to the basement level of the proposal (via a car lift on the northern elevation of Block B) from the Aldi parking area. The basement level extends the length of the site and includes 18 car parking spaces, bicycle store with 130 cycle spaces, refuse area, laundry room, plant, services and ancillary rooms. Three stairwells provide access between each block and the basement level.
- 2.5. With regard to site services, the proposed development includes for the removal or diversion of existing water services pipework and the provision of new infrastructure connecting into existing public systems. For surface water, the proposal includes SuDS features (green roof areas, modified planters, tree root systems), with runoff flowing through new piped infrastructure, retention in an on-site attenuation tank at the eastern end of the basement level, and discharge to the existing stormwater sewer on East Village Access Road. For wastewater, on collection in a new system in each block, the proposal will discharge into the existing combined sewer in East Douglas Street. For water supply, the proposal will be served through new piped infrastructure connecting to the existing public watermains in East Douglas Street.
- 2.6. In addition to the standard plans and particulars, the application was accompanied by the following reports and documentation:
- Planning Statement;
  - Schedule of Accommodation;
  - Part V Proposal;
  - Architectural Design Report (including Computer Generated Images (CGIs) and the Landscape Visual Impact Assessment);
  - Urban Design Report and Masterplanning;
  - Landscape Design Report;
  - Archaeological and Architectural Heritage Assessment (AAHA);

- Daylight, Sunlight and Overshadowing Assessment (DSOA);
- Wind and Microclimate Modelling Report;
- Building Lifecycle Report;
- Traffic and Transport Assessment (TTA);
- Stage 1/ 2 Road Safety Audit;
- Mobility Management Plan;
- Engineering Planning Report;
- Construction and Demolition Waste Management Plan (CDWMP);
- Construction Environmental Management Plan (CEMP);
- Operational Waste Management Plan;
- Site Specific Flood Risk Assessment (SSFRA);
- Bat Assessment;
- Appropriate Assessment Screening Report (AASR) and Natura Impact Statement (NIS);
- Environmental Impact Assessment Screening Report (EIASR); and
- Letters of consent from Aldi (for works facilitating a pedestrian connection to the north of the site), Lidl (for pedestrian connection to northeast) and Cork City Council (for works on the public footpaths/ roadways of East Douglas Street and East Village Access Road).

2.7. For clarity and ease of reference, the following tables present the principal characteristics, features and floor areas of the proposed scheme. I have extrapolated the key statistics from the application form, plans, particulars, and schedule of accommodation.

**Table 1: Key Statistics**

<b>Site Area</b>	Total area: 0.35ha (3,500sqm) Developable area: 0.25ha (2,530sqm)
<b>Floor Areas</b>  inclusive of:	Demolition floor area: 1,224sqm Proposed gross floor area: 6,713sqm Commercial: 543sqm Residential: 4,430sqm Residential Amenity: 368sqm Management Facilities: 552sqm
<b>Residential Units</b>	65 apartments (see Table 2)
<b>Residential Density (net)</b>	260 units per ha (based on 0.25 developable site area)
<b>Building Height</b>  (principal heights)	Block A: 3 to 6 storeys (10.8m-20.25m) Block B: 6 storeys (20.7m) Block C: 7 to 10 storeys (25m-36.8m)
<b>Aspect</b>	Dual aspect: 46 apartments (71%)
<b>Part V Provision</b>	Six apartments (one 1 bedroom and one 2 bedroom apartment at first floor level of Blocks A, B, and C)
<b>Public Open Space</b>  combination of:	Total provision: 607sqm (24% of developable site area) Plaza A: 288sqm Plaza B: 319sqm
<b>Parking</b>	Car spaces: 18 spaces at basement level Cycle spaces: 130 spaces at basement level Cycle spaces: 12 spaces at surface level (various stands adjacent to each block)

2.8. The tenure of the proposed apartments is indicated as a combination of build-to-sell (20 apartments, all of Block A) and build-to-rent (45 apartments, all of Block B (15 apartments) and Block C (30 apartments)).

2.9. The proposed residential mix is as follows:

**Table 2: Summary of Residential Unit Mix**

Unit Type	1 bed	2 bed	3 bed	Total
<b>Block A</b>	8	11	1	<b>20</b>
<b>% of Block A</b> (build-to-sell)	40%	55%	5%	<b>100%</b>
<b>Block B</b>	5	10	0	<b>15</b>
<b>Block C</b>	13	16	1	<b>30</b>
<b>Total</b>	<b>26</b>	<b>37</b>	<b>2</b>	<b>65</b>
<b>% of Total</b>	<b>40%</b>	<b>57%</b>	<b>3%</b>	<b>100%</b>

### 3.0 Planning Authority Decision

#### 3.1. Summary of Decision

3.1.1. On 7<sup>th</sup> December 2021, the planning authority issued a Notification of Decision to Refuse Permission for three reasons, as follows:

1. *It is considered that by reason of its scale, height, design, and elevational treatment, the proposed development would be out of character with the pattern of existing development and would be visually obtrusive within the Douglas village streetscape and the Church Street Architectural Conservation Area, contrary to objectives HOU 3-2 and HE 4-5 of the current Cork County Development Plan. The proposed development, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the objectives of the Ballincollig/ Carrigaline Municipal District Local Area Plan, 2017, in particular objective SE-T-04, which requires the provision of a comprehensive mixed use development with active ground floor uses and a high quality public realm on the overall lands, it is considered the proposed development by reason of the absence of a coherent masterplan for the entire block, and poor quality of urban design incorporating inappropriate building heights, would constitute piecemeal development which would not contribute to the achievement of this objective and would seriously*

*injure the amenity of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3. *It is considered that the proposed density of 260 units per hectare on an infill site is excessive. The proposed density does not appear to have been informed by, or enhance, the form of buildings around the site edges or surrounding area and this is reflected in the inappropriate height and bulk of the proposed buildings. It is further considered that the proposal for almost the entirety of the recommended number of dwellings as set out in SE-T-04 of the Ballincollig/ Carrigaline Municipal District LAP, on a relatively small infill portion of the block, is excessive and contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

The planner's report is the basis for the planning authority decision, and the key items can be summarised as follows:

- Site located in area SE-T-04 of the Cork City South Environs in the Ballincollig Carrigaline Municipal District LAP 2017 (also 'Precinct 4 Cinema Site' of the Douglas Land Use and Transportation Strategy (DLUTS) 2014);
- SE-T-04 requires mixed use development with up to 5,500sqm of non-residential floorspace and 70 residential units;
- Applicant's masterplan described as illustrative, with unclear integration with neighbouring uses, and lacking necessary detail of buildings' relationships;
- In the absence of a detailed masterplan of the wider area, site to be considered as an infill site and to be developed at an appropriate scale;
- Applicant's masterplan would have been required to be undertaken in conjunction with landowners of the remainder of the block to be considered as a material item in the assessment;



- Brownfield and town centre nature of site noted, however when neighbouring surroundings considered density of 260uph (65 dwellings on site measuring 0.25ha (developable area)) is excessive for this suburban location;
- Proposal (on a small portion of the urban block) seeks the near entirety of new dwelling allocation for SE-T-04 thereby prejudicing the future development of the remainder of the wider site;
- Concerns regarding the impact on the East Douglas Street frontage (in Church Street Architectural Conservation Area) due to the building height of the blocks;
- Flat roofed design of Block A increases the overbearing feeling as other structures on the street have pitched roof profiles;
- Undertakes the development management criteria assessment from the Building Height Guidelines, and finds the proposal fails due to –
  - Scale of city – Douglas not served by the light rail transit (LRT), proposal does not respect or integrate with the character of its receiving environment, positive contribution in terms of linkages and connectivity but this can be achieved at less density and less building height;
  - Scale of district – at street level will make positive contributions in enhancing public spaces and urban legibility, residential use welcomed, but negative impact on the ACA;
  - Scale of site – designed to benefit from natural light, public spaces and ground floor commercial uses appropriate, but adverse impact on adjacent sites;
- Ten storey block does not align with the LAP or DLUTS in terms of appropriate location for buildings of height;
- Site located in sensitive landscape designation (Area of High Landscape Value, Landscape Character Area: Cork Harbour and Estuary) and the 10 storey block considered to negatively impact on same;

- Design of Block A would be a dominant and incongruous addition onto the frontage of East Douglas Street;
- Residential amenity of future residents (apartment design, standards, mix of units) mostly satisfactory save for some units without sufficient private open space, and/ or storage, north facing bedroom windows with obscure glazing;
- Residential amenity of adjacent properties considered to be negatively impacted upon (overlooking of East Village complex to south), proposal may impact on future development of wider site due to overshadowing, loss of light, overlooking and loss of privacy;
- Visual Impact Assessment lacking a view to the 10 storey block from within the East Village complex so not possible to assess;
- Communal open space provision appears to be double counted as public open space, and communal open space offers minimal amenity for residents, communal roof terraces or other semiprivate spaces are required;
- Public open space (607sqm, 24% of site area 0.25ha) is compliant with policy and acceptable;
- Part V requirements to be fulfilled through the transfer of six units (three 1 bedroom and three 2 bedroom apartments, four build-to-rent units and two build-to-sell units) to the planning authority;
- Vehicular and pedestrian accesses, basement parking provision (vehicular (18 spaces) and cycle (130 spaces)), traffic generation and impact on local network are considered acceptable;
- If the proposal was acceptable, outstanding technical items (Urban Roads and Street Design and Drainage Sections) would be required to be addressed;
- Screening for environmental impact assessment undertaken which concludes that the need for EIA has been excluded at preliminary examination;
- Screening for appropriate assessment undertaken which concludes a Stage 2 assessment is necessary due to significant effects on Cork Harbour SPA. An NIS was submitted which concludes that with mitigation measures

(Construction Environment Management Plan) there would not be significant impacts on the SPA; and

- Notes a site-specific flood risk assessment accompanies the application (as the site is identified by the applicant as being in the defended fluvial Flood Zone A associated with Douglas River).

### 3.2.2. Other Technical Reports

Planning Policy Unit: masterplan is illustrative and without agreement from adjacent landowners; 260 dph density is unsuitable for this infill site (lacks planning strategy support and asset rich environment), inappropriate density target reflected in building volume and height.

City Architect: rationale approach to buildings layout and 3 storey scale for infill on East Douglas Street. However, height of Block C (10 storeys), architectural design of Block A (solid to void proportion), and architectural language of Blocks B and C (double height framing, use of two materials) are out of scale/ not appropriate for a suburban street/ context.

Conservation Officer: concerns for adverse impact on the Douglas East ACA due to design and scale of Blocks A and C, requests redesigns accordingly.

Infrastructure Development: notes Bus Connects planned for Douglas village, and likely to result in changes to East Douglas Street. No objection subject to condition requiring final agreement on the upgrade/ public realm works in the proposal.

Transport and Mobility: no objection subject to conditions.

Urban Roads and Street Design: requests further information on items including; extension of public realm/ pedestrian connectivity works at Church Street and East Village Access Road, clarity on width of proposed pedestrian street and pedestrian legibility through the scheme.

Area Engineer: no objection subject to conditions.

Drainage: requests further information on items including; increase the finished floor levels of Block A (ground floor) and the height of the basement access ramp to exceed the Douglas Flood Relief Scheme (DFRS) undefended flood level at the site

(3.38m OD), revise the attenuation tank location to be outside of the building footprint, and amend the stormwater drainage design for basement runoff to discharge to the foul sewer.

Environment Waste: no objection subject to conditions.

### 3.3. **Prescribed Bodies**

Irish Water: requests submit a pre connection enquiry to determine capacity in the IW networks, and submit a confirmation of feasibility.

Inland Fisheries Ireland: requests Irish Water indicates whether there is sufficient wastewater capacity for the proposal.

Transport Infrastructure Ireland: proposal to be undertaken in accordance with the TTA and RSA submitted, and no future claim accepted of impact arising from an existing road/ new road scheme.

Cork City Fire Department: details required at Fire Certificate Stage for how a fire in the basement would be fought/ controlled. Details of stairs/ lifts are unclear. A common stair (which is part of the only escape route) from upper storeys shall not be continued to basement level in buildings over 11m in height.

DAA Cork Airport: Consult with the Irish Aviation Authority.

Irish Aviation Authority: engage with DAA/ Cork Airport on safety of aircraft, no objection subject to condition, provide 30 days notification of crane operations to same.

### 3.4. **Third Party Observations**

- 3.4.1. The planning authority indicates 33 submissions were received from third party observers during the processing of the application. I have reviewed same and note that the vast majority are in support of the proposal (provision of housing, suitable location for apartments, new people can live in the community, redevelop an underutilised/ vacant site, well designed scheme, add character to the area, public realm improvements).
- 3.4.2. Three submissions raise concerns with or object to the proposal. Issues raised in each submission include: firstly, consent required for proposed pedestrian accesses

through the site's southeastern boundary to the adjacent East Village property; secondly, a basement level in an area prone to flooding, visual impact of the plain gable (north) wall of Block A from within Douglas village, and lack of clarity regarding the car lift, construction activity (quantum of excavated material and management plan), and the daylight/ sunlight analysis; and thirdly, adverse impact (loss of daylight and sunlight) on the adjacent property to the north of Block A and non-compliance with local planning policy SE-T-04 by closing off opportunities for more coherent development. The two latter issues raised in the third party submission form the basis of the observation made by the observer on this appeal, which is outlined in detail in Section 6.0 below.

## 4.0 Planning History

### Appeal Site

*ABP 309260-21 (SHD pre application consultation)*

Applicant informed on 7<sup>th</sup> May 2021 that further consideration was required on a proposal for the demolition of existing buildings, 131 no. Build-to-rent apartments and associated site works.

### Northeastern part of Appeal Site/ Lands to Northeast (referred to as the Lidl Site)

*ABP 311372-21, PA Ref. 21/40296 (not implemented at time of site inspection)*

Permission granted on 14<sup>th</sup> March 2022 to Lidl Ireland Ltd for a mixed-use building (residential, shop, licensed discount foodstore and café/ coffee shop) with ancillary facilities (totalling 3,935sqm) over four floors ranging in height between three and five storeys.

Cork City Council had refused permission for the proposal due to one reason relating to its incompatibility with Ballincollig Carrigaline Municipal District LAP 2017 objective SE-T-04, absence of a masterplan for the entire block, and injury to visual amenity.

### Central Part of the Appeal Site/ Lands to the North (referred to as the Aldi Site)

*ABP PL04.239706, PA Ref. 11/4368 (implemented)*

Permission granted on 19<sup>th</sup> December 2012 to B. Flannery, M. Coughlan, and R. Pratt for a change of use from cinema to retail discount store with new access and parking.

Lands to Southeast (referred to as the Legion of Mary Site)

*ABP 305533-19, PA Ref. 19/4924 (being implemented)*

Permission granted on 28<sup>th</sup> January 2020 to Kenmore Projects Ltd for the demolition of existing Legion of Mary building and commercial building, and construction of 3 storey building comprising new Legion of Mary meeting hall with ancillary services, 2 retail units with ancillary services and 6 apartments.

## 5.0 Policy Context

5.1. Having considered the nature of the proposed development, the receiving environment, the application with submissions and decision of the planning authority, the appeal and observation, I consider the following policy and guidance to be of relevance to the determination of the appeal.

### 5.2. National Policy Context

National Planning Framework, Project Ireland 2040 (NPF)

5.2.1. A number of overarching national policy objectives (NPOs) are identified relating to targeted future growth in appropriate locations in Cork City and suburbs, within which the appeal site is located. NPOs for appropriately located and scaled residential growth in the Cork City and suburbs area include:

- NPO 2a: A target of half (50%) of all future population and employment growth will be focused in the existing five Cities and their suburbs.
- NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- NPO 8: Ensure a targeted pattern of population growth in Cork City and suburbs of c.50-60% by 2040;
- NPO 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.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### Section 28 Ministerial Planning Guidelines

5.2.2. The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, and the accompanying Urban Design Manual: A Best Practice Guide, 2009 (Residential Development Guidelines);
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, December 2020 (Apartment Guidelines);
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines);
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011 (Architectural Heritage Guidelines);
- Design Manual for Urban Roads and Streets, December 2013 (DMURS); and
- Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).

5.2.3. As appropriate, specific requirements, policies, and objectives of the Section 28 Guidelines are cited and considered within the Section 7.0 Planning Assessment of this report.

### 5.3. **Regional Policy Context**

#### Regional Spatial and Economic Strategy for the Southern Region 2020-2032 (RSES)

5.3.1. The RSES provides a development framework for the region, including a specific Metropolitan Area Strategic Plan (MASP) covering Cork City and suburbs, which the appeal site is located within. A number of regional policy objectives are applicable to the proposed development, including:

- RPO 10: Compact Growth in Metropolitan Areas, includes;
  - a. Prioritise housing and employment in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
  - b. Identify initiatives 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 MASP Policy Objective 1, includes
  - b. To promote the Cork Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with: (i) the city centre as the primary location at the heart of the metropolitan area and region reinforced by; (ii) the continued regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas, (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs.

### 5.4. **Local Policy Context**

#### Change between Development Plans

5.4.1. The Cork County Development Plan 2014-2020 (2014 CDP) was in effect at the time the planning application was lodged and assessed, and when the appeal was made on the planning authority decision. Additionally, the appeal site was located within



the development boundaries of the Cork City South Environs in the Ballincollig Carrigaline Municipal District LAP 2017. As such, the application and/ or appeal documentation refer to policy in the 2014 CDP and/ or that of the 2017 LAP.

- 5.4.2. In the interim, the Cork City Development Plan 2022-2028 (2022 CDP) came into effect on the 8<sup>th</sup> August 2022 (the Ministerial Direction issued to the planning authority on 2<sup>nd</sup> December 2022 is not applicable to the appeal case). Accordingly, therefore, this appeal is assessed with regard to the provisions of the 2022 CDP.

Cork City Development Plan 2022-2028

- 5.4.3. The relevant 2022 CDP map-based/ mapped designations include:

- The site is zoned as ZO 7 District Centre which seeks ‘To provide for the development and enhancement of district centres as mixed-use centres and as primary locations for retail, economic and residential growth’ (Map 14);
- The site is located within the ‘Inner Urban Suburbs’ in respect of Density and Building Heights map (Map 14);
- The site is adjacent to the Douglas-Donnybrook Sub-Area B: Douglas East ACA and the site’s southwestern boundary (East Douglas Street frontage) presents onto the ACA (Volume 3: Part 1 Architectural Conservation Areas);
- The route of the Douglas Core Bus Corridor (CBC 10) is identified along East Douglas Street, the site’s southwestern boundary (Figure 4.4);
- The site is not located within Flood Zones A and/ or B (Strategic Flood Risk Assessment, Map 6) (Note: based on other mapping sources, the applicant had determined the site was located within the defended fluvial Flood Zone A associated with the Douglas River); and
- To the north of the site are two areas subject to landscape protections, firstly Douglas Estuary is zoned ZO 17 Land Preservation Zone, and Mahon golf course is zoned ZO 16 Sports Ground and Facilities with an Area of High Landscape Value designation.

- 5.4.4. I identify the most relevant 2022 CDP objectives to be:

- Chapter 2 Core Strategy:

- Objective 2.30 Implementing the Core Strategy – support delivery of the City’s Core Strategy in accordance with the Core Strategy Map and Table 2.2, the Growth Strategy Map and Table 2.3, and the Objectives for City Growth Table 2.6 (first and second tiers of the strategy are the City Centre and Docklands; Douglas is within City Suburbs, the third tier of the strategy, and identified as one of six District Centres to deliver an appropriate mix of uses); and
- Objective 2.31 City Growth – target the delivery of 65% of all new homes on lands within the existing built footprint of the City (consolidate and enhance City Suburbs such as Douglas).
- Chapter 3 Delivering Homes and Communities:
  - Objective 3.4 Compact Growth – at least 66% of new homes to be provided within the existing footprint of Cork with 33% of new homes in brownfield sites, and optimise potential housing delivery on suitable brownfield sites to achieve compact growth targets;
  - Objective 3.5 Residential Density – higher densities to be achieved in accordance with the Cork City Density Strategy, Building Height and Tall Building Study whilst ensuring a balance between protecting the established character of the surrounding area and existing residential amenities, creating successful integrated neighbourhoods, and achieving high quality architectural, urban and public realm design; and
  - Build-to-Rent Accommodation Sections 3.35-3.36 and Objective 3.7 – build-to-rent (BTR) is a model which is part of the housing mix for urban centres and locations accessible to high-quality public transport, BTR are exempt from certain apartment standards (as per SPPRs 7 and 8), and are to be facilitated in suitable locations, required to comply with national planning guidelines, and to contribute to a socially balanced and inclusive neighbourhood.
- Chapter 4 Transport and Mobility:

- Objective 4.3 Strategic Location of New Development – ensure new residential and commercial development is focused in areas with good access to the planned high frequency public transport network; and
- Objective 4.5 Permeability – require new development to include permeability for pedestrians, cyclists, and public transport to maximise its accessibility.
- Chapter 6 Green and Blue Infrastructure, Open Space and Biodiversity:
  - Objective 6.11 – ensure development throughout Cork City has regard for the value of the landscape, its character, distinctiveness, and sensitivity to minimise the visual and environmental impact of development.
- Chapter 8 Heritage, Arts, and Culture:
  - Objective 8.23 Development in Architectural Conservation Areas – design and detailing required to respond respectfully to the historic environment;
  - Objective 8.24 Demolition in Architectural Conservation Areas – permitted where the structure does not contribute to the special or distinctive character of the ACA, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.
- Chapter 9 Environmental Infrastructure:
  - Objective 9.10 Development in Flood Risk Areas – restrict development in flood risk areas, required to comply with national planning guidelines, and provide a site specific flood risk assessment.
- Chapter 10 Key Growth Areas (11. Douglas):
  - Objective 10.82 – support placemaking through high quality design in developments, which contribute towards a multifunctional, inclusive public realm comprising streets and spaces that can accommodate a range of appropriate uses and activities.
- Chapter 11 Placemaking and Managing Development:
  - Cityscape and Building Height:

- Building Height, Section 11.28 – building height strategy contained in Table 11.1 and will be applied in assessing development proposals (Douglas is an Inner Urban Suburb with target heights of 3-4 storeys applicable to the appeal site);
- Tall Buildings, Section 11.44 – five locations identified as suitable for tall buildings including the City Centre, City Docks, Mahon, Blackpool and Wilton;
- Definition of a Tall Building, Sections 11.45-11.46 – proposed buildings which are equal to or more than twice the height of the prevailing building height (Douglas defined as 2-3 storeys), over 18m/ 6 storeys, and considered significantly higher than those around;
- Tall Building Locations, Section 11.51 – only suitable in 2022 CDP identified locations, as tall buildings outside of these locations are not generally considered appropriate due to their being in conflict with the overall building height strategy for Cork;
- Assessing Impacts of Tall Buildings, Sections 11.53-11.57 – lists of criteria to address/ consider including visual, functional, environmental, microclimate, and cumulative impacts;
- Residential Development:
  - Residential Density, Section 11.72 – Table 11.2 indicates density targets across the city, including a density range of 50-100dph for Douglas as an Inner Urban Suburb (applicable to the appeal site). Density targets for the City Centre and Docks include a minimum of 100dph with no upper limit. Density targets and prevailing character will be the key measures in determining site-specific density;
  - Dwelling Size Mix, Section 11.76 and Objective 11.2 – all developments to comply with dwelling size mix, and for residential developments between 10-50 units (I identify this as the relevant

standard as of the proposed 65 apartments, 20 units are build-to-sell) is a requirement to provide a dwelling size mix appropriate for the city location (appeal site is located in City Suburbs, Table 11.8 applies);

- Apartment Design, Section 11.91 – lists quantitative standards required to comply with national planning guidelines (floor areas, private/ communal open space, internal and cycle storage, build-to-rent specific SPPR 7 and 8), and qualitative standards (additional specifications for communal and roof top space designs); and
  - Daylight, Sunlight and Overshadowing, Sections 11.98-11.99 and Objective 11.4 – habitable rooms of new residential units to have appropriate levels of light and ventilation, and a DSO assessment required to take into account the amenities of the proposed development, its relevant context, planning commitments, and likely impact on adjacent sites, with number of criteria for assessment to address/ demonstrate.
- Chapter 12 Land Use Zoning Objectives:
    - District Centres ZO 7.4 – developments located in ZO 7 District Centres should respect, reflect, or contribute to the character and vibrancy of the particular district centre, commensurate with the nature and scale of the development, and proposals must deliver a quality urban environment and public realm with a focus on accessibility and permeability.

## 5.5. Natural Heritage Designations

- 5.5.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). There are no watercourses in or adjacent to the site, and the Douglas River is c.250m to the west and the Tramore River is c.170m to the northwest.
- 5.5.2. The designations in proximity to the appeal site (with corresponding boundaries) include (measured at closest proximity):
- Cork Harbour SPA (004030) is c.135m to the north;

- Douglas River Estuary pNHA (001046) is similarly c.135m to the north; and
- Great Island Channel SAC (001058) is c.6,660m to the east.

## 5.6. Screening Determination for Environmental Impact Assessment

5.6.1. The applicant has submitted an Environmental Impact Assessment Screening Report (EIASR) with the application. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and section 172(1)(a) of the Planning and Development Act 2000, as amended, identify classes of development with specified thresholds for which EIA is required.

5.6.2. I identify the following classes of development in the Regulations as being of relevance to the proposal:

- Class 10(b) relates to infrastructure projects that involve:
  - (i) Construction of more than 500 dwelling units,
  - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere;
- Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations; and
- Class 15 relates to any project listed in Part 2 which does not exceed a quantity, area or other limit specified in that Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.6.3. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) and, by association, Class 14 of the Regulations. Class 15 is of relevance as the project comprises a residential development and/ or an urban development that would not exceed a quantity, area or other limit specified in respect of the relevant class of development (i.e., would facilitate a project of less than 500 dwelling units and/ or an urban development on a

site less than 10 hectares). As such, the criteria in Schedule 7 of 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 and should be the subject of EIA. The criteria include the characteristics of the proposal, the location of the site, and any other factors leading to an environmental impact. I have completed an EIA Screening Determination based on the criteria in Schedule 7, which is set out in Appendix A of this report.

- 5.6.4. Of the characteristics of the proposal, the nature and the size of the proposed development are notably below the applicable thresholds for EIA. The proposal differs from the surrounding mixed use district centre area, but the difference is not considered to be significant in terms of character (maintains land uses, built-form typology). The proposal will cause physical changes to the appearance of the site and boundaries though these are not considered to be significant in terms of effect on the environment. The site development works produce waste that will be removed, transported, and disposed of accordingly. The proposal will also cause noise, vibration, and dust impacts. Underground excavation works for the construction of the basement level cause a change in site topography/ ground levels, and surface changes arise from the removal of hardstanding and replacement with new hard and soft landscaping. Impacts in relation to the site development works will be addressed through mitigation measures in the Construction and Demolition Waste Management Plan (CDWMP) and the Construction and Environmental Management Plan (CEMP). The proposal does not cause a change in land use, or to waterbodies, or involve a significant use of natural resources during the site development works process. The proposal does not involve discharge of pollutants to ground or surface water environments. Project connects into the public water services systems which have sufficient capacity to accommodate demands. Project includes energy efficient design, is located close to amenities, and public transport options. There is no risk of major accidents given the nature of project, nor is it part of a wider large-scale change in the area as the site is an infill site within an established built-up location. The proposal results in a moderate increase in population and residential activity, which are not considered likely to result in

significant effects on the environment, and no cumulative significant effects with development works in the area are reasonably anticipated.

- 5.6.5. Of the location of the proposed development, the site is not in, on, or adjoining a European site, a designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection. There are no archaeological features or protected structures recorded at the site, or landscape designations pertaining to the site. The site is adjacent to the Douglas-Donnybrook Sub-Area B: Douglas East ACA and the southwestern boundary (East Douglas Street frontage) presents onto the ACA. There are no high quality or scarce resources on or close to the site. There are no watercourses within or under the site, or direct connections to watercourses in the area. The site is not located within a coastal floodplain or a fluvial floodplain (as per Flood Zones A and/ or B of the 2022 CDP SFRA). Traffic generation associated with the project is of a scale would have a negligible impact on the surrounding road network and is not anticipated to contribute to congestion. The proposal causes construction impacts on the residential amenity of adjacent properties, with mitigation measures to address and ameliorate these impacts contained in the CDWMP and CEMP. Notwithstanding the site's context (adjacent to and presenting onto an ACA, and adjacent to residential development), the location of the proposed development does not contain designations, include features, or display sensitivities such that the proposal is considered likely to result in significant effects on the environment.
- 5.6.6. Of whether there are any other factors which could lead to environmental impacts, the proposal is at an infill developed site within an established built-up location. As such, and given the nature of the proposal, the associated impacts arising will be temporary (site development works), localised, and not significant in terms of use or scale. While I note development works in the site's urban block and wider area, there are no cumulative significant effects on the area that are reasonably anticipated. There are no transboundary effects arising.
- 5.6.7. To enable the EIA Screening Determination, the application includes an EIASR. The Report includes information required to be provided under Schedule 7A of the Regulations. The information comprises a description of the proposed development,



of aspects of the receiving environment likely to be significantly affected, of likely significant effects of the proposed development. As applicable, references are made to the reports included in the application documentation, with descriptions of the mitigation measures proposed to address identified impacts.

- 5.6.8. I have reviewed the EIASR and reports further elaborated on in the first party appeal documentation (eg. the construction of ground floor levels and basement accesses at the undefended flood level of 3.38m OD), and generally confirm the nature of impacts identified, and the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment. The EIASR submitted with the application concludes that an EIA is not required due to the project being significantly below thresholds for Schedule 5 classes of project requiring EIA, that mitigation measures are proposed to address impacts identified at demolition, construction, and operation phases, and that the proposed development is not considered likely to cause significant effects on the environment.
- 5.6.9. Having regard to the foregoing, I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment, and that the preparation and submission of an environmental impact assessment report is not therefore required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeals**

- 6.1.1. The first party appeal is structured to respond to the three refusal reasons and address outstanding technical items raised by internal sections of the planning authority/ and or prescribed bodies. The main issues raised in the first party grounds of appeal can be summarised as follows:

#### Refusal Reason 1

- Proposed block on East Douglas Street is comparable in scale with the building being replaced and matches ridge height of adjacent building;

- Only the three storey element of Block A will be visible from the street level due to set back of four storey element from the street frontage;
- Façade of Block A is a modern shopfront in design, more in keeping with the streetscape than the building being replaced;
- Precedent of increased building height set in redevelopment proposal of Legion of Mary site at junction of East Douglas Street and East Village (ABP 305533-19, the three storey building has a principal ridge height c.16-17m compared with the three storey element of proposed development, which is significantly lower at c.14.2m);
- 10 storey block has been carefully designed (slender, appealing form) and strategically and deliberately located in the site (north to reduce overshadowing and maximise access to daylight);
- 10 storey block been designed to minimise impact on adjacent sites and properties (northern elevation/ side gable of the East Village block is blank, amenities of Aldi site to north and McDonalds site to east are not impacted upon and proposal does not prevent their redevelopment, and while existing apartments in East Village (Barryscourt Apartments) to the south have windows overlooking the appeal site (so unreasonable to use this as a reason to prevent development of the appeal site) these are largely secondary kitchen/ bedroom windows;
- 6 storey central Block B been designed in response to East Village apartments (balconies, and number, orientation of and rooms served by windows);
- Proposed development complies with the Building Height Guidelines as evidenced in the 'scale of tests' in the Planning Statement of the application, with further references to sections in the application's Architectural Design Report;
- City Architect made an arbitrary statement about architectural style not suiting the site's location (disagrees with Douglas being referred to as suburban, and

disputes that architectural treatment of proposal only suitable to city centre context);

- Proposal includes a contemporary building of high quality design which will set the standard for future development in the district centre;
- 2014 CDP Objective HE 4-5 refers mainly to development within the ACA, as proposal is adjacent to the ACA only part (c) applies, whereby new development is to respect the existing character and contribute to the ACA;
- Existing character of the ACA is not defined in the 2014 CDP, and reference made to the draft 2022 CDP (Douglas East sub-area), where character is of an urban and commercial nature which is less sensitive to substantial development;
- Refers to planning history cases of proposals in the Church Street ACA and one adjacent to the Blarney ACA, and requests the need to balance between conservation and development objectives; and
- Only Block A fronts to the ACA which has a confident and sympathetic elevation to the public realm as outlined in the application's Archaeological and Architectural Heritage Assessment.

### Refusal Reason 2

- Disputes planner's position regarding the absence of a coherent masterplan for the entire block (refers to Policy Unit's positive description of the applicant's masterplan);
- Objection to the applicant's masterplan appears to be based on the absence of agreement with neighbouring landowners on the long-term redevelopment of SE-T-04 lands;
- Unreasonable position as it is not within the gift of the applicant to require landowners to participate in/ achieve same, especially as there is a multiplicity of landowners and some with newly developed commercial activities;
- Refers to the level of agreement achieved for the proposal including improved pedestrian accesses to the Aldi site and Lidl site (letters of consent from

owners included), and agreement with owners of East Village buildings on consultation prior to opening of public connections;

- Proposal in layout (accepts not in density and height) is in keeping with main DLUTS requirements (form street edges/ frontages, create pedestrian accesses through and across the site to within the wider block); and
- Refers to the Aldi planning history whereby permission was granted by the Board for the site's development prior to the DLUTS being finalised.

### Refusal Reason 3

- Density considered appropriate due to the urban centre location, high quality design (open space, pedestrian connectivity, future residential amenity), and lack of impact on the ACA;
- Inappropriate to use a residential density metric to determine the merits of the proposal, should consider contribution to land uses, public open spaces, and residential amenity standards;
- Limit of 70 dwelling units in SE-T-04 area fails to have regard to the changed national context for increased density and housing output (Residential Development Guidelines, Building Height Guidelines, NPF, Housing for All).

### Response to Technical Reports

- Planning Policy Unit: no change required to the proposed development as criticisms (no coherent masterplan, unfavourable comparison with Former Ford Depot site in terms of services, and reliance on presence of LRT (and not Bus Connects) for higher density schemes) are disputed, described as incorrect;
- City Architect: no change required to the proposed development as criticisms (inappropriate scale and height for a suburban location) are disputed, described as an arbitrary view;
- Conservation Officer: no change required to the proposed development as criticisms (inappropriate height and scale, negative impact on the Church

Street ACA, preferable use of pitched roof profile) are disputed, described as inappropriate;

- Transport and Mobility: no change required to the proposed development as requirements (recommendations of RSA to be implemented, prior to commencement agreement on Construction Traffic Management and public lighting scheme) are accepted;
- Urban Roads and Street Design: clarity given on the widths of access paths (3m-3.5m for primary path route, 2m for secondary paths with all street furniture set off the paths) and on extent of wayfinding and legibility (reference to the Landscape Design Report with 3D images and sightlines available); and no change to the proposed development as requirements (inclusion of the Douglas East/ Church Street junction in the urban realm improvements, provision of a pedestrian crossing across the East Village access road to the northeast of the site) are considered beyond the scope of the applicant and/ or nature of the proposal, relate to third party lands, and/ or are covered by the general development contribution scheme;
- Drainage: clarity given that the site is located within Flood Zone A; the attenuation tank cannot be relocated from under the building footprint due to the presence of ESB cables, an additional access manhole can be provided, and applicant accepts maintenance of same; and the accepted changes to the proposed development include:
  - Increase of the Block A ground floor level from 3.3m to the recommended undefended flood height level of 3.38m OD (in the Douglas Flood Relief Scheme (DFRS)) in tandem with other flood mitigation measures in Section 5.4 of the SSFRA;
  - Increase the levels at all access points to the basement level to above the 3.38m OD level so as to fully defend the basement level from flood risk; and
  - Surface water runoff from the basement level car park will be routed through a petrol interceptor and discharged to the foul sewer, and not to the storm sewer.

- Irish Water: a pre-connection enquiry was submitted to IW and a confirmation of feasibility was received in respect of water supply and wastewater drainage a larger scheme at the application site which indicates capacity in the systems for the current proposal.

## 6.2. **Planning Authority Response**

6.2.1. No response was received from the planning authority on the appeal.

## 6.3. **Observations**

6.3.1. One observation has been received on the appeal, and the main issues raised can be summarised as follows:

- Request for a collaborative approach by all landowners to the development of the urban block/ wider area; and
- Concern in relation to the adverse impact on the adjacent property and that property's future development potential) to the north of Block A.

## 6.4. **Further Responses**

6.4.1. No further responses have been received on the appeal.

## 7.0 **Planning Assessment**

### 7.1. **Introduction**

7.1.1. I have examined the application and appeal documentation on the case file, including the planning authority reports and submissions received from third parties, and prescribed bodies, inspected the site, and had regard to the relevant national, regional, and local policies and guidance.

7.1.2. I consider the main issues for the appeal to be as follows:

- Zoning;
- Density;
- Urban Design;

- Building Height;
- Visual Amenity;
- Architectural Heritage;
- Residential Amenity;
- Transportation;
- Water Services; and
- Appropriate Assessment.

## 7.2. Zoning

7.2.1. At the time the planning application was lodged and appeal made, the Cork County Development Plan 2014-2020 (2014 CDP) was in effect, the site was located in the development boundaries of the Cork City South Environs in the Ballincollig Carrigaline Municipal District Local Area Plan 2017 (2017 LAP), and was subject to the zoning objective 'Town Centre'. In the interim, the Cork City Development Plan 2022-2028 (2022 CDP) has come into effect, is the applicable CDP for the assessment of the appeal case, and the 2017 LAP has expired.

7.2.2. The zoning objective for the site in the current 2022 CDP has changed to ZO 7 District Centre which seeks 'To provide for the development and enhancement of district centres as mixed-use centres and as primary locations for retail, economic and residential growth'. The proposed development comprises a combination of commercial and residential uses, which are permissible under the ZO 7 District Centre zoning objective.

## 7.3. Density

7.3.1. In its assessment, the planning authority categorises the site as an infill suburban location, and describes it as brownfield and town centre in nature. The proposed density of the scheme, at 260 dwellings per hectare (dph), is considered to be excessive for such a site, and this forms the basis of the planning authority's third reason for refusal of the proposed development.

7.3.2. In the first party grounds of appeal, the applicant submits that the density is appropriate due to the urban centre location, the high-quality design of the scheme,

and the national context supporting increased density and housing output. The applicant disputes the planning authority's reliance on a residential density metric as an indication of the merits of the scheme and on the availability of the planned light rail transit (LRT), as opposed to Bus Connects, as a prerequisite for higher density developments.

- 7.3.3. I have reviewed the appeal case and considered the policy context for the appropriate development of the site. The appeal site is an infill developed site at an urban centre in an inner suburban location within 500m walking distance of bus stops. For such sites, national (NPF, Residential Development Guidelines, Apartment Guidelines, Building Height Guidelines), regional (RSES), and local policy (2022 CDP) require compact growth, with consolidation of new development through denser and taller schemes, and greater efficiencies of zoned, serviced lands and public infrastructure.
- 7.3.4. Of the national policy context, the site is on a 'public transport corridor' (as per the Residential Development Guidelines) within which minimum net densities of 50dph should be applied. The site is an 'accessible urban location' (as per the Apartment Guidelines) which is appropriate for apartment development that can be large scale, high density of more than 45dph, and apartments-only in typology. While I note there is no national policy context setting an upper limit for densities in sites and locations such as the appeal site, importantly, I highlight that the achievement of higher densities in infill sites is required to be balanced with protecting the character of the receiving area and safeguarding amenities of properties therein (as per section 5.9 Inner Suburban/ Infill of the Residential Development Guidelines)
- 7.3.5. Of the local policy context, I note the inclusion in the 2022 CDP of the Core Strategy for the city indicating population growth figures and appropriate locations for same, and the Density and Building Height Strategy indicating the physical and built forms by which the projected growth will be achieved. Objective 2.30 of the 2022 CDP commits to implementing the Core Strategy which identifies the first and second tiers of Cork City's urban hierarchy as being the City Centre and City Docklands, and Douglas is within the City Suburbs, the third tier of the strategy, and is identified as one of six District Centres required to deliver an appropriate mix of uses.



- 7.3.6. The Density and Building Height Strategy (Table 11.2) identifies Douglas as an Inner Urban Suburb with a prevailing density range of 5-20dph and a target density range of 50-100dph. The strategy (policy section 11.72) guides that the density targets and prevailing character will be the key measures in determining site-specific density. Objective 3.5 of the 2022 CDP ensures achieving higher densities whilst balancing between protecting the established character of the surrounding area and existing residential amenities.
- 7.3.7. It is in this context, therefore, that the net density of the proposal at 260dph is required to be assessed. While I accept the applicant's position regarding the site's urban centre location, supportive national policy context, public realm improvements, and securing increased efficiency from the serviced lands and infrastructure capacity, the density of the scheme is undisputedly excessive. Having regard firstly, to the prevailing character of the receiving area and secondly, to the density targets indicated for future development in the Douglas area, I do not consider the proposed scheme to be an appropriate design response to the site's context or a suitable redevelopment proposal yielding an acceptable residential density.
- 7.3.8. While the proposal would provide for additional residential development at a location within the city's existing built-up footprint (thereby complying with 2022 CDP Objective 2.31 and Objective 3.4), the Core Strategy and the Density and Building Height Strategy of the 2022 CDP clearly identify an urban hierarchy within which the city's future development shall be apportioned. Density targets for the City Centre and City Docks include a minimum of 100dph with no upper limit due to these higher urban tiers being deemed the most appropriate locations for the densest of schemes. I consider the density of the proposed scheme at 260dph to be comparable with what may be deemed appropriate for these higher urban tiers as opposed to a third-tier suburban district centre. In this regard, I find the substantive grounds of refusal in the planning authority's third refusal reason (adverse impacts due to excessive density) to be further strengthened by failure to comply with the policy context set by the Core Strategy and the Density and Building Height Strategy in the 2022 CDP.
- 7.3.9. Of the applicant's criticism regarding the use of residential density as a metric to determine the merits of the proposal, I do not concur and instead consider the

density of a scheme to be a well-established and accurate indicator of design quality in a proposal and of the degree of impact likely to be experienced by a receiving area. Similarly, I do not agree with the criticism regarding the planning authority's reliance on the presence of LRT in an area/ location as being a necessary requisite for higher densities as this is also a well-established criterion for same.

- 7.3.10. Of the planning authority's third refusal reason, I concur with the finding of excessive density and the implications for the built form of the scheme. I agree with the planning officer's assessment that the density results in the inappropriate height and bulk of the proposed buildings, and the position of the Planning Policy Unit that the inappropriate density target is reflected in the building volume and height. While the applicant relies on national policy to justify the high density of the scheme, I consider that national and local policy (section 5.9 of the Residential Development Guidelines and Objective 3.5 of the 2022 CDP) require a balance in developing infill sites such as the appeal site, which the proposal fails to achieve. I consider that the extent of densification in the scheme is apparent in its disproportionate scale resulting in an adverse impact on the character of the receiving area, and the visual and residential amenity of adjacent properties, as discussed in detail in the following sections of this report.
- 7.3.11. Of the reference to the Ballincollig Carrigaline Municipal District LAP 2017 (and the proposal's near-exceedance of the specific quantum of dwellings allocated to the SE-T-04 area (70 dwelling units)) in the third refusal reason, as the LAP has expired and the 2022 CDP is in effect, which does not contain a similar specific objective for the delivery of a defined quantum of dwelling units from the wider land bank, I find this secondary issue is no longer a relevant consideration in the appeal case.
- 7.3.12. In summary, I consider that the density of the proposed development at 260dph, is excessive, does not comply with the Core Strategy and the Density and Building Height Strategy (particularly Objective 2.30, Objective 3.5, section 11.72, and Table 11.2) of the Cork City Development Plan 2022-2028, and represents a substantial increase in density relative to the prevailing density of residential schemes in the vicinity of the site. I do not consider the proposed density to be appropriate for the site having regard to its context, to the character of the receiving area, and to the

strategic approach for compact growth at appropriate densities in suitable locations as set out in the development plan. The proposed development should be refused for this reason.

#### **7.4. Urban Design**

- 7.4.1. The second refusal reason in the planning authority's decision relates to the topic of urban design. I identify three items arising from the refusal reason which necessitate consideration under this section including the requirement for a masterplan for the area, quality of urban design in the proposal, and whether the proposal constitutes piecemeal development that is injurious to the amenity of the area. I propose to address each in turn below.

##### Requirement for a Masterplan

- 7.4.2. At the time of the planning authority's assessment, the Ballincollig Carrigaline Municipal District LAP 2017 was in effect. The 2017 LAP incorporated the Cork City South Environs within which Douglas was located. Specifically, the appeal site was included within the 'SE-T-04' area (a notably sized land bank of 3.95ha, mostly corresponding with the urban block I described above in section 1.1 of this report). The associated Objective SE-T-04 for the area required that 'an overall planning or development scheme is prepared for the entire site ...this shall include the provision of a comprehensive mixed use development with an additional 5,500sqm of non-residential floorspace and 70 residential units...'.
- 7.4.3. As part of the application, the applicant prepared a masterplan for the wider block incorporating the proposed development, which indicated schematically the block layout, building footprints, building heights, parking provision, and access routes. The planning authority determined that the masterplan was illustrative, lacking necessary details, and requiring commitment from and approval by adjacent landowners. The absence of a coherent masterplan formed part of the basis for the second refusal reason.
- 7.4.4. In the first party grounds of appeal, the applicant disputes the planning authority's position that the masterplan is not coherent, states it is unreasonable to require the applicant to achieve consensus for masterplanning the area due to the multiplicity of landowners, some with newly developed commercial activities. The applicant

indicates consent has been secured from relevant landowners for the pedestrian accesses to the Aldi site (north) and Lidl site (northeast), and that there is agreement in principle with owners of East Village buildings (south) for implementing the proposed north-south pedestrian accesses. I also note that the application includes a consent letter from the City Council for the public realm improvements on the public streets.

7.4.5. I have reviewed the appeal case and considered the policy context for the appropriate development of the site. In similarity with my conclusion in respect of density and the proposal's near-exceedance of the specific quantum of 70 dwellings allocated to the SE-T-04 area cited in the planning authority's third refusal reason (see subsection 7.3.11 of this report), as the 2017 LAP has expired and the 2022 CDP is in effect, which does not contain a similar objective for the preparation of a masterplan for the wider landbank, I find this issue is no longer a relevant consideration in the appeal case.

7.4.6. Further, I highlight to the Board that under ABP 311372-21 (see section 4.0 Planning History of this report) the same refusal reason was cited by the planning authority for a mixed-use building to the northeast of the appeal site (the Lidl site). In their assessment (albeit while the 2017 LAP was still applicable and prior to the 2022 CDP coming into effect), the planning inspector highlighted other developments in the wider block that had been granted, considered the approach by the planning authority to have been inconsistent, and concluded that the masterplan was not necessary, and that the absence of same was not a reasonable reason for refusal, a position with which I concur.

#### Quality of Urban Design

7.4.7. In the second refusal reason, the planning authority cites the poor quality of urban design in the scheme. I have reviewed the planning authority decision and identify elements of the scheme that were deemed to be satisfactory (in the development management criteria assessment from the Building Height Guidelines) including improving linkages and connectivity, enhancing public spaces and urban legibility, and including for public spaces and active ground floor uses. Importantly, I highlight that the planning authority considered that these positive contributions could be

achieved at a lesser density and reduced building heights than being proposed, a position with which I also concur.

- 7.4.8. In considering the quality of urban design in the scheme, I am distinguishing between the design of the scheme with a focus on the architectural approach to the buildings and their elevational relationship within the streetscape and urban block (which is considered below in section 7.5 Building Height), and the design of the scheme with a focus at the ground floor level of the buildings and their relationship with adjacent streets, public spaces, and the urban block layout.
- 7.4.9. In considering the urban design quality of the scheme therefore, I have reviewed the plans, Urban Design Report, Landscape Design Report, Daylight, Sunlight, and Overshadowing Assessment (DSOA), and the Wind and Microclimate Report. Of the buildings within the proposal, I positively note the design and layout of the ground floor levels of the buildings and their relationship with the public realm. Ground floor levels comprise the commercial units and residential amenity services, which have doors opening towards/ windows addressing the existing public streets, and/ or the new pedestrian routes and plazas in the scheme. The inclusion of such uses at ground floor level of the buildings, and the manner of their design, allows the best opportunity for active street frontages and encouraging pedestrian activity into the public realm throughout daytime/ evening hours.
- 7.4.10. Of the public realm within the proposal, I positively note the creation of new pedestrian routes through the site (E-W, and N-S), new public spaces (Plazas A and B, mix of hard and soft landscaping), and public realm improvements on East Douglas Street and East Village Access Road (predominantly hard landscaping). At street level, the incorporation into the scheme of new pedestrian routes will improve legibility through the site. However, the pedestrian route which crosses Plaza B towards the site's northern boundary is covered over by the first floor level of Block C. As such, the potential improvement of legibility to the urban block is limited as there is no continuous visual link from East Douglas Street to East Village Access Road. I consider this to be a lost opportunity for an open, well-monitored and trafficked pedestrian route.

- 7.4.11. The incorporation of two new public open spaces, Plaza A and Plaza B, will contribute to the enhancement of the public realm of the site and wider urban block. The proposal is designed so that the three blocks are sited in alignment with the adjacent buildings to the south, thereby predominantly maintaining the distances between those buildings allowing continued access to daylight and sunlight. The DSOA undertaken of the proposal indicates both Plaza A and Plaza B achieve the BRE sunlight standard (at least half of amenity spaces have at least 2 hours of sunlight on 21st March).
- 7.4.12. However, I do not consider the scale of the buildings, in particular the height of the buildings, be consistent with or in harmony with the scale of the public open spaces. Plaza A and Plaza B, at c.10m width and c.15m depth (excluding pedestrian paths), are notably smaller than the comparable width and depths of the building footprints of the blocks, and I consider this disproportionate scaling to result in an overbearing sense of enclosure as opposed to the public spaces being comfortably enhanced by the built forms.
- 7.4.13. Allied to this is the micro-climatic effects of the heights of the buildings on the public open spaces. The Wind and Microclimate Report prepared for the proposal models comfort levels for sitting (long-term and short-term), standing, and walking (strolling and business walking) in accordance with the Lawson comfort categories, the industry standard. The results of the report indicate that, predominantly, the wind conditions at and around the proposal are suitable for long-term sitting, and that the proposal does not cause negative or critical wind speed profiles for nearby roads or buildings. However, while conditions are indicated as being predominantly acceptable, I highlight to the Board that the area between Block B and Block C experiences minor re-circulation effects, associated with the height of the buildings, at the corners which are determined to make this area suitable for short-term sitting. This area includes part of Plaza B and the pedestrian route covered over by the first floor level of Block C along the site's northern boundary. The scheme's public open spaces and pedestrian routes are important urban design features which, if to be considered as usable, functional, and high quality, require wind, daylight, sunlight, and temperature conditions that should be as favourable as possible.

7.4.14. I am satisfied that the proposal incorporates features that enhance the urban design context for site and urban block, and are representative of good quality urban design, thereby complying for the most part with 2022 CDP Objective 10.82 by contributing to an inclusive public realm in Douglas. I consider that the identified shortcomings in the urban design of the scheme could be addressed in the event of a revised proposal, decreasing the height and scale of the buildings, rebalancing the relationship with the plazas, and redesigning the covered pedestrian walkway.

#### Piecemeal Development

7.4.15. In the second refusal reason, the planning authority concluded the proposal constituted piecemeal development and would seriously injure the amenity of the area, a position which is also stated in a third-party submission and reiterated in the observation on the appeal.

7.4.16. The proposal is an infill development within a wider urban block, and I consider that good urban design principles are evident in the layout and positioning of the proposed buildings. The three buildings are sited in alignment with the adjacent buildings to the south (East Village), thereby largely maintaining the distances between those buildings, and minimising the extent of potential impacts on the properties to the west and south (save for those caused through the height and scale of the buildings). The layout and design of the proposal maintains or creates connections and linkages to the existing public streets.

#### Summary

7.4.17. In summary, I positively note the urban design approach taken to the ground floor levels of the buildings and their relationship with the street level, creating a pedestrian focussed environment, with active frontages, hard and soft landscaping, and public realm improvements. I am satisfied that the proposal can be assessed on its own merits and is not, by reason of either the nature of the proposed development or a site characteristic, dependant on or prejudicial to the development of the wider block. The layout and positioning of the proposed buildings at street level within the site maintain opportunities for increased permeability and accessibility through the block and allow for future streetscape formation. In this regard, I concur with the applicant and do not consider the proposal to be a piecemeal form of development.

## 7.5. Building Height

7.5.1. In the planning authority's decision, the building height of the scheme is cited in each of the three refusal reasons (adverse impact on the village streetscape and ACA, piecemeal development strategy resulting in poor quality urban design, and excessive density). In respect of building height, I identify three distinct components of relevance to the appeal case, which necessitate detailed consideration. These include the national and local policy context (which I propose addressing in the following subsections), the impact on the character and amenities of the receiving area (addressed in a separate section 7.6 Visual Amenity below), and the impact on the Douglas-Donnybrook Sub-Area B: Douglas East ACA (which I shall refer to as Douglas East ACA for the remainder of this assessment) (section 7.7 Architectural Heritage).

### Policy Context

7.5.2. The three blocks within the proposal range in building height from 3 to 10 storeys over a basement level. These include Block A of 3-6 storeys with principal heights of 10.80m-20.25m, rising to Block B of 6 storeys at 20.7m, and increasing to Block C of 7-10 storeys at 25m-36.8m. The prevailing building heights in the vicinity of the site include 2 and 3 storey properties on East Douglas Street, 3 storey apartment and commercial development along East Village, and single to 5 storey commercial operations on East Village Access Road. As such, the buildings within the proposal come within the definition of 'tall buildings' in both national (section 3.1 of the Building Height Guidelines) and local (section 11.45-11.46 of the 2022 CDP) policy guidance, and the basis for assessing the building height of the proposal is determined by same.

7.5.3. In terms of national policy, I have assessed the proposal against the requirements of the Building Height Guidelines (policy sections 3.1, 3.2 and SPPR 3) and considered these in conjunction with relevant NPOs in the NPF. In terms of local policy, I have had regard to the Building Height Strategy for Cork City included in the 2022 CDP (Table 11.1 and sections 11.28, 11.44, and 11.51) and assessed the proposal against the development management requirements (sections 11.53-11.57) of the plan.



Below, I propose addressing the national policy context firstly, followed by the local policy context.

### National Policy Context

7.5.4. Section 3.1 of the Building Height Guidelines presents three broad development management principles which must be applied by a planning authority in considering proposals for buildings taller than the prevailing heights (note my response is under each question):

- *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?*

Response: Yes, as the proposal is in an infill urban location with good public transport accessibility and it supports national strategic objectives to deliver compact growth in urban centres. The site is suitable for a higher density of development, subject to assessment against other planning criteria.

- *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?*

Response: No, the proposal is not in line with the 2022 CDP which identifies a building height target range for the Douglas area as being between 3-4 storeys. The 2022 CDP has taken clear account of the requirements set out in the guidelines as the CDP includes a Building Height Strategy which identifies suitable locations within the city appropriate for increased building height and indicates lower and upper target ranges for building heights instead of providing blanket numerical limitations on building height.

- *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?*

Response: Not applicable as the 2022 CDP post-dates the guidelines and includes a Building Height Strategy for the city which supports the objectives and policies of the NPF.

7.5.5. Section 3.2 of the Building Height Guidelines states that an applicant shall demonstrate to the satisfaction of a planning authority that the proposed development satisfies development management 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. Below, I assess the proposal in accordance with these criteria which set out several considerations for developments with increased heights.

**Table 3: Development Management Criteria referred to in SPPR 3**

<b>At the scale of the relevant city/ town</b>	
The site is well served by public transport with high capacity, frequent service, and good links to other modes of public transport.	Site is in proximity to bus stops located along East Douglas Street which serve several routes to the city centre; Douglas Core Bus Corridor (CBC 10) is planned along East Douglas Street. Site is well served by footpaths and proximate to cycle paths. The site and Douglas area are not on the route of the planned LRT for Cork City, with greater carrying capacity for higher density schemes.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should 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 view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	The southwestern portion of the site is located within a traditional village streetscape of 2 and 3 storey properties, adjacent to and presenting onto the Douglas East ACA, an architecturally sensitive area. The northeastern portion of the site is located in a, predominantly, low rise, low density commercial area. While the wider urban block is divergent in terms of character and pattern of development, and the proposal incorporates positive public realm features and includes uses at ground floor

	<p>levels which will positively contribute to active frontages onto streetscapes, the proposal is at too marked a variance in building height, scale, and design to successfully integrate with or enhance the character of the existing area or the character of the ACA.</p> <p>A Landscape Visual Impact Assessment (LVIA) has been submitted for the proposal (included in the Architectural Design Report, and unclear whether it has been prepared by a chartered landscape architect as required in the side bar). The LVIA comprises eight viewpoints (including one CGI image), predominantly long-range. I consider the LVIA to be insufficiently robust due to the limited number of viewpoints selected and range of photomontages generated. Except for the CGI of the site's street frontage on East Douglas Street, there are no other views from the main street in Douglas, the adjacent Aldi site or East Village properties, nor from sensitive settings such as the Douglas East ACA, the ecclesiastical cluster within the adjacent ACA Douglas-Donnybrook Sub-Area C: Douglas Graveyards, Churches and Public Park, or the two adjacent zonings afforded added protection due to landscape sensitivities (Douglas Estuary and Mahon golf course).</p> <p>The LVIA is without methodology, analysis, or assessment outlining, for example, the receiving area, the types of landscapes, any vulnerable or protected views, the incidence of visual impact, the type and the significance of visual impact. I have considered the potential impact on the visual amenity of the area through cross reference with the buildings' elevation drawings, contextual streetscape elevations, CGIs, LVIA</p>
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	<p>viewpoints, and models generated in the DSOA and the Wind and Microclimate Report.</p> <p>I conclude that the proposal, due to its height, scale and design, particularly Block C, would be overly dominant on the skyline, would be visually incongruous at this location, and would adversely affect the visual amenity of the receiving area.</p>
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>The proposal is an infill development within a wider urban block and does incorporate positive public realm features including new pedestrian routes through the site (E-W, and N-S), new public spaces (mix of hard and soft landscaping), and public realm improvements on East Douglas Street and East Village Access Road (predominantly hard landscaping).</p> <p>The proposed buildings range in height and vary in form, however, they are at a scale and design that fail to appropriately and sufficiently respond to the scale of the existing buildings and public spaces in the adjacent areas.</p> <p>The proposal's visual impact is considered to be adverse, overly dominant, and incongruous in the existing streetscape and urban block as opposed to being one of visual interest.</p>
<b>At the scale of district/ neighbourhood/ street</b>	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape. The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/ building fabric well considered.</p>	<p>The proposal is a dense form of development of a scale, plot ratio, and site coverage without comparison in the receiving area.</p> <p>Inclusion of commercial and residential amenity uses at ground floor levels are positively noted and will contribute to active frontages onto streetscapes.</p> <p>Consideration has been given to the buildings' external finishes with use of concrete panels, zinc cladding, and brick to achieve (albeit limited) variation. However, the proposal comprises buildings which can be described as</p>

	<p>being monolithic, and elevations of buildings which can be described as having long uninterrupted walls thereby failing to make a positive contribution to the urban neighbourhood and streetscape.</p> <p>These include the solid northern elevation of Block A without voids (c.42m width and c.20m height), the southern elevation of Block B (c.28m width and c.21m height) with an overly dominant solid to void ratio, and Block C, 10 storey building of c.37m in height, a singular large built form, southern and northern elevations that have similarly overly dominant solid to void ratios.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>Proposal does incorporate positive public realm features including new pedestrian routes, new public spaces, and public realm improvements on key thoroughfares (East Douglas Street and East Village Access Road).</p> <p>However, the scale of the buildings (widths, depths, and heights of the blocks) in comparison with the scale of the public open spaces (Plazas A and B are approximately c.10m width and c.15m depth, excluding pedestrian paths) is considered to result in an overbearing sense of enclosure as opposed the public spaces being comfortably enhanced by the built forms.</p> <p>There are no water courses at or adjacent to the site.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>At street level, the incorporation into the scheme of new pedestrian routes will improve legibility through the site. However, the pedestrian route which crosses Plaza B towards the site’s northern boundary is covered over by the first floor level of Block C. As such, the potential improvement of legibility to the urban block is limited as there is no continuous visual link from East Douglas Street to East Village Access</p>

	<p>Road. I consider this to be a lost opportunity for an open, well-monitored and trafficked pedestrian route.</p> <p>The proposal would not positively contribute to the legibility of the wider urban area, due to the degree of variance between its height, scale, and design and that of the receiving area. The proposal would not integrate cohesively into the urban area, conversely it would be incongruous due to its overly dominant height, scale, and massing.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>Proposal is a mixed-use scheme with 4 commercial units of varying sizes at the ground floor levels of three blocks.</p> <p>Proposal comprises 65 dwelling units, all apartments in typology with a mix of 1, 2, and 3 bedroom units. Of the 65 dwelling units, 20 units are build-to-sell and 45 units are build-to-rent in tenure. The proposal would positively contribute to the mix of dwelling types and residential tenure available in the area.</p> <p>There are additional ancillary uses proposed at the ground floor levels of Block B and Block C, which will be for residents' use.</p>
<b>At the scale of the site/ building</b>	
<p>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.</p>	<p>Proposal is designed so that the three blocks are sited in alignment with the existing buildings adjacent to the south (East Village), maintaining the distances between those buildings allowing continued access to daylight and sunlight. The building heights of the three blocks rise from the southwest to the northeast of the site allowing the well-orientated units in Block B and particularly Block C increased and unobstructed access to daylight.</p> <p>Block C, the 10 storey block is located in the northeastern portion of the site, adjacent to the</p>

	<p>East Village Access Road, commercial operations and surface car parking.</p> <p>While this layout minimises the extent of potential impacts on the properties to the west and south (save for those caused through the height and scale of the buildings), the analysis of the shadow images undertaken in the Daylight, Sunlight, and Overshadowing Assessment (DSOA) is limited, and no daylight and sunlight assessment has been undertaken for adjacent properties (see response below).</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined 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'.</p>	<p>A DSOA has been undertaken of the proposed development as outlined in the guidance documents (referred-to in the side bar).</p> <p>The assessment indicates 96% achievement of BRE daylight standard (ADF for rooms), 73% achievement of BRE annual sunlight standard (APSH for total year for windows), 81% for achievement of BRE winter sunlight standard (APSH for winter months for windows), and 100% of public open spaces achieve BRE sunlight standard (at least half of Plaza A and Plaza B have at least 2 hours of sunlight on 21st March).</p> <p>However, I identify several limitations with the DSOA. Of the proposed apartments, the sunlight assessment (APSH) is limited as windows in bedrooms and north facing rooms were excluded, therefore it may be likely that the real extent of achievement is notably lower than the 73% and 81% indicated.</p> <p>Of the impact on adjacent properties, a zone of influence has not been established, adjacent residences to west, south and east are not identified, no daylight (VRT), sunlight (APSH), or amenity area/ open space overshadowing calculations have been undertaken for adjacent residences. Shadow images have been</p>

	<p>generated of the scheme and wider area with images for different hours during the 21st of March, June, and December, but with insufficient written analysis. I consider there to be potential for afternoon/ evening shadow to be cast on residences and amenity areas to the southeast/ northeast that has not been sufficiently identified and analysed.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its 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.</p>	<p>In the instances where the proposed apartments did not meet the BRE daylight standard (ADF), the compensatory measure/ explanation cited includes the availability of a winter garden for the room, and that the habitable rooms are LKDs and do achieve the lower ADF target. Of the instances where the proposed apartments did not meet the BRE (annual/ winter) sunlight standards, the compensatory measure/ explanation cited includes the availability of other target-achieving windows and that the majority of instances are only marginally short of the target value. I have concerns as to whether the measures/ explanations are sufficiently compensatory due the limited windows/ rooms assessed, the potential for the percentage achievement to be lower than indicated, due to the architectural design responses to the site's context, the unsatisfactory private open space provision, and the absence of any communal open space for the scheme. As such, I am not satisfied that the future residents would be provided with sufficient access to adequate daylight and sunlight to ensure a high standard of residential amenity.</p>
<p><b>Specific Assessment</b></p>	
<p>To support proposals at some or all of these scales, specific assessments may be required, and these may include: Specific impact</p>	<p>A Wind and Microclimate Report has been prepared for the proposal and models comfort levels for sitting (long-term and short-term),</p>



<p>assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>standing, and walking (strolling and business walking) in accordance with the Lawson comfort categories, the industry standard.</p> <p>The results of the report indicate that, predominantly, the wind conditions at and around the proposal are suitable for long-term sitting, and that the proposal does not cause negative or critical wind speed profiles for nearby roads or buildings.</p> <p>However, I highlight that the area between Block B and Block C experiences minor re-circulation effects at the corners, due to the building heights, which are determined to make this area suitable for short-term sitting. This area includes part of Plaza B and the pedestrian route covered over by the first floor level of Block C along the site's northern boundary. The scheme's public open spaces and pedestrian routes are important urban design features which, if to be considered as usable, functional, and high quality, require wind, daylight, sunlight, and temperature conditions that should be as favourable as possible.</p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>The site does not contain any habitats, treelines, or vegetation required/ used by bird/ bat populations.</p> <p>Bat Assessment did not locate any bats in the existing buildings within the site.</p> <p>The AASR and NIS identify the site's proximity to the Cork Harbour SPA and bird species, but no evidence of or concern raised regarding the bird species using the site, the site being on a flight path, or any bird species being affected by lighting at the site.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>Not applicable to the site or proposed development.</p>

<p>An assessment that the proposal maintains safe air navigation.</p>	<p>I identify the site as being located within the Conical Surface, one of three Obstacle Limitation Surfaces identified for Cork Airport in the 2022 CDP.</p> <p>Objective 10.55 Airport Safety Zones requires applications in such and other designations to be referred to the IAA.</p> <p>The proposed development was referred to the relevant prescribed bodies (IAA and DAA) by the planning authority, and these indicated no objection to the proposal subject to receiving notification of crane operation.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment.</p>	<p>An Archaeological and Architectural Heritage Assessment (AAHA) has been undertaken for the proposal. The AAHA states that the buildings to be demolished are modern, the site is devoid of architectural heritage significance and encroaches into a peripheral area of the ACA, and that the existing street frontage does not make a strong contribution to the character of the street or to the significance of the ACA. The AAHA concludes none of the proposed buildings will give rise to any negative impact on the streetscape of Douglas, which is modern in form and character for the most part.</p> <p>However, I consider there to be limitations in the scope of the assessment as it is primarily focused on the site and buildings therein without detailed consideration of, or substantive reference to, the nature and character of the ACA and the impact on the character and setting of the ACA by the proposal.</p> <p>Except for the CGI of the site's street frontage on East Douglas Street, neither the AAHA or the LVIA (included within the Architectural Design Report) contain any views of the proposal or analysis of the potential impact on the setting of the Douglas East ACA when viewed from within</p>

	<p>the ACA. For example, there are no views generated from the Carrigaline Road northwards to the site or from the top of East Douglas Street southwards towards the site, or indeed from the ecclesiastical cluster within the adjacent ACA Douglas-Donnybrook Sub-Area C: Douglas Graveyards, Churches and Public Park located to the west of the site (all of which I travelled along/ visited and consider that the proposal would be visible from).</p> <p>I have considered the potential impact on the ACA through cross reference with the buildings' elevation drawings, contextual streetscape elevations, CGIs, LVIA viewpoints, and models generated in the DSOA and the Wind and Microclimate Report. In my opinion, the proposal, due to its height, scale and design, would exert an undue and adverse impact on the character and setting of the ACA.</p>
<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<p>Application documentation includes an EIASR, an AASR and NIS, and a Bat Assessment. In this assessment, I have undertaken screening determinations and concluded that EIA and AA are not required.</p>

7.5.6. As is evident from my assessment above, I have several concerns in relation to the height, scale, and design of the proposal at each the 'scales of' tests and to the specific assessment relating to historic built environment. These have been identified above and are discussed in further detail in sections 7.6 Visual Amenity, 7.7 Architectural Heritage, and 7.8 Residential Amenity of this report.

7.5.7. I note that the planning authority undertook the development management criteria assessment and, whilst highlighting certain positive features, determined that the proposal ultimately failed due to its not being served by LRT, not respecting or integrating with the character of the receiving environment, having a negative impact on the ACA, and an adverse impact on adjacent sites.

- 7.5.8. In the first party grounds of appeal, the applicant disputes the planning authority's determination and submits that the proposal is in compliance with the criteria in section 3.2. However, I have reviewed the application and appeal documentation submitted by the applicant on the matter and consider the way in which the proposal is stated as complying with section 3.2 criteria to be insufficiently detailed. Furthermore, I do not concur with certain responses given to the criteria at the different scales, nor consider that the justification for the height of the buildings, in particular that of Block C, to be adequately substantiated.
- 7.5.9. SPPR 3 of the guidelines states that if the Board concurs with an applicant's case and is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan may indicate otherwise. In my opinion, I consider such objectives to include the Building Height Strategy in the 2022 CDP and, in this instance for the appeal case, the 3-4 storeys building height target range identified for Douglas (which is discussed in the local policy context below).
- 7.5.10. Notwithstanding however, further to my consideration of the broad principles in section 3.1 of the guidelines, where I note that the 2022 CDP has been prepared since the Building Height Guidelines came into force, that the 2022 CDP has incorporated the requirements of these guidelines, in particular SPPR 1, and other national planning guidelines, the NPF and the RSES, and as I have outlined in detail in Table 3 above, I am not satisfied that the proposed development would comply with the criteria set out in section 3.2 of the guidelines and do not recommend the approval of the proposed development through the implementation of SPPR 3.

#### Local Policy Context

- 7.5.11. In section 5.4 of this report, I identified the applicable local policy in the 2022 CDP for building height. This includes the Building Height Strategy for the city presented in Table 11.1 (Douglas is categorised as an Inner Urban Suburb with prevailing building heights of 2-3 storeys, and target building heights of 3-4 storeys), section 11.28 which states the strategy outlined in Table 11.1 will be applied by the planning authority when assessing development proposals, section 11.44 which identifies five locations in the city suitable for tall buildings (not including Douglas), and section

11.51 which guides that tall buildings proposed outside of these locations will not generally be considered appropriate due to their being in conflict with the overall building height strategy for Cork.

7.5.12. Sections 11.45-11.46 of the 2022 CDP define tall buildings, and I am satisfied that the proposal comes within the scope of same comprising three blocks with building heights ranging from 3 to 6 to 10 storeys with corresponding principal heights of the three blocks rising from 20.25m to 20.7m to 36.8m. Sections 11.53-11.57 outline the criteria for assessing impacts of tall buildings across applicable categories including visual, function, environmental and cumulative impacts.

7.5.13. For clarity and ease of reference, in similarity with my assessment of the development management criteria in the guidelines, I present my assessment of the impacts in tabular format below in Table 4.

**Table 4: Assessing Impacts of Tall Buildings**

<b>Visual Impact</b>	
<p>The views of buildings from long-range, medium-range and the immediate context should not be adversely affected by the building.</p>	<p>A LVIA has been submitted for the proposal (included in the Architectural Design Report). The LVIA comprises eight viewpoints (including one CGI image), predominantly long-range. I consider the LVIA to be insufficiently robust due to the limited number of viewpoints selected and range of photomontages generated. Except for the CGI of the site's street frontage on East Douglas Street, there are no other views from the main street in Douglas, the adjacent Aldi site or East Village properties, nor from sensitive settings such as the Douglas East ACA, the ecclesiastical cluster within the adjacent ACA Douglas-Donnybrook Sub-Area C: Douglas Graveyards, Churches and Public Park, or the two adjacent zonings afforded added protection due to landscape</p>

	<p>sensitivities (Douglas Estuary and Mahon golf course).</p> <p>The LVIA is without methodology, analysis, or assessment outlining, for example, the receiving area, the types of landscapes, any vulnerable or protected views, the incidence of visual impact, the type and the significance of visual impact.</p> <p>I have considered the potential impact on the visual amenity of the area through cross reference with the buildings' elevation drawings, contextual streetscape elevations, CGIs, LVIA viewpoints, and models generated in the DSOA and the Wind and Microclimate Report.</p> <p>I conclude that the proposal, due to its height, scale and design, particularly Block C, would be overly dominant on the skyline, would be visually incongruous at this location, and would adversely affect the visual amenity of the receiving area.</p>
<p>Whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding.</p>	<p>At street level, the proposal incorporates new pedestrian routes which will improve legibility through the site. However, the pedestrian route which crosses Plaza B towards the site's northern boundary is covered over by the first floor level of Block C. As such, the potential improvement of legibility to the urban block is limited as there is no continuous visual link from East Douglas Street to East Village Access Road. I consider this to be a lost opportunity for an open, well-monitored and trafficked pedestrian route.</p> <p>Of the wider urban area, the proposal would not reinforce the spatial hierarchy but disproportionately dominant it. The proposal would not aid legibility and wayfinding, conversely, it would distort the legibility of the receiving area due to its overly dominant height, scale, and massing.</p>

<p>Architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan.</p>	<p>Consideration has been given to the buildings' external finishes with the use of concrete panels, zinc cladding, and brick to achieve variation in the appearance of buildings. These are positively noted in terms of future maintenance, as opposed to for instance, use of painted render.</p>
<p>Proposals should take account of, and avoid detrimental impact to, the significance of Cork City's heritage assets and their settings.</p>	<p>An Archaeological and Architectural Heritage Assessment (AAHA) has been undertaken for the proposal. The AAHA states that the buildings to be demolished are modern, the site is devoid of architectural heritage significance and encroaches into a peripheral area of the ACA, and that the existing street frontage does not make a strong contribution to the character of the street or to the significance of the ACA. The AAHA concludes none of the proposed buildings will give rise to any negative impact on the streetscape of Douglas, which is modern in form and character for the most part. However, I consider there to be limitations in the scope of the assessment as it is primarily focused on the site and buildings therein without detailed consideration of, or substantive reference to, the nature and character of the ACA and the impact on the character and setting of the ACA by the proposal. Except for the CGI of the site's street frontage on East Douglas Street, neither the AAHA or the LVIA (included within the Architectural Design Report) contain any views of the proposal or analysis of the potential impact on the setting of the Douglas East ACA when viewed from within the ACA. For example, there are no views generated from the Carrigaline Road northwards to the site or from the top of East Douglas Street southwards towards the site, or indeed from the ecclesiastical cluster within the adjacent ACA</p>

	<p>Douglas-Donnybrook Sub-Area C: Douglas Graveyards, Churches and Public Park located to the west of the site (all of which I travelled along/ visited and consider that the proposal would be visible from).</p> <p>I have considered the potential impact on the ACA through cross reference with the buildings' elevation drawings, contextual streetscape elevations, CGIs, LVIA viewpoints, and models generated in the DSOA and the Wind and Microclimate Report. In my opinion, the proposal, due to its height, scale and design, would exert an undue and adverse impact on the character and setting of the ACA.</p>
<p>The buildings should positively contribute to the character of the area.</p>	<p>The wider urban block is divergent in terms of character and pattern of development. The southwestern portion of the site is located within a traditional village streetscape of 2 and 3 storey properties, adjacent to and presenting onto the Douglas East ACA. The northeastern portion of the site is located in a, predominantly, low rise, low density commercial area.</p> <p>The proposal incorporates positive public realm features including new pedestrian routes through the site, new public spaces, and public realm improvements. Also, the proposal includes commercial and residential amenity uses at ground floor levels which will positively contribute to active frontages onto streetscapes. However, the proposal is at too marked a variance in building height, scale, and design to positively contribute to the character of the existing area or the character of the ACA.</p>
<p>Buildings should protect and enhance the open quality of the River Lee and the riverside public realm, including views, and not contribute to a canyon effect along the river.</p>	<p>Not applicable to the site and/ or proposed development.</p>



Buildings should not cause adverse reflected glare.	An assessment of glint and glare for the proposal has not been submitted and therefore the occurrence/ extent of adverse reflected glare impacts on the receiving area are unknown.
Buildings should be designed to minimise light pollution from internal and external lighting.	<p>No details on light pollution have been submitted for the proposal so the potential extent of light pollution is unknown.</p> <p>I note a street level public lighting scheme is to be designed to the planning authority standards, and therefore likely to minimise light pollution.</p> <p>Internal lighting of communal areas in buildings will be controlled by the management company and therefore subject to agreement/ adaptation.</p> <p>I note that certain elevations of the blocks (northern elevation of Block A, southern elevations of Blocks B and C) have been designed with high ratios of solid to void and with narrow windows so as to avoid overlooking of adjacent properties. This design approach has the associated result of minimising, however not eliminating, light pollution from the buildings' internal lighting on adjacent properties.</p>
<b>Functional Impact</b>	
The internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants.	<p>The buildings will be constructed in accordance with the building regulations.</p> <p>Applicant confirms in the first party appeal that accesses to basement level will be designed to be fire safety and flood risk compliant.</p> <p>Commercial and residential communal areas in buildings will be controlled by the management company and subject to agreement/ adaptation.</p>
Buildings should be serviced, maintained, and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to the surrounding public realm. Servicing, maintenance and building	Vehicular access is available from different locations including East Douglas Street (the proposal comprises public realm improvements including a redesigned delivery/ set down area), from the Aldi car parking area, and from East Douglas Access Road.

<p>management arrangements should be considered at the start of the design process.</p>	<p>Commercial and residential communal areas in buildings will be controlled by the management company and subject to agreement/ adaptation.</p>
<p>Entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas.</p>	<p>The design and layout of the ground floor levels of the buildings and their relationship with the public realm are positively noted.</p> <p>Ground floor levels comprise the commercial units and residential amenity services, which have doors opening towards/ windows addressing the existing public streets, and/ or the new pedestrian routes and plazas in the scheme.</p> <p>Commercial units have scope to offer an evening use, and residential amenity uses likely to operate throughout daytime/ evening hours.</p>
<p>It must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building.</p>	<p>Site is in proximity to bus stops located along East Douglas Street which serve several routes to the city centre, and the carrying capacity is accepted in principle. Site is well served by footpaths, proximate to cycle paths, and at an accessible location for amenities and services.</p> <p>Douglas Core Bus Corridor (CBC 10) is planned along East Douglas Street.</p> <p>Traffic Impact Assessment indicates sufficient capacity in the transport network for accommodating associated trip generation.</p> <p>Refers to the role of the Mobility Management Plan in coordinating and managing trips.</p> <p>The site and Douglas area are not on the route of the planned LRT for Cork City, with greater carrying capacity for higher density schemes.</p>
<p>Buildings, including their construction, should not interfere with aviation, navigation or telecommunications, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings.</p>	<p>I identify the site as being located within the Conical Surface, one of three Obstacle Limitation Surfaces identified for Cork Airport in the 2022 CDP.</p> <p>Objective 10.55 Airport Safety Zones requires applications in such and other designations to be referred to the IAA.</p>

	<p>The proposed development was referred to the relevant prescribed bodies (IAA and DAA) by the planning authority, and these indicated no objection to the proposal subject to receiving notification of crane operation.</p> <p>No telecommunications interference is identified as applicable to the site or proposed development.</p> <p>The DSOA undertaken of the proposal did not include sufficiently detailed analysis of overshadowing of adjoining buildings. Shadow images have been generated of the scheme and wider area with images for different hours during the 21st of March, June, and December, but with insufficient written analysis.</p> <p>I consider there to be potential for afternoon/ evening shadow to be cast on residences and amenity areas to the southeast/ northeast that has not been sufficiently identified and analysed, and therefore the effect on solar energy generation on adjoining buildings is unknown.</p>
<b>Environmental Impact and Impacts on Microclimate</b>	
<p>Wind, daylight, sunlight penetration and temperature conditions around the building and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces including water spaces around the building.</p>	<p>Proposal is designed so that the three blocks are sited in alignment with existing buildings adjacent to the south, maintaining the distances between those buildings allowing continued access to daylight/ sunlight.</p> <p>The DSOA undertaken of the proposal indicates 100% of public open spaces achieve BRE sunlight standard (at least half of Plaza A and Plaza B have at least 2 hours of sunlight on 21st March).</p> <p>A Wind and Microclimate Report has been prepared for the proposal and models comfort levels for sitting (long-term and short-term), standing, and walking (strolling and business</p>

	<p>walking) in accordance with the Lawson comfort categories, the industry standard.</p> <p>The results of the report indicate that, predominantly, the wind conditions at and around the proposal are suitable for long-term sitting. However, the area between Block B and Block C experiences minor re-circulation effects, associated with the height of the buildings, at the corners which are determined to make this area suitable for short-term sitting. I note this area includes part of Plaza B and the pedestrian route covered over by the first floor level of Block C along the site's northern boundary. The scheme's public open spaces and pedestrian routes are important urban design features which, if to be considered as usable, functional, and high quality, require wind, daylight, sunlight, and temperature conditions that should be as favourable as possible.</p>
<p>Air movement affected by the building should support the effective dispersion of pollutants, but not adversely affect street-level conditions.</p>	<p>The Wind and Microclimate Report (see above) prepared for the proposal models comfort levels for sitting (long-term and short-term), standing, and walking (strolling and business walking) in accordance with the Lawson comfort categories, the industry standard.</p> <p>The results of the report indicate that, predominantly (except for the area between Block B and Block C), the wind conditions at and around the proposal are suitable for long-term sitting, and that the proposal does not cause negative or critical wind speed profiles for nearby roads or buildings.</p>
<p>Noise created by air movements around the building, servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building.</p>	<p>A Noise Assessment of the proposal has not been submitted and therefore the extent to which noise impacts associated with the operational phase of the development would detract from the enjoyment of open spaces is unknown.</p>

	The CEMP includes noise and air quality mitigation measures to address such impacts associated with the construction phase of the development.
<b>Cumulative Impacts with other Tall Buildings</b>	
The cumulative visual, functional, and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting.	The proposal comprises a group of three tall buildings and visual, functional, and environmental impacts, as known and/ or reasonably anticipated have been considered in this assessment based on information submitted with the proposal and other available sources. From a review of planning history registers and available sources including the EIASR and AASR, there are no other tall building proposals (existing or consented) in the vicinity of the proposal or wider urban block with which cumulative impacts are required to be considered.

### Summary

- 7.5.14. Following from my assessment above, I conclude that the proposal fails to comply with the required development management standards for tall buildings included in sections 11.54-11.57 of the 2022 CDP. In particular, I find that the proposal fails to satisfy the criteria included in the visual impact category by adversely affecting the visual amenities of the area, not positively contributing to the character of the area, and failing to avoid a detrimental impact on the Douglas East ACA. The height, scale and design of the proposal are inappropriate given the site's location within an inner urban suburb, and its context within a traditional village streetscape, located adjacent to and presenting onto an ACA, and adjacent to residential development.
- 7.5.15. Additionally, I consider that the proposed development fails to comply with the Building Height Strategy presented in Table 11.1, and sections 11.28, 11.44, and 11.51, due to its location outside of areas in Cork City identified as being suitable for tall buildings and its exceedance of the building height target range indicated for new

development in Douglas of between 3-4 storeys in height. The proposed development should be refused for this reason.

7.5.16. In the interest of clarity for the Board, as I stated in subsection 7.5.9 above regarding the potential implementation of SPPR 3 of the guidelines to approve a development if the Board was satisfied section 3.2 criteria were complied with, in my opinion the building height targets included in the Building Height Strategy in the 2022 CDP constitute a recommended range as opposed to a definitive limitation, which SPPR 1 of the guidelines prohibits development plans from providing for. Allied to which, I note that the section 31 Ministerial Direction issued to the planning authority on the 2022 CDP does not refer to the Building Height Strategy, and thus it is reasonable to conclude the Building Height Strategy has been determined by the OPR to be in compliance with the guidelines.

7.5.17. That being, while I consider the proposed development fails to comply with the Building Height Strategy and associated policy provisions, in the event that the Board was satisfied with the proposal and minded to grant permission, I do not consider this would constitute a material contravention of the 2022 CDP due firstly, to the recommended building heights having the status of a target range as opposed to an absolute numerical restriction and secondly, there being sufficient scope within SPPR 3 of the guidelines to grant permission for the proposal in instances where section 3.2 criteria are satisfied and specific objectives of the relevant development plan (such as the Building Height Strategy) may indicate otherwise.

## 7.6. **Visual Amenity**

7.6.1. In its assessment, the planning authority determines that the proposal, due to its scale, height, and design, is out of character with that of the existing area and is visually obtrusive within the Douglas village streetscape and the Church Street ACA. The proposal is considered to be contrary to 2014 CDP objectives relating to urban design (HOU 3-2) and architectural conservation areas (HE 4-5), and this forms the basis of the planning authority's first refusal reason.

7.6.2. Specifically for the village streetscape, the planning authority determined that Block A would be a dominant and incongruous addition onto the frontage of East Douglas Street, and that of the impact on the wider block, Block C at 10 storeys would

negatively impact on the sensitive landscape designation the site was located within under the 2014 CDP (site is in an Area of High Landscape Value, Landscape Character Area: Cork Harbour and Estuary). I note the City Architect approves of the 3 storey scale of Block A onto East Douglas Street however finds the architectural design of Block A (solid to void proportion), the height of Block C (10 storeys), and architectural language of Blocks B and C (double height framing, use of two materials) are out of scale for a suburban street and not appropriate for the site's context.

- 7.6.3. In the first party grounds of appeal, the applicant disputes the refusal reason, describing the position of the City Architect as arbitrary, and outlining the manner in which the proposal constitutes high quality design (Block C carefully designed and sited, contemporary building style which will set the standard for other future development), and which does not adversely impact the village streetscape (Block A is comparable in scale with the East Douglas streetscape, there is limited visibility from street level as the higher storeys are set back, the modern shopfront design is more in keeping with the streetscape than the building being replaced, and refers to recent planning consents increasing building heights along the street).

#### Character of the Area

- 7.6.4. To be able to determine the impact on the visual amenity of the receiving area, firstly the character of the area is required to be established. I consider the wider urban block within which the appeal site is located to be divergent in terms of character and pattern of development. The southwestern portion of the site is located within a traditional village streetscape of predominantly 2 and 3 storey terraced properties, and is adjacent to and presenting onto the Douglas East ACA. The northeastern portion of the site addressing the East Village Access Road is located in a predominantly low-rise and low-density commercial area with buildings ranging in architectural styles and construction dates. Similarly, the pattern of development on either side of the central area of the site diverges from surface parking to 3 storey apartment blocks.
- 7.6.5. While I acknowledge the applicant's position that Block A presents a 3 storey frontage onto East Douglas Street, however, I note that ridge height is c.0.7m above

that of the highest adjacent property, and the height and scale of the block increases sharply to 4 storeys with only a c.6.8m set back from the front building line, and then to 6 storeys at a further set back of only c.6.5m. I concur with the City Architect and Conservation Officer about the design treatment of the flat roof profile of the 3 storey frontage which is overly dominant at this location on the street, especially when consideration is given to the flat roof profiles of the remaining elements of the blocks. I consider that due to the coherent built form, tighter urban fabric, and distinct traditional streetscape character of East Douglas Street, the marked difference between the character of the proposal and that of this streetscape is particularly evident.

- 7.6.6. Of Block B, a review of the contextual streetscape elevation along East Village clearly indicates the extent of variance in height, scale, and design between the proposal and that of the receiving area. Block C presents to East Village Access Road, and at 10 storeys building height it is without precedence at this location. Notwithstanding the range of architectural styles and built forms at this area, in similarity with Block A, I do not consider Block B or Block C to be consistent or complimentary in terms of character with that of their immediately receiving areas.
- 7.6.7. While I note the applicant's position that the architectural approach for the scheme involved a design response particular to each block and its receiving area, I do not consider that the scheme has sufficiently responded to the character of the adjacent buildings and respective context, nor that due regard has been given to the scale and design of the receiving area. Notwithstanding the divergence in the character and pattern of development of the receiving area, the proposal is a dense form of development of a height, scale, plot ratio, and site coverage without comparison in the receiving area. The proposal is at too marked a variance in building height, scale, and design to allow the scheme to be successfully integrate with or enhance the character of the existing area.

#### Impact on the Visual Amenity

- 7.6.8. As I outlined in section 7.5 Building Height above, the national and local policy context requires landscape visual impact assessments to be undertaken for proposals with tall buildings. Specifically, the Building Height Guidelines require a



landscape and visual assessment to be undertaken by a suitably qualified practitioner such as a chartered landscape architect, and the 2022 CDP requires views of buildings to be provided from long-range, medium-range and the immediate context. From a review of the documents accompanying the application, I do not consider that the information submitted in support of the proposal to satisfactorily meets these requirements.

- 7.6.9. Included in the Architectural Design Report submitted with the application, are 4 CGIs of the proposal, and a Landscape Visual Impact Assessment (LVIA) (it is unclear whether it has been prepared by a chartered landscape architect). The LVIA comprises eight viewpoints (including one of the CGIs), predominantly long-range in vantage point. I consider the LVIA to be insufficiently robust due to the limited number of viewpoints selected and range of photomontages generated. For example, 5 of the 8 viewpoints indicate no visual evidence of the proposed blocks, which I consider demonstrates the limited scope of the viewpoints selected.
- 7.6.10. Additionally, except for the CGI of the site's street frontage on East Douglas Street, there are no other views from the main street in Douglas, the adjacent Aldi site or East Village properties, nor from sensitive settings such as within the Douglas East ACA, from the ecclesiastical cluster within the adjacent ACA Douglas-Donnybrook Sub-Area C: Douglas Graveyards, Churches and Public Park, or from the two adjacent zonings afforded added protection due to landscape sensitivities (Douglas Estuary is zoned as ZO 17 Land Preservation Zone, and Mahon golf course is zoned as ZO 16 Sports Ground and Facilities with an Area of High Landscape Value designation).
- 7.6.11. Fundamentally, I highlight to the Board that the LVIA is without methodology, analysis, or assessment (from a suitably qualified practitioner such as a chartered landscape architect) outlining, for example, the receiving area, the types of landscapes, any vulnerable or protected views, the incidence of visual impact, the type and the significance of visual impact. As such, in considering the impact on the visual amenity of the area, I have reviewed and cross referenced the application documentation relevant to this issue, including the buildings' plans, elevations, contextual streetscape elevations, Architectural Design Report which includes the 4

CGIs and the LVIA viewpoints, and models generated in the DSOA and the Wind and Microclimate Report.

- 7.6.12. In respect of the design of the buildings, I acknowledge that consideration has been given to the buildings' external finishes with use of concrete panels, zinc cladding, and brick to assist the visual integration of the proposal with the receiving area. However, the proposal comprises buildings which I consider are monolithic, and elevations of buildings which have long uninterrupted walls (both of which the Building Height Guidelines state are to be avoided), thereby failing to make a positive contribution to the character and streetscapes of the area. These include the solid northern elevation of Block A without voids (c.42m wide and c.20m high), the southern elevation of Block B (c.28m wide and c.21m high) with an overly dominant solid to void ratio, and Block C, 10 storey building of c.37m in height, a singular large built form and the southern and northern elevations with similarly overly dominant solid to void ratios.
- 7.6.13. While I accept that stepping up the building height of blocks is an established design approach to clustering tall buildings, when considered as a group, the proposal with three blocks of the heights and massing proposed further intensify the extent to which the proposal is out of character with Douglas village's suburban context. Of the local streetscapes and wider urban area, the proposal would fail to reinforce the spatial hierarchy, instead I consider it to disproportionately dominant it. Nor would the proposal aid legibility and wayfinding, conversely distorting the legibility of the streetscapes and urban block due to its overly dominant height, scale, and massing.
- 7.6.14. I do not agree with the applicant's appeal grounds that the full height and scale of Block A, and indeed the other blocks, would not be visible from the East Douglas Street level. Conversely, I consider the proposal would likely be highly visible from a variety of viewpoints within the village streetscape on East Douglas Street, within the Douglas East ACA boundary, but also from adjacent streets (East Village Access Road) and adjacent locations (Aldi retail complex to East Village). In particular, the substantive component of the proposed development is Block C, which at c.37m in height, c.24.5m in width, c.17m in depth and of a vertical emphasis design, will

unarguably exert a strong visual impact on the local area and the skyline of the wider block.

### Summary

- 7.6.15. While the appeal site itself is not located in or along a CDP 2022 protected landscape, based on the information available, in my opinion, the proposal will cause an adverse impact on the character and visual amenity of the area. I find that the proposal would be a visually prominent feature on the skyline of the wider block, would be visually incongruous at this suburban location, and would have an adverse impact on the visual amenity of the local streetscapes. In this regard, I consider the proposal would be contrary to 2022 CDP Objective 6.11 by failing to ensure sufficient regard has been given to the landscape value and character of the receiving area, and with District Centres ZO 7.4 by failing to respect, reflect, and contribute to the character of the receiving area due to its being of incommensurate nature and scale.
- 7.6.16. In summary, I concur with the planning authority's first refusal reason, as I also find that the proposal, due to its height, scale, and design, would adversely impact on the character of the area and cause injury to the visual amenities of the area. I recommend refusal of permission be upheld on this substantive issue.

## **7.7. Architectural Heritage**

- 7.7.1. At the time of the planning authority's assessment, the 2014 CDP was in effect, the site was identified by the Conservation Officer as being adjacent to and presenting onto the Church Street ACA, and the applicable policy was Objective HE 4-5 relating to developments in and adjacent to ACAs. In the planning authority's decision, concerns in relation to the height, scale and design of the proposal and the adverse impacts arising for the village's streetscape and specifically for the ACA are cited. Of the latter, the concern focuses on the detailed design of Block A (flat roofed design of front elevation increases the overbearing feeling as other structures on the street have pitched roof profiles), and the scale and height of the proposal, in particular that of Block C. This concern formed part of the basis of the first refusal reason whereby it was determined that the proposal, would be out of character with the pattern of existing development and would be visually obtrusive from within the village's streetscape in general and within the Church Street ACA specifically.

- 7.7.2. In the first party grounds of appeal, the applicant disputes the refusal reason, outlining the manner in which the proposal does not adversely impact the ACA (Block A matches the ridge height of the adjacent building, more in keeping with East Douglas streetscape than the building being replaced, site is adjacent to the ACA as opposed to fully within it and as such the policy context is less restrictive, Block A has a confident and sympathetic elevation fronting onto the ACA). Further, the applicant refers to the inconclusive policy context whereby the existing character of the Church Street ACA is not defined in the 2014 CDP, and the draft 2022 CDP refers to the Douglas East sub-area of the ACA, which the applicant states as having a character of an urban and commercial nature which is less sensitive to substantial development.
- 7.7.3. In respect of architectural heritage, I identify two substantive issues arising from the first refusal reason which require consideration. These include the national and local policy context relating to the character of an ACA and appropriate adjacent development, and the nature and extent of the proposal's impact on the character of the Douglas East ACA. I propose to address each item in turn below.

#### Policy Context

- 7.7.4. As I identified previously in section 5.4 Local Policy Context of this report, the appeal site is both adjacent to and presents onto the Douglas East ACA. That being, the buildings to the northwest and southeast of the site along East Douglas Street and the public realm in front of the site are included within the ACA and the site's southwestern boundary (East Douglas Street frontage) presents directly onto the ACA (see 2022 CDP Volume 3: Part 1 Architectural Conservation Areas, pg 42). The nature of the ACA boundary creates relatively unique conditions for the site whereby, in terms of streetscape, elevational design and visual impact, the proposed development is in effect surrounded and enclosed by the ACA. As such, while I acknowledge the applicant's position that the site is not within the ACA boundary (in two dimensions), these conditions are the equivalent of the site being within the ACA (in three dimensions). As such, I consider it appropriate for assessment purposes, to have regard to the policy context which guides development within ACAs.

- 7.7.5. Of the national policy context, in section 7.5 Building Height above, I have outlined in detail the context for tall buildings as set by the Building Height Guidelines. Additionally, due to the architectural sensitivity of the receiving area, the Architectural Protection Guidelines are of relevance to the appeal case. In relation to new development in an ACA, section 3.10.1 of the guidelines state that the design of structures will be of paramount importance, that it is preferable to minimise the visual impact of proposed structures on their setting, that the scale of new structures should be appropriate to the general scale of the area and not its biggest buildings, and that external materials, typical details for façades and other surfaces should generally reinforce the area's character. In relation to demolition proposals in an ACA, section 3.10.2 of the guidelines state that when it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area.
- 7.7.6. Of the local policy context, I have reviewed and compared the ACA boundaries and confirm to the Board that the 2014 CDP Church Street ACA (as relevant at the time the application and appeal were lodged, and referred to in the application documentation, planning authority decision, and first party appeal grounds) aligns with the 2022 CDP Douglas-Donnybrook Sub-Areas B and C. Specifically, the appeal site is adjacent to the Douglas-Donnybrook Sub-Area B: Douglas East ACA and the site's southwestern boundary (East Douglas Street frontage) presents onto the ACA. I identify the replacement of the 2014 CDP Objective HE 4-5 with the 2022 CDP Objective 8.23 and Objective 8.24, which respectively relate to proposals for development and demolition in ACAs.
- 7.7.7. Details in relation to the Douglas-Donnybrook ACA are included in Volume 3: Part 1 Architectural Conservation Areas of the 2022 CDP. The ACA contains five sub-areas (A to E) which cover the historic extents of Douglas and Donnybrook villages. As stated previously, the site is located adjacent to and presenting onto Douglas-Donnybrook Sub-Area B: Douglas East ACA. The sub-area is described as historically being the centre of commercial and administrative activity in Douglas village, with a character which is typical of a market town main street from the period before Douglas became part of the growing city, with a building typology of mainly 2

and 3 storey buildings with stone-slate pitched roofs, and the issues arising for the sub area as being pressure for redevelopment and intensification of uses as the city expands.

#### Impact on the ACA

- 7.7.8. An Archaeological and Architectural Heritage Assessment (AAHA) has been undertaken for the proposal. The AAHA states that the buildings to be demolished are modern, the site is devoid of architectural heritage significance and encroaches into a peripheral area of the ACA, and that the existing street frontage does not make a strong contribution to the character of the street or to the significance of the ACA. The AAHA concludes none of the proposed buildings will give rise to any negative impact on the streetscape of Douglas, which is modern in form and character for the most part.
- 7.7.9. However, I consider there to be limitations in the scope of the AAHA as it is primarily focused on the site and buildings therein without detailed consideration of, or substantive reference to, the nature and character of the ACA and the impact on the character and setting of the ACA by the proposal. Except for the CGI of the site's street frontage on East Douglas Street, neither the AAHA or the LVIA (included within the Architectural Design Report) contain any views of the proposal or analysis of the potential impact on the setting of the Douglas East ACA when viewed from within the ACA. For example, there are no views generated from the Carrigaline Road northwards to the site or from the top of East Douglas Street southwards towards the site, or indeed from the ecclesiastical cluster within the adjacent ACA Douglas-Donnybrook Sub-Area C: Douglas Graveyards, Churches and Public Park located to the west of the site (all of which I travelled along/ visited and consider that the proposal would be visible from).
- 7.7.10. I have reviewed the application documentation relevant to this issue, including the Architectural Design Report, the AAHA, and considered the potential impact on the ACA through cross reference with the buildings' elevation drawings, contextual streetscape elevations, CGIs, LVIA viewpoints, and models generated in the DSOA and the Wind and Microclimate Report. As I have outlined in detail in section 7.6 Urban Design, particularly in respect of the design of Block A and its impact on the

traditional East Douglas streetscape, in my opinion, the proposal, due to its height, scale and design, would exert an undue and adverse impact on the character and setting of the ACA.

- 7.7.11. The Building Height Guidelines require that proposals within architecturally sensitive areas, should successfully integrate with and enhance the character of the area having regard to its cultural context. I consider the proposal is at too marked a variance in building height, scale, and design to successfully integrate with the character and setting of the ACA. The Architectural Heritage Guidelines require proposals in ACAs to minimise the visual impact on their setting, to be of a scale that is appropriate to the general scale of the area and not its biggest buildings, and be of an external finish and architectural design that reinforce the area's character. I do not consider that the proposal satisfies these fundamental principles of appropriate development in architectural sensitive areas.
- 7.7.12. Similarly, the 2022 CDP objectives require proposals to respond respectfully to the historic environment and enhance the special character of the ACA. In relation to the Douglas East ACA, Volume 3: Part 1 states that the character of the Douglas East ACA is that of a traditional and historic market town main street with a building typology comprising mainly 2 and 3 storey buildings with stone-slate pitched roofs. I consider the proposal, at 3 to 10 storeys in building height of a modern design, flat roof profile, to not be respectful of or enhance the character of the ACA. Further, in specific relation to the Douglas East ACA, I consider the proposed development to be an example of the type of 'issue' identified in Volume 3: Part 1 as applicable to the ACA whereby the designation experiences undue pressure from redevelopment and intensification of uses as the city expands.

#### Summary

- 7.7.13. Having regard to the foregoing, I consider that the proposal fails to take account of and avoid detrimental impact to heritage assets and their settings as required by the 2022 CDP, and that due to its height, scale and design, the proposal would be an overly dominant and incongruous feature and adversely impact on the character of the Douglas East ACA, particularly when viewed from within the ACA in southeasterly, northwesterly, and easterly directions. As such, I consider the

proposal would be contrary to 2022 CDP Objective 8.23 by failing to be of a design response that respectfully responds to the historic built environment, and with Objective 8.24 by failing to significantly enhance the special character of the ACA more than the retention of the original structure in the site proposed to be demolished. For similar reasons, I consider the proposal fails to comply with section 3.2 criteria of the Building Height Guidelines (specifically second criterion of the 'scale of the relevant city' test) and section 3.10.1 and section 3.10.2 of the Architectural Heritage Guidelines.

## **7.8. Residential Amenity**

- 7.8.1. The proposed development comprises a mixed-use scheme, the residential component includes for 65 apartments. The proposal comprises a mix of tenures, build-to-sell (BTS) and build-to-rent (BTR). The BTS are 20 units in Block A, and the BTR are the remaining 45 units in Blocks B and C (see Table 1 and Table 2 in section 2.0 Proposed Development above for details).
- 7.8.2. In the planning authority's assessment, the residential amenity of future residents was determined to be mostly satisfactory save for some units without sufficient private open space and/ or storage, and with north facing bedroom windows with obscure glazing. The communal open space was found to be double counted as public open space, and communal roof terraces or other semi-private spaces were considered necessary. Of the residential amenity of adjacent properties, the proposal was considered to negatively impact upon the East Village complex (Barryscourt Apartments) to the south, and cause potential disamenity to the wider site due to overshadowing, loss of daylight, overlooking and loss of privacy. In the first party appeal, the applicant disputes the findings, highlighting the high-quality design of the residences (internal layouts, private open space designs, communal services, and residential facilities), and that the design approach for the blocks has been to respond to and avoid impacts on adjacent properties, in particular overlooking of the adjacent Barryscourt Apartments in East Village to the south.
- 7.8.3. Due to the nature of the scheme and the range of applicable national and local policy, I identify the relevant issues to assess as including the future residential amenity with reference to the BTS component, the BTR component, and standards



common to both (daylight/ sunlight and public open space), and the impact of the proposal on the existing residential amenity of adjacent properties. I propose to address each in the following subsections.

#### Amenity of Future Residents

- 7.8.4. The policy context for assessing the proposed apartments is determined by the Apartment Guidelines, which contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. The majority of the SPPRs are applicable to the BTS component of the scheme, while SPPR 7 and SPPR 8 relate specifically to the BTR component of the scheme. A number of the apartment related design requirements have been incorporated into and expanded upon in the 2022 CDP (eg. relevant for the BTS component of the scheme includes policy on dwelling size mix in Section 11.76 and Objective 11.2, apartment design criteria in Section 11.91, and daylight, sunlight and overshadowing in Sections 11.98-11.99 and Objective 11.4; and specific for the BTR component include policy in Sections 3.35-3.36 and Objective 3.7).

#### Build-To-Sell Component

- 7.8.5. The BTS component comprises 20 apartments in Block A. The apartments are required to comply with quantitative and qualitative standards included in the Apartment Guidelines. These include statutory SPPRs on minimum floor areas (SPPR 3), dual aspect ratios (SPPR 4), floor to ceiling heights (SPPR 5), and maximum number of apartments per floor per core (SPPR 6). In the interests of clarity for the Board, I confirm I have reviewed the schedule of accommodation information and the individual plans submitted for each residential unit design. While I note some discrepancies (e.g. in the Block A floor plans and numbers of units given) I confirm that the apartments appear to largely be in compliance with the applicable SPPRs 3, 4, 5 and 6. This is with a notable exception related to no private open space provision for two 1 bedroom units in Block A (Units 1A and 6A).
- 7.8.6. The remaining assessment focuses on the aspects of the proposal not in compliance with the relevant SPPRs in the guidelines, which for BTS apartments include building unit mix and open space. SPPR 1 relates to the building unit mix within an apartment scheme. As the 2022 CDP postdates the guidelines and incorporates a

HDNA, Table 11.8 presents the equivalent dwelling unit mix appropriate for the City Suburbs (location applicable to the appeal site). Table 11.8 indicates a recommended target mix as follows: for studios 10%, 1 beds 20%, 2 beds 34%, 3 beds 28%, and 4 beds+ 8%. I note that the proposal fails to comply with the recommended targets, and notably exceeds the maximum allowable provision of 1 bedroom (40% provided, maximum allowed 25%) and 2 bedroom (55% provided, maximum allowed 40%) units. The proposal also underprovides 3 bedroom units (5% provided, minimum required 18%), and does not provide any 4+ bedroom units (0% provided, minimum required 5%). As such, the proposal does not comply with 2022 CDP Objective 11.2 as the dwelling size mix for the BTS units in Block A fails to satisfy the requirements of Table 11.8.

- 7.8.7. In respect of private open space and communal open space, the Apartment Guidelines indicate minimum areas for same in Appendix 1. These requirements are incorporated into Section 11.91 of the 2022 CDP. As noted above, two apartments in Block A have no private open space, and of the remaining 18 units, 11 have recessed balconies and 7 have fully enclosed winter gardens. For the units in Block A, I calculate a communal open space requirement of 124sqm. I have reviewed the plans and elevations, and while the Architectural Design Report and Landscape Design Report refer to communal space and roof terraces, I confirm that there is no communal open space provided for Block A and the roof terraces are for private unit use. As I discuss in further detail below with regard to open space for the BTR component, I find the scheme is substandard in residential amenity terms by failing to provide private open space for each unit and/ or communal open space for the scheme, and does not comply with the requirements of the Apartment Guidelines and 2022 CDP policy Section 11.91.

#### Build-To-Rent Component

- 7.8.8. The BTR component comprises 45 apartments, 15 units in Block B and 30 units in Block C. There are specific provisions from the Apartment Guidelines, including SPPR 7 and SPPR 8, and from the 2022 CDP including Objective 3.7 which are applicable to the scheme. The other SPPRs in the guidelines, SPPRs 4, 5, and 6,

apply to the BTR component and I confirm these appear to be satisfied in the design of the component.

7.8.9. SPPR 7 requires a BRT scheme to be advertised in the planning public notices as such, and be accompanied by detailed proposals for supporting communal and recreational amenities being provided as part of the BTR scheme. These facilities are referred to as 'Resident Support Facilities' (comprising of facilities related to the operation of the development for residents) and 'Resident Services and Amenities' (comprising of facilities for communal recreational and other activities by residents).

7.8.10. In the Architectural Design Report, the applicant sets out the facilities being provided to the BTR units (I note that at the basement, Block A is provided with a separate refuse area, though would appear to share bicycle storage facilities). The applicant refers to these as 'residential amenities' and 'management spaces', and include the following (note: in the lists below I have extrapolated the scheme's facility/ space and grouped them according to the guidelines categorisation):

- Resident Support Facilities (Blocks B and C, basement and ground floor levels) of 364sqm:
  - laundry facilities (c.16sqm)
  - concierge (not specified, I identify lobby areas, c.97sqm)
  - management facilities (plant and utility areas, c.93sqm)
  - maintenance/ repair services (dog wash c.12sqm and bulk storage 23sqm)
  - waste management facilities (refuse collection and storage areas, 123 sqm).
- Resident Services and Amenities (Blocks B and C, ground and first floor levels) of 102sqm:
  - sports facilities (gym, c.87sqm)
  - shared TV/ lounge areas (not specified, I identify amenity area c.15sqm)
  - work/ study spaces (0sqm)
  - function rooms for use as private dining and kitchen facilities (0sqm)

- 7.8.11. The applicant indicates the 'residential amenities' floorspace provided as c.368sqm and the 'management spaces' as c.543sqm. I highlight to the Board that the applicant has included the bicycle storage area of c.216sqm within the 'residential amenities' total of c.368sqm, with which I do not concur. Accordingly, and having regard to the categorisation in the guidelines, as presented above, I calculate the respective areas as being 364sqm and 102sqm, totalling 466sqm.
- 7.8.12. The total area of 'resident services and amenities' facilities for this 65 unit apartment scheme is 102sqm, which equates to c.1.6sqm per unit. The Apartment Guidelines do not specify the ideal quantum for a BTR scheme. I have examined the proposal on the basis of the quality as well as the scale of services and amenities. I consider the 15sqm amenity area (if to be used as a shared TV/ lounge room) as particularly small, and there is no dedicated function room, work area, or study spaces. I consider the applicant has not adequately provided for high quality services and amenities which would function in a more practical way for future residents, as envisaged in the Apartment Guidelines. I do not consider the quantum of space or location provided to be satisfactory. An amenity area of 15sqm at first floor level of Block C is inadequate to serve the c.70 potential residents of the 45 apartments in Block B and Block C, and not readily or realistically accessible to residents in Block B.
- 7.8.13. SPPR 8 states that no restrictions on dwelling mix apply to BTR developments, and there can be flexibility in terms of storage, private open space, and communal amenity space provided. I consider the provision of storage in the units and the basement area of bulk storage to be minimal but having regard to the flexibility in the guidelines to be acceptable.
- 7.8.14. In relation to private open space, the 15 units in Block B are provided with balconies, while of the 30 units in Block C, 10 are provided with balconies and 20 with fully enclosed winter gardens. Of the latter, the guidelines state in certain circumstances, glass-screened 'winter gardens' may be provided. I consider, the reliance on winter gardens in the overall scheme to be excessive (37 of the 63 units (59%) provided with private open space have winter gardens) and not for the limited circumstances

envisaged in the guidelines (such as may be necessary in the upper storeys of taller buildings to protect against unfavourable wind conditions).

- 7.8.15. In relation to communal open space, in similarity with my assessment above for Block A, having reviewed the plans and elevations, I find there to be no communal open space for Block B and Block C, and roof terraces are for private use by the associated unit and not communally available. From a review of the plans and elevations, 39 units of the scheme will have no direct access to either unenclosed (i.e. open air) private or communal open space. I consider this to be a poor residential amenity standard, as in addition to daylight and sunlight provision, open balconies and communal roof terraces allow access to ventilation.
- 7.8.16. Of the flexibility in SPPR 8 afforded to private and communal open space, this is on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development, which as discussed above, I consider to be insufficient and inadequate. Accordingly, I consider the proposal would constitute a poor standard of accommodation for future residents and fails to comply with SPPR 7 and SPPR 8 of the Apartment Guidelines.
- 7.8.17. With regard to the requirements of 2022 CDP Objective 3.7, while the site is at an urban location which is served by existing and a planned high frequency public bus transport network, the site is not served by the higher capacity LRT planned for the city which would support higher density BRT schemes such as the proposal. In any event, as outlined above, I do not consider the proposal to comply with the applicable SPPRs for each component, and while the mix of apartments would contribute to the area, as the application predates the 2022 CDP it is not accompanied by a justification within the context of the HNDA demand forecasts. As such, I do not consider the proposal complies with Objective 3.7.

#### Daylight, Sunlight and Overshadowing

- 7.8.18. As is required by the Building Height Guidelines and reiterated in the 2022 CDP Objective 11.4, proposals for tall buildings require daylight and sunlight analysis to determine the levels of access to, and impact on, future and existing residents. A Daylight, Sunlight, and Overshadowing Assessment (DSOA) has been undertaken of the proposed apartments. The assessment indicates 96% achievement of BRE

daylight standard (165 of the 171 habitable rooms assessed had required 1%-2% ADF), 73% achievement of BRE annual sunlight standard (windows in 43 of the 59 units assessed had the required APSH for total year), 81% for achievement of BRE winter sunlight standard (windows in 48 of the 59 units had the required APSH for winter months), and 100% of public open spaces achieve BRE sunlight standard (at least half of Plazas A and B have at least 2 hours of sunlight on 21st March).

- 7.8.19. However, I have reviewed the DSOA and consider there to be limitations in the assessment. Of the proposed apartments, the sunlight assessment (APSH) is limited as windows in bedrooms and north facing rooms were excluded, therefore it may be likely that the real extent of achievement is notably lower than the 73% and 81% indicated above. In the instances where the proposed apartments did not meet the BRE daylight standard (6 habitable rooms did not have the required 2% ADF), the compensatory measure/ explanation cited includes the availability of a winter garden for the room, and that the habitable rooms are LKDs and do achieve the 1.5% target. Of the instances where the proposed apartments did not meet the BRE (annual/ winter) sunlight standards (windows in 16/ 11 of the 59 units assessed), the compensatory measure/ explanation cited includes the availability of other target-achieving windows and that the majority of instances are only marginally short of the target value.
- 7.8.20. I have concerns in respect of whether the measures/ explanations are sufficiently compensatory due the limited windows/ rooms assessed, the potential for the percentage achievement to be lower than indicated, due to the architectural design responses to the site's context (high solid to void ratio in the elevations, windows in southern elevations with narrow widths, number of glazed windows to avoid overlooking impacts), and as outlined above, unsatisfactory private open space provision (none for two units, 59% of remaining units with enclosed winter gardens) and the absence of any communal open space for the scheme. As such, I am not satisfied that the future residents would be provided with sufficient access to adequate daylight and sunlight to ensure a high standard of residential amenity. Accordingly, I consider that the proposal does not comply with 2022 CDP Objective 11.4.

### Public Open Space

- 7.8.21. The proposed development includes two areas of public open space, Plaza A and Plaza B. The Plazas are sited between the blocks, rectangular in configuration, with a mix of hard and soft landscaping and intersected by pedestrian paths. The total provision of open space in the scheme is indicated as 607sqm (24% of the developable site area), comprising Plaza A as 288sqm and Plaza B as 319sqm.
- 7.8.22. I have reviewed the Architectural Design Report with CGIs, Landscape Design Report and accompanying plans. While the case documentation refers to these areas as public and/ or communal open space, the Plazas are wholly accessible to and by the public, their function is as public available amenity. As discussed in the subsections above, the scheme does not provide any communal open space for the residents, and the inclusion of the Plazas does not compensate for the role and purpose of communal open space. As such, I concur with the planning authority's finding that the applicant has double-counted the open space provision. For assessment purposes I consider these Plazas to constitute public open space only.
- 7.8.23. While I positively note the provision of the Plazas in urban design terms, in my opinion, the quality and usability of the spaces could be improved upon. For instance, the public open space does not include any dedicated play area, and the spaces are intersected by pedestrian pathways (which appear to have been included in the calculation of the quantum of public open space provided). As I outlined in section 7.4 Urban Design above, a more successful scheme would rebalance the relationship in terms of scale between the buildings and the Plazas, which may have the added benefit of creating more favourable microclimatic conditions for Plaza B and the covered walkway under Block C along the site's northern boundary.

### Amenity of Existing Residents

- 7.8.24. The potential impacts of the proposal on the residential amenity of adjacent properties are associated with overlooking, overshadowing, overbearance, increased traffic, and construction related activities. From a review of the case documentation, the applicant's focus on adjacent residential properties has been predominantly on the Barryscourt Apartments to the south in East Village. The third-party submission

and subsequent observation raises the potential impact on adjacent properties to the northwest along East Douglas Street.

- 7.8.25. In respect of overlooking, while I note the applicant's design approach attempts to respond to the close proximity and outlook of the northern elevations of the Barryscourt Apartments, in particular the design of the elevations of Block B, the potential for overlooking is unavoidably increased due to the height and scale of the proposal. Further, I consider the design responses of trying to assimilate the proposal into the site to avoid overlooking are unsatisfactory, including the proportion of solid to void in certain elevations, and the totally blank northern elevation of Block A.
- 7.8.26. In respect of overshadowing, I have reviewed the applicant's DSOA and consider it fails to adequately establish and address the impact on adjacent properties. A zone of influence has not been established, adjacent residences to west, south and east are not identified, no daylight (VRT), sunlight (APSH), or amenity area/ open space overshadowing calculations have been undertaken for adjacent residences. Shadow images have been generated of the scheme and wider area with images for different hours of the 21st of March, June, and December, however, these are provided with insufficient analysis (also I note that the full extent of the shadows cast at times are not shown). For the 21<sup>st</sup> March, I consider there to be potential for afternoon/ evening shadow to be cast on residences and amenity areas to the southeast/ northeast that has not been sufficiently identified (i.e. residences) and therefore not analysed. I concur with the concerns raised in the third-party submission/ appeal observation relating to the lack of robustness of the analysis and the unidentified potential impact of the proposal on the wider area. In this regard, I consider the proposal does not comply with 2022 CDP Objective 11.4 as the DSOA fails to take into account the likely impact on adjacent sites.
- 7.8.27. In respect of overbearance, I have considered the visual impact of the proposal on the receiving area in section 7.6 Visual Amenity above. Further to my conclusion of the proposal causing an adverse visual impact on the amenities of the area, I consider that adjacent residences would likely experience a loss of residential amenity due to the height, scale, and design of the proposal. Of the impacts



associated with increased traffic activities, I consider these in the following section 7.9 Transportation. Of the impacts associated with construction related activities, these can reasonably be anticipated as short-term and temporary in nature and can be appropriately ameliorated through the mitigation measures as indicated in the CDWMP and the CEMP.

### Summary

7.8.28. In summary, the proposal does not achieve an appropriate dwelling unit mix, any communal open space, private open space of sufficient quantum and quality, and resident facilities and amenities of an adequate and sufficient nature. As such, I consider the proposal would fail to provide an adequate level of residential amenity for future occupants of the scheme. Further, I do not consider that the applicant has sufficiently demonstrated, on the basis of the Daylight, Sunlight, Overshadowing Assessment submitted, that the proposed development would not be detrimental to the residential amenity of existing residential properties in the vicinity of the site, or that the failure of a number of proposed apartments to reach minimum daylight and sunlight target standards, in the absence of robust mitigating compensatory measures, would not result in poor residential amenity for future occupants. The proposed development should be refused on that basis.

## **7.9. Transportation**

7.9.1. In respect of access, the proposed development includes a new set down area on East Douglas Street for servicing and deliveries, new pedestrian routes through the site (east-west and north-south orientated linkages), and a new vehicular entrance to the basement level from the existing Aldi car park area adjacent to the site's northern boundary. In respect of parking, the basement level includes for 18 car parking spaces and 130 cycle storage spaces. Cycle parking stands are also indicated at surface level adjacent to the block entrances. Three stairwells provide access between each block and the basement level.

7.9.2. A Traffic and Transport Assessment, Stage 1/ 2 Road Safety Audit, and Mobility Management Plan are submitted with the proposal. The majority of the planning authority's internal sections and the prescribed bodies indicated their satisfaction for the proposal's traffic (eg. limited on-site car parking provision, traffic generation,

capacity assumptions) and access arrangements (entrance design and safe conditions). The Urban Roads and Street Design section sought extensions of the public realm/ pedestrian connectivity works at Church Street and East Village Access Road. In the first party appeal, the applicant responded that the inclusion of the Douglas East/ Church Street junction in the urban realm improvements and provision of a pedestrian crossing across the East Village access road to the northeast of the site are beyond the scope of the applicant and/ or nature of the proposal.

- 7.9.3. I have reviewed the above information on the appeal case and considered the relevant national and 2022 CDP policy. Of the parking provision, I calculate that the commercial units (retail/ retail services) and the 20 apartments in Block A (BTS tenure) generate a car parking requirement of c.26 spaces (as per 2022 CDP standards for Zone 2 in Table 11.13). I consider the provision of 18 spaces to be largely acceptable having regard to the parking requirement being a maximum quantum, the site's suburban location, access to public transport options, mixed-use nature of the scheme, and that the parking spaces access and use would be under the control of a management company. I consider the cycle parking quantum, locations, access, and storage arrangements to be acceptable.
- 7.9.4. Of the planning authority's requirement for additional pedestrian access and public realm improvements to be incorporated into the scheme, while these are commendable, I concur with the applicant that they are not justified. I consider the consent arrangements secured by the applicant (evident by the letters of consent from three parties (Aldi, Lidl, City Council) for the proposed public realm improvements which allow for increased permeability and accessibility in the wider block are reasonable and sufficient given the nature and scale of the proposal.
- 7.9.5. Finally, of the applicable 2022 CDP objectives, I consider the proposal complies only in part with 2022 CDP Objective 4.3. While the proposal comprises a residential and commercial development at an urban location which is served by existing and a planned high frequency public bus transport network, the site, as raised by the planning authority, is not served by the higher capacity LRT planned for the city. A scheme of the density proposed, with a BTR component and restricted options for parking provision, would be more suitable and better supported at strategic locations

with the LRT. Positively, as I outlined in section 7.4 Urban Design above, I am satisfied that the proposal complies with 2022 CDP Objective 4.5 by providing for permeability through the site offering increased opportunities for accessibility within the wider urban block.

## 7.10. Water Services

- 7.10.1. The proposal includes for the removal or diversion of existing water services pipework and the provision of new infrastructure connecting into each of the existing public water services systems. The application is accompanied by an Engineering Planning Report and a Site-Specific Flood Risk Assessment (SSFRA). The SSFRA was prepared as the applicant had determined the site was located within the defended fluvial Flood Zone A associated with the Douglas River (Ballybrack Stream). In the planning authority's assessment, prescribed bodies, Irish Water and Inland Fisheries Ireland, and the Drainage section sought further information.
- 7.10.2. In respect of water supply and wastewater services, the proposal seeks connections into the public watermains and combined sewer respectively, both located in East Douglas Street. Irish Water's report sought the submission of a pre connection enquiry to be able to make a confirmation of feasibility. In the first party appeal, the applicant indicates that a pre-connection enquiry was submitted to IW and a confirmation of feasibility was received in respect of water supply and wastewater drainage for a larger scheme at the site (SHD pre-application, see section 4.0 Planning History), which therefore indicates capacity in the systems for the current proposal. I consider this response to be acceptable and for there to be no evidence of capacity constraints in servicing the proposal.
- 7.10.3. In respect of surface water, the proposal includes SuDS features (green roof areas, modified planters, tree root systems), with runoff flowing through new piped infrastructure, retention in an on-site attenuation tank at the eastern end of the basement level, and discharge to the existing stormwater sewer on East Village Access Road. In its assessment, the Drainage section report sought information on finished floor levels, location of the basement attenuation tank, and basement runoff. In the first party appeal, the applicant commits to providing finished floor levels as requested (increasing from 3.3m OD to the undefended flood height level of 3.38m

OD), justifies the location of the attenuation tank and future management of same, and managing basement level run off through provision of a petrol interceptor and discharge to the foul sewer, not to the storm sewer. I consider this response to be acceptable and for surface water management proposals to be addressed.

7.10.4. In respect of flood risk, as required by the Flood Risk Guidelines and 2022 CDP Objective 9.10, I note that the applicant has submitted a SSFRA for the proposal. I have reviewed the SSFRA in conjunction with the applicant's Engineering Planning Report, AASR, NIS, and EIASR. I highlight to the Board that the applicant's SSFRA dates from September 2021 and refers to the Douglas Flood Relief Scheme (DFRS) being undertaken to reduce fluvial flood risk associated with the Douglas River. In establishing the flood risk context for the site, the SSFRA refers to the Preliminary Flood Risk Assessment (PFRA) maps (which predate the CFRAMS maps) that indicate the site partially located in a coastal floodplain but not a fluvial floodplain, and then the Lee CFRAMS maps which removed the site from coastal flood risk. The SSFRA states there is no CFRAMS mapping available for fluvial flood events, and precedes to refer to the available fluvial flood mapping which was prepared by the consultants for the DFRS. In the latter, the site was identified within the 1 in 100 year fluvial flood event without the DFRS in place. The SSFRA finds that the site is located in the defended Flood Zone A for fluvial flooding, that following implementation of the DFRS the site will be subject to residual risks in the event of a failure of the flood walls or culverts, and precedes to mitigation measures, design choices, and the Justification Test for the proposal.

7.10.5. I have reviewed the flood mapping sources from the OPW, note that CFRAMS maps of river flood events (in addition to the coastal flood events, each with three probabilities) are now available, and I confirm that the site is not located in any such floods extent. Additionally, I have reviewed the more recently prepared 2022 CDP Strategic Flood Risk Assessment (SFRA) and accompanying SFRA maps (dated May 2022). The appeal site is located in Map 6, and I confirm that that site is not located within the Flood Zone A and/ or B designations. I consider these to be the definitive sources of flood risk information for the proposal.

7.10.6. In the interests of clarity, notwithstanding the change in baseline information, while it would appear that the site is not formally included within fluvial Flood Zone A, I consider that the SSFRA principles remains relevant and applicable (eg. mitigation measures, design approach) due to the history of flooding in the Douglas area. In conclusion, I am satisfied that the measures committed to by the applicant in the first party appeal would further address concerns in relation to any residual flood risk at the site, and that the proposal would comply with 2022 CDP Objective 9.10.

## 7.11. **Appropriate Assessment**

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

7.11.1. The requirements of Article 6(3) of the EU Habitats Directive as relate to screening the need for appropriate assessment of a project under section 177U, part XAB of the Planning and Development Act 2000, as amended, are considered fully in this section.

### Background on the Application

7.11.2. The applicant submitted an Appropriate Assessment Screening Report (AASR) and a Natura Impact Statement (NIS) for the project. The AASR concluded that the impact of the project on the integrity of the Cork Harbour SPA required further consideration and, on that basis, prepared the NIS.

7.11.3. The AASR and NIS are supported by several relevant reports, key among which include the following:

- Engineering Planning Report;
- Construction and Demolition Waste Management Plan (CDWMP);
- Construction Environmental Management Plan (CEMP);
- Site Specific Flood Risk Assessment (SSFRA); and
- Environmental Impact Assessment Screening Report (EIASR).

7.11.4. The applicant's AASR provides a description of the site, its features, the nature of proposed development, the research and desk top study undertaken of the area. The Zone of Influence of the project is determined, and two European Sites

associated with Cork Harbour, Cork Harbour SPA (004030) and Great Island Channel SAC (001058), are identified.

- 7.11.5. There are no watercourses present on or in the immediate vicinity of the site. The most proximate watercourse, Douglas River (identified as 200m to the west of the site) flows to the Douglas River Estuary (140m to the northwest), which forms part of the Cork Harbour SPA. Surface water from the project will discharge to the existing surface water network in East Village Access Road which ultimately discharges to the Douglas River Estuary and into the Cork Harbour SPA. Wastewater from the project will discharge to the existing combined sewer network in East Douglas Street which ultimately discharges from the Carrigrennan WWTP on the southern tip of Little Island, into the Great Island Channel SAC.
- 7.11.6. No direct impacts on these European Sites from the project are identified due to there being no loss or fragmentation of habitats, no direct disturbance to species, and no pathway for direct impacts to occur (hydrological and/ or ecological connection). The potential for indirect impacts on Cork Harbour SPA during the construction phase of the project associated with firstly, surface water drainage to the Douglas River Estuary and secondly, disturbance to foraging birds, is identified. The potential for in-combination effects on the Cork Harbour SPA with other plans and projects is described, due to these potential indirect construction phase impacts, as not being able to be ruled out.
- 7.11.7. The potential for indirect impacts on Cork Harbour SPA during the operation phase of the project (surface water will be attenuated on site, discharged at a controlled rate, SuDS measures are incorporated into the project, connections to be made to existing water services; and noise generation from residential use is not disruptive in nature) is not considered likely. The potential for indirect impacts on the habitats of the Great Island Channel SAC is not considered likely at either construction or operation phases due to the nature and scale of the works, location of the site in a built-up area, connections to existing water services, and separation distance of c.6.7km. The potential for in-combination effects with other plans and projects is not considered likely on the Great Island Channel SAC.

7.11.8. The AASR concludes that *'Given the scale of the project, the potential pathway for construction effects via discharge to surface waters and potential impacts from noise as a result of proximity to Cork Harbour SPA, it is considered necessary to proceed to Stage II Appropriate Assessment with regard to consideration of significant effects'*.

7.11.9. Having reviewed the AASR and the other relevant reports, including the planning authority's technical reports, I am satisfied that the information provided 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.

#### Screening for Appropriate Assessment

7.11.10. The first test of Article 6(3) is to establish if the project could result in likely significant effects to a European Site. This is considered Stage 1 of the appropriate assessment process, that being, 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 the remaining stages of appropriate assessment carried out.

#### Test of Likely Significant Effects

7.11.11. 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).

7.11.12. The project is examined in relation to any possible interaction with European Sites designated SACs and/ or SPAs to assess whether it may give rise to significant effects on any European Site.

#### Brief Description of Development

7.11.13. The project is located at East Douglas Street and East Village in Douglas. The site is brownfield in nature and comprises two vacant properties, three storey commercial and office buildings with an area of hardstanding/ surface parking,

underground services, and boundaries. The site is manmade with sporadic vegetation and no natural habitats.

7.11.14. The proposed development comprises the following key elements:

- demolition of existing buildings within the site (total floorspace of 1,224sqm);
- site clearance with excavation works for the construction of a reinforced concrete secant piled wall for the basement level substructure;
- removal and/ or diversion of existing foul water, water supply, and surface water drainage infrastructure from site;
- construction of mixed use scheme comprising three blocks of commercial (four units) and residential floorspace (65 apartments with ancillary amenities);
- soft and hard landscaped open spaces with pedestrian connections, paving, and new/ supplemented boundary treatments;
- basement level with car and cycle parking spaces (18 and 130 spaces respectively), services, and an attenuation tank;
- new piped connections into existing wastewater drainage, watermains, and surface water drainage infrastructure located in East Douglas Street and East Village Access Road; and
- all other site development works.

7.11.15. The site is not under any wildlife or conservation designation. The surveys, supporting reports and other information sources I have reviewed record no rare or protected plant species, no protected animal species such as bats or badgers, and no habitats of significant biodiversity value. I determine that the site has no key ecological receptors or evidence of habitats or species with links to European Sites.

7.11.16. Taking account of the characteristics of the proposed development in terms of the site's features, location, and scale of works, I consider the following require examination in terms of implications for likely significant effects on European Sites:

- Construction and/ or operation phase related surface water, wastewater and/ or groundwater pollution; and



- Construction and/ or operation phase disturbance of qualifying species.

Submissions and Observations

7.11.17. The planning authority decision incorporates or refers to reports from the Drainage section, Inland Fisheries Ireland, and Irish Water which seek further information on water services items. The applicant responds to these items in the first party appeal (raising finished floor levels to address flood risk, justification of location of the attenuation tank, confirmation of feasibility of capacity for connection to IW systems), and to which I have had regard in this screening. The planner’s report indicates screening for appropriate assessment was undertaken which concludes the proposed development would not significantly impact on a Natura 2000 site.

European Sites

7.11.18. The site is not located in or immediately adjacent to a European site. I concur with the AASR and identify two European sites within a zone of influence from the appeal site. These include the Cork Harbour SPA, c.135m to the north, and the Great Island Channel SAC, c.6.66km to the east.

Identification of Likely Effects

7.11.19. As I outlined above, the appeal site does not have any habitats that are associated with species or habitats for which SPAs or SACs are designated. Therefore, it is due to construction phase and/ or operation phase related surface water, wastewater and/ or groundwater pollution, and construction phase and/ or operation phase related disturbance of qualifying species that implications for likely significant effects on European sites may arise.

7.11.20. A summary of the two European sites including their conservation objectives and qualifying interests, the distance from the project, whether there is a connection (source-pathway-receptor), and the possibility of likely significant effects on their conservation objectives are presented in Table 5 below.

**Table 5: Summary of Screening Matrix**

European Site Code/	Qualifying Interests/ Special	Distance from Site/	Likely Significant Effect	Screening Conclusion
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Conservation Objective	Conservation Interests	Connection (source, pathway, receptor)		
<p><u>Cork Harbour SPA (site code 004030)</u></p> <p>To maintain the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>Little Grebe (Tachybaptus ruficollis)</p> <p>Great Crested Grebe (Podiceps cristatus)</p> <p>Cormorant (Phalacrocorax carbo)</p> <p>Grey Heron (Ardea cinerea)</p> <p>Shelduck (Tadorna tadorna)</p> <p>Wigeon (Anas penelope)</p> <p>Teal (Anas crecca)</p> <p>Mallard (Anas platyrhyncho)</p> <p>Pintail (Anas acuta)</p> <p>Shoveler (Anas clypeata)</p> <p>Red-breasted Merganser (Mergus serrator)</p> <p>Oystercatcher (Haematopus ostralegus)</p> <p>Golden Plover (Pluvialis apricaria)</p> <p>Grey Plover (Pluvialis squatarola)</p> <p>Lapwing (Vanellus vanellus)</p>	<p>c.135m</p> <p>Theoretical hydrological connection (at the construction and/ or operation phase): Potential for contamination between the project (source) via the local surface water/ wastewater drainage network and/ or a pollution incident entering groundwater at the site (pathway) to Cork Harbour and the European site (receptor).</p> <p>Theoretical ecological connection (at the construction and/ or operation phase): Potential for noise disturbance between the project (source) via the air (pathway) to Cork Harbour and the European site (receptor).</p>	<p>No likely significant effect arising due to the nature of the project, the absence of any direct pathways to the European site via surface water, wastewater, or groundwater, the built-up urban context of the receiving area, the notable separation distances between the project and the European site, and/ or the reasons for their designation (i.e. the nature of the conservation objective(s) and qualifying interest(s)).</p>	<p>Screened out for need for AA</p>

	<p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa totanus</i>)</p> <p>Greenshank <i>Tringa nebulari</i></p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>Common Gull (<i>Larus canus</i>)</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>)</p> <p>Common Tern (<i>Sterna hirundo</i>)</p>			
<p><u>Great Island Channel SAC</u> (site code 001058)</p> <p>To maintain/ to restore the favourable conservation condition of the habitats for which the SAC has been selected.</p>	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p>	<p>c.6.66km</p> <p>Theoretical hydrological connection (at the construction and/ or operation phase): Potential for contamination between the project (source) via the local surface water/ wastewater drainage network and/ or a pollution incident entering groundwater at the site (pathway) to Cork Harbour</p>	<p>No likely significant effect arising due to the nature of the project, the absence of any direct pathways to the European site via surface water, wastewater, or groundwater, the built-up urban context of the receiving area, the notable separation distances between the project and the European site,</p>	<p>Screened out for need for AA</p>

		and the European site (receptor).	and/ or the reasons for their designation (i.e. the nature of the conservation objective(s) and qualifying interest(s)).	
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7.11.21. During the construction and operation phases of the project, I do not anticipate that there will be significant effects to the Cork Harbour SPA or the Great Island Channel SAC from pollution or contamination due to the nature of the project (site development works managed and controlled in accordance with the CEMP and CDWMP, short-term duration of site development works, construction of a reinforced concrete secant piled wall for the basement level, removal/ diversion of water services infrastructure at the site, replacement with new piped connections into the appropriate public systems which have sufficient capacity, incorporation of attenuation and SuDS measures in the design of the project), the absence of any known pathway (there is no watercourse at the site, as such a pollution incident at the proposal would be diluted by the time of entering the respective European site), and/ or notable separation distances involved (a pollution incident at the proposal would be imperceptible at the respective European site).

7.11.22. The proposal represents an improvement to current surface water drainage conditions, as, presently, surface water runoff at the site discharges to a combined foul sewer, while the new system will reduce runoff to controlled rates, discharge directly to the surface water system, thereby releasing capacity in the foul sewer. The change in the quantum of surface water discharging from the site is considered to be negligible and unlikely to have significant effects on the European sites and their conservation objectives. Additionally, the attenuation and SuDS measures incorporated into the design of the project will ensure that there will be no negative impact on surface water quality arising from the project (basement level surface water will be routed via a petrol interceptor and discharge to the foul sewer) which will protect the groundwater environment from adverse impacts. Importantly, these measures are standardised and have not been proposed to avoid or reduce an effect to any European Site.

7.11.23. In respect of wastewater associated with the project discharging from Carrigrennan WWTP to Cork Harbour, I am satisfied that the wastewater system has been suitably designed for the nature and scale of the project (applicant has provided confirmation of feasibility received for the larger SHD scheme which was subject of a pre application consultation). Several reports are provided as part of the application and supplemented in the appeal grounds demonstrating that it will be constructed and operated in accordance with standard environmental features associated with such developments. The proposed development is likely to result in a negligible increase in the discharge of wastewater to Cork Harbour, and that there is no real risk that pollutants could reach the European Sites in sufficient concentrations to have any likely significant effects on their conservation objectives.

7.11.24. Due to the proximity of the site to the Cork Harbour SPA there is potential for disturbance to the qualifying species of birds during the construction and/ or operational phases of the project. However, I do not anticipate that there will be significant effects due to the nature of the project (site development works managed and controlled in accordance with the CEMP and CDWMP, restricted hours of operation and noise levels, short-term duration of site development works, residential units under management company control) and of the receiving area (built-up urban context (site separated from Cork Harbour SPA by two busily trafficked public roads, the R610 Douglas Relief Road and the N40 Cork South Ring Road). Importantly, the measures referred to above are standardised and have not been proposed to avoid or reduce an effect to any European Site. I consider that while the project (particularly the construction phase) will result in additional noise, vibration, and air particles, due to the relative separation distances to the European Sites (particularly Great Island Channel SAC) these are not likely significant environmental effects.

7.11.25. In respect of potential for in-combination impacts, from a review of the accompanying reports, available planning registers, I note that developments permitted in the vicinity of the site have been subject to thorough environmental assessments, and surface water drainage and wastewater treatment requirements through planning conditions. I also note that the Cork City Development Plan 2022-2028 has been prepared for which a Natura Impact Report has been undertaken which required surface water, wastewater, and groundwater protection measures to

be incorporated into CDP policy/ objectives. In any event, as it is considered that no likely significant effects will arise from the proposed development, therefore, by association, significant effects will not arise because of any in-combination effects with these individual planning applications or plans.

#### Mitigation Measures

- 7.11.26. No measures designed or intended to avoid or reduce any potentially harmful effects of the project on a European site have been relied upon in this screening.

#### Screening Determination

- 7.11.27. In undertaking this screening, I note important statements in the applicant's AASR and NIS, which include several references to the precautionary principle. While I acknowledge this principle forms the basis of the appropriate assessment methodology, I consider the extent to which regard is had to the principle and its use employed by the author in determining the possibility of likely significant effects to be overly precautionous. For example, in considering construction phase related effects, the author states that the distance between the subject site and the boundary of the SPA is too great for any pollutants to be transferred to the SPA in a heavy rainfall event but employs the precautionary principle in respect of potential construction related pollutants entering the surface water drainage system before discharging to the Douglas River Estuary and then ultimately discharging to the Cork Harbour SPA for the basis to proceed to a Stage II appropriate assessment. In my opinion, this is excessively precautionary. Additionally, the mitigation measures relied upon in the Stage II appropriate assessment are described as inherent in the design of the project, such as SuDS measures and CEMP best practice measures, as not devised to avoid or reduce any potentially harmful effects of the project on Cork Harbour SPA, and the monitoring proposals are described as standard in nature.

- 7.11.28. As such, while I note that the applicant submitted a NIS for the project in respect of the potential effects of the project on Cork Harbour SPA, in my opinion, the application of the precautionary principle represents an overabundance of precaution, and the preparation of the NIS is unwarranted in this instance for the reasons set out above and indicated in Table 5.

7.11.29. The project 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 would not be likely to give rise to significant effects on the European sites listed in Table 5 in view of the sites' conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment is not therefore required.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

1.	The proposed development, with a density of 260 dwellings per hectare, would fail to comply with the Core Strategy and the Density and Building Height Strategy (in particular Objective 2.30, Objective 3.5, section 11.72, and Table 11.2) of the Cork City Development Plan 2022-2028, and represents a substantial increase in density relative to the prevailing density of residential schemes in the vicinity of the site. The proposed density is not considered to be appropriate for the site having regard to its inner suburban/ infill context, to the character of the receiving area, and to the strategic approach for compact growth to be achieved through appropriate densities in suitable locations as set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2.	The proposed development, comprising three blocks with building heights ranging between 3 to 10 storeys, would fail to comply with the Building Height Strategy (in particular Table 11.1 and sections 11.28, 11.44, 11.51, 11.54-11.57) of the Cork City Development Plan 2022-2028, and represents a substantial increase in building height from the prevailing

	<p>building heights in the vicinity of the site. Further, the proposed development would not comply with the development management principles in section 3.1, or the development management criteria set out in section 3.2 and SPPR 3 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 proper planning and sustainable development of the area.</p>
3.	<p>The proposed development, by reason of its height, scale, and design, would represent an overly dominant and monolithic form of development relative to its immediate environment, would be visually prominent and incongruous, and would detract from the visual amenities and adversely affect the character of the area, including that of the Douglas-Donnybrook Sub-Area B: Douglas East Architectural Conservation Area. The proposed development does not constitute an appropriate design response for this suburban infill site in an architecturally sensitive location and would fail to comply with Objective 6.11, Objective 8.23, Objective 8.24, and District Centres ZO 7.4 of the Cork City Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
4.	<p>The proposed development, through the absence of an appropriate dwelling unit mix, any communal open space, private open space of sufficient quantum and quality, and resident facilities and amenities of an adequate and sufficient nature, would fail to provide an adequate level of residential amenity for future occupants of the scheme. As such, the proposed development would fail to comply with Objective 3.7, Objective 11.2, and section 11.91 of the Cork City Development Plan 2022-2028, and would be contrary to the requirements of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in</p>



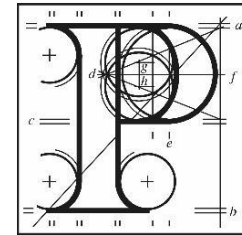
	December 2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
5.	The Board is not satisfied that the Daylight, Sunlight, Overshadowing Assessment undertaken for the proposed development complies with Objective 11.4 of the Cork City Development Plan 2022-2028, nor that, on the basis of the Daylight, Sunlight, Overshadowing Assessment submitted, that the proposed development would not be detrimental to the residential amenity of existing residential properties in the vicinity of the site, in particular those in Barryscourt Apartments to the south, and that the failure of a number of proposed apartments to reach minimum daylight and sunlight target standards, in the absence of robust mitigating compensatory measures, would not result in poor residential amenity for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Phillippa Joyce  
Senior Planning Inspector

5<sup>th</sup> December 2022

## Appendix A: Environmental Impact Assessment Screening Determination Form



An  
Bord  
Pleanála

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		<b>ABP 308770-20</b>
<b>Development Summary</b>		Demolition of buildings, site clearance works, and construction of a mixed-use development (four commercial units, 65 apartments, and residential amenities).
	<b>Yes/ No/ N/A</b>	<b>Comment (if relevant)</b>
<b>1.</b> Has an AA screening report or NIS been submitted?	Yes	An AASR and NIS have been submitted with the application.
<b>2.</b> 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?	No	
<b>3.</b> 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.	Yes	A Bat Assessment, and a SSFRA have been submitted with the application.  SEA was undertaken by the planning authority in respect of the Cork City Development Plan 2022-2028.

<b>B. EXAMINATION</b>	<b>Response: Yes/ No/ Uncertain</b>	<b>Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b>	<b>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	<p>Project comprises the demolition of buildings and site clearance works (vacant buildings, hardstanding areas, limited vegetation removal) and the construction of a mixed-use scheme (commercial units, apartments, amenity spaces, hard and soft landscaped open spaces, new/ supplemented boundaries, and site services).</p> <p>Project does not differ in terms of character from the surrounding district centre area (maintains mixed land uses, conventional apartment typology, provision of on-site basement parking, landscaped open spaces, formal boundaries). Project differs in terms of scale (building height and density) but the difference is considered to result in adverse moderate effects on the environment.</p>	No
<b>1.2</b> Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>Project will cause physical changes to the appearance of the site during the site development works (i.e. demolition and construction phases). The vacant buildings will be demolished, and new blocks constructed, and changes to boundaries.</p> <p>Underground excavation works proposed to construct the basement level will cause a change in site topography/ ground levels, which will be managed through implementation of the CDWMP and CEMP.</p> <p>Existing land use is mixed use/ district centre and no change in land use proposed. No watercourses are located at the site, and the construction of a reinforced concrete secant piled wall for the basement level substructure to manage groundwater ingress is proposed.</p>	No

		<p>Operational phase of project (i.e. the occupation of the commercial units and apartments) will not cause physical changes to the locality per se.</p> <p>Accordingly, the physical changes are not considered likely to result in significant effects on the environment in terms of topography, land use, hydrology, and hydrogeology.</p>	
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals, or energy, especially resources which are non-renewable or in short supply?</p>	Yes	<p>Project uses standard demolition and construction methods, materials and equipment, and the construction process will be managed through the implementation of the CEMP.</p> <p>Demolition and construction waste will be managed through the implementation of the CDWMP, involving waste being reused on site, recycled/ recovered, and disposed of offsite.</p> <p>Operational phase of project uses the land, a finite resource, but does not use natural resources in short supply. Project connects into the public water services systems which have sufficient capacity to accommodate demands. Project is located close to amenities, existing and planned public transport options.</p>	No
<p><b>1.4</b> Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?</p>	Yes	<p>Construction phase of project will require the use of potentially harmful materials, such as fuels and other substances, which would be standard for such processes. Project involves the removal, transport, and disposal of the waste and excavated material. Mitigation measures are contained in the CDWMP and CEMP.</p> <p>Operational phase of project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from commercial and residential activity will be managed through the implementation of the OWMP.</p> <p>Accordingly, this is not considered likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	No

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?</p>	<p>Yes</p>	<p>Project produces waste through the demolition of structures and hardstanding within the site, and excavation of subsurface material. Mitigation measures to address potential impacts are contained in the CDWMP. Conventional waste produced from construction activity will be managed through the implementation of the CDWMP and CEMP.</p> <p>Operational phase of project does not produce or release any pollutant or hazardous material.</p> <p>Accordingly, this is not considered likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	<p>No</p>
<p><b>1.6</b> 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>Yes</p>	<p>Project involves underground excavation works with the construction of a basement level with a reinforced concrete secant piled wall, the removal/ diversion of subsurface water services infrastructure, and installation of new services infrastructure. Demolition process will be managed through the implementation of the CDWMP. Project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP. There are potential risks identified in relation to contamination of land/ groundwater and the CDWMP and CEMP have mitigation measures to reduce these. No significant risks of contamination are identified.</p> <p>Project includes for surface water and groundwater management systems, designed, and constructed in accordance with relevant standards. During the operational phase of project surface water will be attenuated within the site, and wastewater and surface water will be discharged to the public systems. There is no watercourse at the site, and the site is at distance to coastal waters. The risks of contamination are mitigated, managed, and therefore considered to be negligible.</p> <p>Accordingly, this is not considered likely to result in significant effects on the environment in terms of contamination risks.</p>	<p>No</p>

<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	<p>Yes</p>	<p>Project will cause noise and vibration impacts during the site development. Mitigation measures to address potential impacts are contained in the CDWMP and the CEMP including selected construction method of bored piling for foundations as opposed to driven piling.</p> <p>Other measures include noise and vibration levels to be to specified standards, use of good site management practices for noise reduction at source, and specification of working hours. Site development works are short term in duration, impacts arising will be temporary, localised, and addressed by the mitigation measures.</p> <p>Operational phase of project causes noise and light impacts. The noise increase is associated with residential use and standard activity (vehicle access, normal activity), and lighting plan designed to ameliorate adverse impacts on humans and environment.</p> <p>Accordingly, this is not considered likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	<p>No</p>
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>Construction phase of project causes risks associated with water (see response to 1.6 above) and air pollution through dust impacts during the demolition and site clearance works. Mitigation measures are contained in the CDWMP and the CEMP. Dust monitoring to undertaken, use of good site management practices for dust prevention and minimisation at source, and road cleaning. Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of project does not cause risks to human health through water contamination/ air pollution through design of the scheme, connection to public water services systems, and scale of commercial and residential use/ activity arising.</p> <p>Accordingly, this is not considered likely to result in a significant effect on the environment in terms of risks to human health.</p>	<p>No</p>

<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No risk of major accidents given nature and scale of the project. Risks associated with flooding addressed through project design and mitigation measures included for in the SSFRA.</p>	<p>No</p>
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Project increases localised temporary employment activity and traffic activity at the site during site development works. The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the CDWMP and CEMP.</p> <p>Operational phase of project, results in the occupation of 65 apartments, which I estimate at 210 bedspaces, a moderate population increase.</p> <p>The receiving area is a built-up urban area, close to amenities, services, public transport, and has the capacity to accommodate the impacts associated with the population increase. Accordingly, this is not considered likely to result in a significant effect on the social environment of the area.</p>	<p>No</p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Project is not part of a planned wider large scale change in the area, as the site is a brownfield site within an established built-up location. Development consents and development works are noted in the urban block (eg. commercial developments) and wider area (eg. Douglas Flood Relief Scheme works).</p> <p>Project site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of project, considered to be a moderate increase in population with residential and commercial activity, are not considered likely to result in significant effects on the environment in and of themselves, or in cumulation with development works in the wider area.</p> <p>No cumulative significant effects on the area are reasonably anticipated.</p>	<p>No</p>

<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>a) European site (SAC/ SPA/ pSAC/ pSPA)  b) NHA/ pNHA  c) Designated Nature Reserve  d) Designated refuge for flora or fauna  e) 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>Project not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.</p> <p>There are no direct connections by or through which surface water, groundwater, waste, or other pollutant could reach these receptors.</p> <p>The AASR presents information on potential impacts of the project on European sites, allowing the Board to undertake a screening determination.</p> <p>The AASR employs a precautionary approach, determining that a Stage 2 appropriate assessment and submission of a NIS was required in respect of the project's impact on the Cork Harbour SPA. The NIS concludes that with the implementation of mitigation measures for surface water and noise and vibration management (of which I highlight that these are identified by the author as being inherent in the project's design and not designed for the avoidance of impact on Cork Harbour SPA), no significant adverse effects are likely on the integrity of the SPA.</p>	No
<p><b>2.2</b> Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	No	<p>Project comprises the demolition and removal of buildings, hardstanding, and limited vegetation.</p> <p>No such species of flora or fauna are identified at or using the site. The Bat Assessment found no presence of bats at the site. Accordingly, this is not considered likely to result in a significant effect on the environment in terms of biodiversity.</p>	No
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	<p>No archaeological features recorded at the site.  No protected structures recorded at the site.  No landscape designations pertain to the site.</p> <p>Site is adjacent to the Douglas-Donnybrook Sub-Area B: Douglas East ACA and the site's southwestern boundary (East Douglas Street</p>	No



		frontage) presents onto the ACA. The proposal would exert a strong visual impact adversely affecting the character and setting of the ACA when viewed from within the ACA. This is considered to result in an adverse moderate effect on the environment in terms of cultural heritage.	
<b>2.4</b> Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?	No	No such resources on or close to the site.	No
<b>2.5</b> 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?	No	There are no direct connections to watercourses in the area. The project will implement SuDS measures as part of the proposed surface water management, and the site (connected by indirect hydrological connections) is at distance to coastal waters. Site is not located within a coastal or fluvial floodplain and, in any event, there is commitment to increase ground floor levels of Block A and basement access points to the undefended flood height level of 3.38m OD.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	No evidence identified of these risks.	No
<b>2.7</b> Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Site served by a local urban road network and is in proximity to the R610 Douglas Relief Road and the N40 Cork South Ring Road.  During the site development works, the project will result in an increase in traffic activity (HGVs, workers). Impacts arising from the site development works will be temporary, localised, and managed under the traffic management plans in the CEMP. Due to proximity to public transport, there are sustainable transport options available to workers.  Project includes a minimal quantum of car spaces and the anticipated levels of traffic generated from the proposal would have a negligible impact on the surrounding road network. Due to proximity to public	No

		transport, there are sustainable transport options available to residents. Project not anticipated to contribute to congestion or to have a significant effect on the environment in terms of material assets/ transportation.	
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	Yes	<p>There are no sensitive community facilities in proximity, though site adjoins residential development.</p> <p>Site development works will be implemented in accordance with the CDWMP and the CEMP, which include mitigation measures to protect the amenity of adjacent residents.</p> <p>Operational phase of project causes an increase in residential activity at the site (use of open spaces, use of balconies, traffic generation) which are typical of residential schemes in residential areas, such as the receiving area. The proposal would exert a strong overbearing and overshadowing impact adversely affecting the amenity of adjacent residents. This is considered to result in an adverse moderate effect on the environment in terms of material assets/ human health.</p>	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/ or approved development result in cumulative effects during the construction/ operation phase?	No	Other approved developments and development works are noted in the urban block (eg. commercial developments) and wider area (eg. Douglas Flood Relief Scheme works). These developments have undergone planning and environmental assessments and have not been identified to give rise to or result in significant environmental effects. Accordingly, no cumulative significant effects on the area are reasonably anticipated.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations effects arising.	No
<b>3.3</b> Are there any other relevant considerations?	No	No	No
<b>C.CONCLUSION</b>			

<b>No real likelihood of significant effects on the environment.</b>	<b>X</b>	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>		<del>EIAR Required</del>
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p>Having regard to:</p> <p>(a) The nature and scale of the proposed development, which is significantly under the thresholds in respect of Class 10(b)(i), Class 10(b)(iv), Class 14, and Class 15 of the Planning and Development Regulations 2001, as amended,</p> <p>(b) The location of the site on lands that are subject to zoning objective ZO 7 District Centre under the provisions of the Cork City Development Plan 2022-2028 and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),</p> <p>(c) The location of the site in an established mixed-use town centre area served by public infrastructure and the existing pattern of development in the vicinity,</p> <p>(d) The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended and the absence of any relevant connectivity to any sensitive location,</p> <p>(e) 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), and</p> <p>(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,</p> <p>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 is not therefore required.</p>		

Inspector \_\_\_\_\_ **Phillippa Joyce**

Date \_\_5<sup>th</sup> December 2022\_\_\_\_\_