



An  
Bord  
Pleanála

## Inspector's Report ABP-312738-22.

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<b>Development</b>	Permission to demolish 2 houses and construct 38 apartments, cafe and all associated services.
<b>Location</b>	Station Road, Carrigtwohill, Carrigtwohill (townland), Co. Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	21/6240.
<b>Applicant(s)</b>	Compass Homes Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Multiple Third Party
<b>Appellant(s)</b>	Kevin & Brenda Brosnan Castleview Residents Association. John Dennehy Carrigtowhill Committee

**Observer(s)**

Mary Browne on behalf of Pearse  
Place/Cois Carrig/Church Lane  
Residents Association.  
Margaret & Cornelius Kidney

**Date of Site Inspection**

12/04/2022.

**Inspector**

A. Considine.

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## 1.0 Site Location and Description

- 1.1. The subject site is located within the settlement boundary of the metropolitan settlement of Carrigtwohill, Co. Cork, which is located approximately 14km to the east of Cork City. Carrigtwohill is accessed from, and lies to the north of, the N25 road. The subject site lies to the west of the town, adjacent to St. Mary's Catholic Church and Cemetery. The Glenmary Hall, associated with St. Aloysius' College, is also located to the south, and between the church and the site. The area comprises primarily residential development and I note that permission has been recently permitted for the construction of a new school campus on lands across the road from the site.
- 1.2. The subject site lies approximately 500 to the south of the Carrigtwohill train station on lands within the existing built-up area. The Cois Cille estate, comprising 25 two storey semi-detached houses, lies immediately to the north of the site. The access to St. Mary's Cemetery is immediately to the south of the site with the burial area located to the rear (east). The site fronts onto Station Road.
- 1.3. The site the subject of this appeal, has a stated area of 0.3108ha and is currently occupied by two single storey houses and initially included an area of land within the adjacent graveyard site. Following a request for further information by the Planning Authority, the area within the graveyard lands was omitted, reducing the site area to approximately 0.284ha.
- 1.4. The existing houses have a combined stated area of 225m<sup>2</sup> and are to be demolished to accommodate the proposed apartment scheme with café. One of the houses has a stone wall front boundary which reflects the stone wall boundary of the graveyard, while the second house has a rough plaster finish. I note that both houses have a stone wall extending along their boundaries with the cemetery. The houses are currently unoccupied and both houses have extensive rear gardens.

## 2.0 Proposed Development

2.1. Permission is sought, as per the public notices, for a residential development and a café. The development consists of the demolition of two no. existing dwellings and the construction of 38 no. apartments and a café (with outdoor seating) and includes for site access, car parking, landscaping, open spaces and boundary treatments, bin and bicycle storage, and all associated and ancillary site development works. The proposed development comprises 10 no. one bedroom units, 25 no. two bedroom units and 3 no. three bedroom units and ranges in height from three to five no. storeys including setbacks., all at Station Road, Carrigtwohill, Carrigtwohill (townland), Co. Cork.

2.1. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form.
- Planning Statement
- Architectural Design Statement
- Infrastructure Report
- Preliminary Construction and Waste Management Plan
- Landscape Masterplan & Landscape Design Rationale
- Road Safety Audit
- Outline Mobility Management Plan
- Archaeological Assessment & Geophysical Survey
- Photomontages
- Part V Proposal
- Letter of Consent for the inclusion of an area of land in St. Mary's Cemetery.

2.2. Following the request for further information, the applicant submitted proposals to address the issues raised by the PAs request. The response has resulted in the omission of the public amenity area associated with the adjacent cemetery, thereby

reducing the site area to approximately 0.284ha. A revised site layout plan is submitted, and the applicant seeks to justify the proposed development in terms of the Apartment Guidelines.

2.3. In addition, the response to the FI request includes the following:

- Verified photomontages
- Landscape and Visual Appraisal
- Schedule of Accommodation
- Building Lifecycle Report
- Engineering response to FI request.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority, following the submission of the response to the FI request, decided to grant planning permission for the proposed development subject to 42 conditions.

#### 3.1.1. Planning Reports

##### Pre-planning:

A pre-planning meeting was held to discuss the proposed development. The Planning Officers report notes that the following issues were discussed:

- Principle of residential use acceptable.
- Notes that the density of the scheme is very high. Concerns were raised with regard to the bulk, mass and height of the building and its proximity to the road edge. Other issues include the provision of open space and the sensitivity of the adjoining community space.
- The relationship between the proposed building and adjoining two storey houses.

- Photomontages required.
- Compatibility with CCC proposals for upgrade of Station Road.
- Archaeological issues

#### Planning Officers Report:

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission, planning history, the County Development Plan policies and objectives and the Cobh MD Local Area Plan. The report notes that a pre-planning meeting was held to discuss the proposed development. The report also includes a section on EIA and AA.

The Planning Report considers the proposed development under a number of headings and notes the high density proposed. In terms of visual impacts, the report notes that the proposed Station Road upgrade project, along with the new School Campus development at the opposite side of the road will significantly transform this area of Carrigtwohill, and other than requiring minor amendments, overall, it is considered that the design responds well to the site conditions and context.

With regard to the apartments, it is accepted that the scheme generally accords with the guideline requirements, other than the provision of dual aspect units and bulky storage. In terms of communal facilities, there are no issues noted with regard to the proposed refuse storage. Issues were raised with regard to the provision of communal amenity space and further information is required in this regard.

The proposed development provides for 19 car parking spaces, including 1 accessible space to serve the 38 apartments proposed. The development requires 47.5 spaces, not including the café requirements, as per the CDP provisions. As such, it is considered that there is a substantial shortfall in the number of car parking spaces. The development is not considered to be at a scale which warrants a TIA.

With regard to conservation and archaeology, the PO notes the reports of the Conservation Officer and the Archaeological Impact Assessment submitted with the application. There is no objection in this regard.



An issue raised by a third party in terms of the validity of the letter of consent to use an area of land outside the applicants' ownership is noted.

Further information is required in relation to the following issues:

- Legal interest in adjacent land included in the site area.
- Issues relating to dual aspect
- Car parking
- Bulky goods storage
- Area of communal open space
- Lift lobby issues
- Life cycle report
- Finishes
- Signage
- Building service locations
- Visual impact assessment
- Layout issues
- Servicing

The SEP noted the Planning officers report and endorsed it, recommending that FI be sought as indicated.

Following the submission of the response to the FI request, the planning officers report noted the response to the request issues, as well as the internal technical reports in relation to same. The final report accepts the response to the issues raised and concludes that proposed development is acceptable<sup>1</sup>. In addition, the report notes the requirement for a Special Contribution being sought with regard to car parking provision under the URDF project and N25 interim measures which form part of the CCC Part 8 project in this area. The report recommends that permission be granted for the proposed development, subject to 40 conditions. The SEP noted and endorsed the planning officers report and recommended that permission be granted subject to 42 conditions.

These Planning Reports formed the basis of the Planning Authority's decision to grant planning permission.

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<sup>1</sup> The Board will note that the response to item 5 of the FI request, page 62 of 75 Planners Report, cuts off mid-sentence.

### 3.1.2. Other Technical Reports

**Public Lighting:** The report notes that no public lighting details were submitted with the application but as the development is for an apartment scheme, it will not be taken in charge by Cork Co. Co.

There is no objection to the proposed development subject to compliance with conditions.

Following the submission of the response to the FI request, a second report was provided. It is noted that the photomontages include images which show the removal of existing public lights. Any alterations to the existing public lighting will need a design to be submitted and approved by Cork County Council Lighting department. There is no objection to the proposed development subject to compliance with conditions.

**Water Services:** The report notes no objection subject to compliance with conditions.

**Area Engineer:** The report notes no objection subject to compliance with conditions.

**Housing Officer:** The report notes that there is demand for the 4 Part V units proposed and that the units are suitable for social housing use.

There is no objection to the proposed development.

**Environment Report:** The report advises that the applicant has shown little imagination with regard to incorporating SUDs measures to promote groundwater recharge and enhance biodiversity. No support is offered to the claim that the site is unsuitable for SUDs measures. As the development won't be taken in charge, the point about future liability is irrelevant.

No objection to permission being granted subject to compliance with conditions.

**Estates:** Notes that the development won't be taken in charge and requires that it shall be maintained in perpetuity, by a legally formed Management Company. Conditions recommended.

**Conservation Officer:** The report notes the proximity of the site to St. Mary's Catholic Church, and Medieval Church Tower, Protected Structures. The report considers that the development will have a visual impact and should be set back to lessen this, as well as reducing the scale and height. No visual impact assessment has been carried out and given the medieval associations of the site, this should be required.

The design and scale of the development seems incongruous with its surroundings and does not speak to a sense of place.

Further information required.

**Archaeologist Report:** The report notes that the development is located close to the Zone of Archaeological Potential of CO075-017001, 2 and 3 – Graveyard and Churches, Recorded Monuments. The report notes the Archaeological Assessment and Geophysical Survey submitted with the application, which indicates that there is no clear positive response indicative of archaeology, but there are some tentative high resistance responses which may indicate structural features. It is noted that no archaeological testing was carried out, but a commitment has been given to carry out testing in advance of the development. The County Archaeologist considers this to be acceptable.

There is no objection to the proposed development subject to compliance with conditions.

**Housing Infrastructure Implementation Team:** The initial report sought further information with regard to a number of issues. Following the submission of the response to the FI request, the addendum report provides a breakdown of special contributions sought based on preliminary design estimates for Carrigtwohill URDF Initiative which 25% funded by Cork County Council. As such, the following Special

Development Contributions are required to be conditioned as part of a grant of planning permission:

• Car Parking: 10 car parking spaces	€12,500
• Station Road Upgrade / connectivity to Train Station:	€42,000
• Cobh Cross Interim Measures:	<u>€44,000</u>
<b>Total:</b>	<b><u>€98,500</u></b>

The Board will note that the Planning Officers Report refers to reports from the Traffic & Transportation department and the County Architect, but none are present on the file. Neither are the reports on the Cork County Councils web site relating to the subject application.

### 3.1.3. Prescribed Bodies

**Inland Fisheries Ireland:** The report requests that IW signifies that there is sufficient capacity in the public sewer so that the development does not overload either hydraulically or organically, existing treatment facilities or result in polluting matter entering waters.

**Irish Water:** No objection to the proposed development.

### 3.1.4. Third Party Submissions

38 third party submission are noted in terms of the initial planning application submitted. The issues raised are summarised as follows:

- Proximity of development to cemetery.
- Building height and scale with potential overshadowing of graveyard.
- Roads and traffic issues.
- Visual impacts associated with the building, and it is out of character with existing development in the area.
- Need for the development questioned as there are existing unfinished apartment schemes in Carrigtwohill.

- Legal interest in the lands associated with St. Mary's Cemetery.
- Inadequate public open space proposed and is inaccessible to those with mobility issues.
- Issues in terms of public notice raised.
- The development is premature pending the layout of the upgrade to Station Road.
- The development comprises an overdevelopment of the site.
- Issues of density raised.

#### 3.1.5. **Elected Members Submissions:**

There are submissions from two elected members of Cork County Council where the following issues are noted:

- Height of the development relative to the adjacent 2 storey homes.
- Location of the proposed café adjacent to the cemetery.
- Inadequate car parking
- Density of the scheme is inappropriate at this location.
- Issues raised in terms of the boundary wall treatment.

## 4.0 **Planning History**

There is no relevant planning history associated with the subject site.

The following is the relevant planning history pertaining to the immediate area:

**PA ref 17/4498:** Permission granted for the construction of 25 no. dwelling houses on site to the north of the current appeal site.

**PA ref 18/4693:** Permission granted for the construction of a creche on site to the west of the current appeal site.

**PA ref 19/5707:** Permission granted for the demolition of a derelict two storey dwelling and agricultural storage building and the construction of 3 new school buildings on site to the west of the current appeal site.

## 5.0 Policy and Context

### 5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:
- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
  - National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- 5.1.3. National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected”.

**5.2. Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):**

5.2.1. These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

5.2.2. The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

5.2.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;

- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and
- compliance with plot ratio and site coverage standards adopted in development plans.

5.2.4. Chapter 6 of the guidelines deals with Small Towns and Villages and notes that in some cases, concerns have been raised about the impact of rapid development and expansion on the character of smaller towns and villages. The Guidelines specifically advise that development in smaller towns and villages must be plan led, and while higher densities are appropriate in certain locations, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance.

### 5.3. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

5.3.1. In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (ie. cities, towns, and villages) and it sets out an integrated design approach.

### 5.4. **Cork County Development Plan 2014**

5.4.1. Section 2.3 deals with the Network of Settlements and includes objectives which set out the broad strategic aim for each group of settlements in the network. Carrigtwohill is identified as a 'Metropolitan Town' as detailed in the Plan and



Objective CS 3-1 deals with the higher order settlements within the county. The strategic aim of this objective with regard to main settlements is as follows:

Critical population growth, service and employment centres within the Cork “Gateway”, providing high levels of community facilities and amenities with infrastructure capacity high quality and integrated public transport connections should be the location of choice for most people especially those with an urban employment focus.

5.4.2. Chapter 3 of the Plan deals with housing and section 3.4 relates to housing density. Objective HOU 4-1: Housing Density on Zoned Land is therefore relevant, and the subject site is located within an area where Medium ‘A’ density is applicable (20-50 units per ha). The objective requires as follows:

- Applicable in city suburbs, larger towns over 5,000 population and rail corridor locations (example Carrigtwohill).
- Apartment development is permissible where appropriate but there is no requirement to include an apartment element in development proposals.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and wastewater services.
- Broad housing mix normally required including detached/ serviced sites unless otherwise specified in relevant Local Area Plan

5.4.3. The following objectives are also considered relevant:

**Objective HOU 3-1 – Sustainable Residential Communities**

**Objective HOU 3-2 – Urban Design**

**Objective HOU 3-3 – Housing Mix**

## 5.5. Cobh Municipal District Local Area Plan 2017

5.5.1. The Board will note that Carrigtwohill is identified as a Main Town in the LAP. The overall aims for Carrigtwohill are to realise the significant population growth

proposed, to maximise the value of the suburban rail project, grow the employment base of the town as a key location for the delivery of the economic targets for the whole of Metropolitan Cork, and build a vibrant and accessible town centre that provides for the needs of the expanding community, while retaining the unique character and community spirit of the town. The town is also designated as a Strategic Employment Area in the 2014 CDP.

- 5.5.2. Section 3.6 of the Cobh LAP specifically deals with Carrigtwohill. The target population for Carrigtwohill for 2022 was 11,618, which is an increase of 7,076 people over the 2011 population, with a requirement of an additional 3,445 households. I note the population in 2016 was recorded in the Census 2016 as being 5,080.
- 5.5.3. There are no servicing issues noted in Carrigtwohill and there is a commuter rail service which connects the town to Cork City.

## 5.6. **Draft Cork County Development Plan 2022**

- 5.6.1. The Board will note that the Elected Members of Cork County Council adopted the Cork County Development Plan 2022-2028 at a full Council Meeting on the 25<sup>th</sup> of April 2022. The Plan will come into effect on the 6<sup>th</sup> of June 2022.
- 5.6.2. The 2022 CDP identifies the subject site as being within the settlement boundary of the town of Carrigtwohill on lands zoned Existing Residential/Mixed Residential and Other Uses. The site is also located within a high value landscape and in the landscape character type City Harbour and Estuary is not changed in the new Plan.
- 5.6.3. In terms of the 2022 Plan, the scale of development for Carrigtwohill has been amended down from the MD LAP figures to 1,784 households.

## 5.7. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Great Island Channel SAC (Site Code: 001058) which is located approximately

1.2km to the south-west of the site. The Cork Harbour SPA (Site Code: 004030) lies approximately 1.3km to the south-west of the site.

## 5.8. EIA Screening

5.8.1. The application was submitted to the Board after the 1<sup>st</sup> of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

5.8.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.8.3. The proposed development comprises the demolition of two single storey houses and the construction of a block of 38 apartments with a café on a site of 0.3108ha (reduced to 0.284ha following the submission of the response to the FI request). The site is located on zoned lands within the settlement boundary of Carrigtwohill and on a brown field site. The site is located immediately adjacent to existing residential developments to the north and west and as such, might be described as ‘other parts of a built-up area’ rather than a ‘business district’. West End, which connects to Main Street in Carrigtwohill, is located approximately 250m to the south of the site and there is an existing footpath which connects the site to the town. As such, I am satisfied that the site area is substantially below the 10ha threshold for ‘other parts of a built-up area’. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

5.8.4. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.8.5. Having regard to:

- (a) the nature and scale of the development,
- (b) the location of the site within the development boundaries of Carrigtwohill,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a multiple third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The appellants are Kevin & Brenda Brosnan, Castlevue Residents Association, John Dennehy and Carrigtowhill Committee.

6.1.1. The grounds of appeal reflect those issues submitted during the PAs assessment of the proposed development and are summarised as follows:

- The scale of the development on a small site is not in keeping with the area.
- Proposed density is extremely high for a small town and is 270% of the maximum recommended density of 50 units per hectare.
- There is no demand for this type of housing in Carrigtwohill. There is an existing unfinished 96 apartment unit scheme in Carrigtwohill for over 15 years.
- Lack of amenities and the development does not provide sufficient green space or car parking.
- Roads and traffic issues due to the proximity of schools, church, and graveyard.
- Proximity of development to cemetery and impact of the building height and scale with potential overshadowing of graveyard. The development boundary is within 4m of the nearest graves, with provision to provide more graves adjacent to the boundary in the future.
- The CDP is clear and unequivocal that the public transportation system in Carrigtwohill, which is served on an hourly basis, does not meet the requirements of a Public Transport Corridor to justify high density development.
- The density does not meet with the requirements of the Ministers Circular Letter NRUP 02/2021.
- The development will threaten the vitality and integrity of the surrounding long established residential development and graveyard.
- Car parking requirements for the development is 70 spaces. The proposed 19 spaces amount to just 27% of the requirement. To rely on Pearse Place for parking is bad planning.
- The road is undersized for the level of traffic which will arise from the permitted development in the vicinity – 600-700 residential units and the school campus across the road from the site.

- There will be visual impacts associated with the building.
- There is inadequate communal amenity space provided. The proposed space is essentially a footpath with some landscaping.
- There is no social infrastructure in existence to cater for the development, and there are no proposals to provide any supports from any public body. The existing voluntary groups, including the SVP and Family Resource Centre are already struggling to support existing families in Carrigtwohill.
- The cost of construction will significantly exceed the open market value of the end product and therefore, the apartments will not be sold to the private market.
- The proposed boundary treatments with the graveyard are required to be treated with respect to the graveyard, which is in existence since 1180. The maintenance of such boundaries is also raised as a concern, particularly with regard to the proposed railing.
- The area identified in the submitted plans as 'existing green space' is not such a space but is an intrinsic and respected section of the graveyard. It must be treated as such. It is not an area that can be used by the residents of the proposed development for leisure, sport, or recreation.
- Issues raised with the inclusion of part of the graveyard site in the initial application and that its omission following the request for further information was not advertised.
- The use of financial contributions will not alleviate the already existing parking problems in the area.

All appeals request that the Board refuse permission for the development and a number include appendices.

## 6.2. First Party Response to Third Party Appeal

6.2.1. The first party submitted a response to the third-party appeals. The response sets out the detail of the proposed development as well as the PAs assessment of same. The response is summarised as follows:

- The proposed density fully accords with national requirements and is justified given the brownfield nature of the site, its proximity to the main street and rail station, availability of services, schools, play areas etc.
- The development fully accords with the zoning for the site.
- Adequate car parking has been provided.
- No roads issues were raised by the PA.
- The development has had regard to the proximity of the graveyard. The applicant has no objection to the inclusion of a condition which prohibits the playing of music within or outside the café.
- The existing soft landscape boundary to the east will be retained and will be supplemented by a new 1.8m high wall. The maintenance of the proposed railing on the southern boundary will rest with the applicant which can be conditioned if necessary.
- The development will integrate into the landscape as detailed in the photomontages. The school campus is sufficiently close to be a height reference point, as is the community hall.
- The site is located close to a range of open spaces and recreational areas including the local GAA Club. Open space is provided at 12% of the developable area and includes areas for informal play and play spaces. A terraced seating and planted space are proposed in the south-western corner adjacent to the café.
- The applicant is not aware of an overprovision of apartments in Carrigtwohill. Apartments are becoming the norm for urban housing solutions.

- The 96 apartments referred to are currently being completed on behalf of an approved housing body and will be occupied soon.
- The provision of 38 units can easily be accommodated within the physical and social fabric of the town.
- The planning merits of the scheme have been considered.
- In terms of the removal of the area of graveyard land, it is considered that no party was disadvantaged as the removal addressed the third-party objections. The decision to readvertise is entirely at the discretion of the PA, which was applied.

### 6.3. **Third Party Responses to First Party Response to Third Party Appeals**

The following submissions were received in response to the applicant's response, made by Cunnane Stratton Reynolds Land Planning & Design to the third-party appeals:

1. Margaret & Cornelius Kidney:

- Concerns relate to parking and visual obtrusiveness of the proposed development.
- The indication that all parking issues will be resolved by the proposed Council plans for the area is supposition, and the works may take years to be implemented.
- The suggestion of 6 trains /hr is again supposition. Residents will need a car as the current public transport services are not sufficient.
- The development will not be in keeping with the area. Church Road is an historic part of Carrigtwohill with many historic buildings located in close proximity to the development.
- No objection to sustainable development to address the needs of the community.



2. Castlevview Residents:

- Issues with the information provided relating to the increase in train frequency.
- There is no demand for this type of housing in Carrigtwohill.
- Inadequate communal amenity space proposed, and the community hall referred to is in fact the property of the nearby school.
- The whole CSR report is full of assumptions and presumptions of improvements that will be carried out over the coming years with no facts to support the views.
- Original objection stands due to density, height, local amenities, and car parking issues.

3. Carrigtwohill Community Council:

- Validity of the application again raised as an issue due to the alteration of the plans following a request for further information. The omission of the area restricts the open space which is a material consideration in the context of the planning merits of the proposed development.
- Car parking issues and the reliance of alleged availability of public transport and car parking spaces as part of future plans which may or may not happen. The public has no visibility on the proposed location of car parking to facilitate the development and as part of the URDF, the purpose of the works is to improve the public realm generally, with the community given to believe that the proposed spaces was to compensate for the loss of parking Main Street. It is abhorrent to suggest that these parking spaces will be consumed by a new residential development which would run contrary to the principles of URDF.
- The assertion that the third-party concern raised regarding the absence of facilities and amenities in the vicinity of the site is 'categorically false' is questioned as there is no attempt by the first party to engage with the concern raised. The only services within 200m of the site are the church

and two pubs. There is no grocery shop within 500m of the site and no attempt to elaborate on the 'wide variety of services' alleged by the first party.

- The importance of the social sustainability issues raised by third parties appear to have been misunderstood by the applicant. The CSR response presents a cynical mischaracterisation of the issues raised regarding the challenges facing Carrigtwohill.
- Existing facilities in the town are stretched in terms of sporting facilities as well as other services such as the SVP and the Family Resource Centre.
- The Board is required to consider if there is an imbalance in terms of the provision of social housing and social facilities.
- The development will overlook the adjacent properties on Pearse Place and will give a sense that homes are under surveillance.
- Concerns raised regarding the location of the café adjacent to the cemetery.
- The adjacent Glenmary sports hall is not a community centre as suggested by the applicant.
- The new school campus referred to by the applicant is more than 500m from the site, is set well back from Station Road and is to be a two-storey building. As such, there is no comparison as suggested.
- The reference to recent and proposed developments in the area cannot be considered as precedent as they relate to a development of 25 houses.
- The density of the proposed development is unprecedented in a town such as Carrigtwohill.
- Density coupled with the absence of meaningful or useful open space threatens the welfare of the proposed residents and puts additional pressures on existing facilities.

- The issue of boundaries is important in the event of a grant of permission. The southern boundary in particular needs to be a solid structure which does not permit or encourage access from the café or any part of the development onto the green area forming the entrance to the graveyard.

4. Kevin & Breda Brosnan:

- Addresses the first party suggestion that the appellants are not local.
- Of the recently permitted developments, none have included 5 storey structures.
- The Community Hall referred to is the school sports hall which is in place for 40 years. The building is set back from the road and there are no issues of overlooking or interference with adjacent residents. The height of the building is not significant as stated by the first-party.
- The applicant acknowledges the substantial shortfall in the provision of car parking for the development. The URDF initiative is to offset the removal of car parking from Main Street, and not for the provision of parking for 38 apartments.
- The developers should not be allowed to buy themselves out of the requirement to provide adequate car parking by making a special contribution to Cork County Council.
- Issues raised in relation to the southern boundary treatment raised.
- Outside of rush hours, the trains operate at low occupancy. The demand for increased frequency is not there to justify same.
- The development is premature pending the provision of appropriate levels of social services for residents in the area.
- The height of the building cannot be considered as being appropriate or in keeping with the area.
- It is requested that conditions be attached prohibiting the café from playing music either internally or externally.

- Existing houses have bedrooms overlooking the graveyard, while the proposed apartments will have their entire living areas overlooking.
- With regard to car usage, it is requested that it is recognised that Carrigtwohill is not Dublin and people in the proposed apartments will struggle to live and exist from day to day without a car.
- There is existing car parking shortages and congestion arising from the new development at the Cois Cille estate causing unrest in the area.

Photographs are included with the response submission.

#### 6.4. **Observations**

There are 2 observers noted in relation to the subject appeal. Both observations support the third party appeals and request that permission be refused on grounds relating to:

- Visual impacts and impacts on existing residential amenity
- Roads and traffic issues in particular relating to car parking
- Inadequate public transport in Carrigtwohill
- The density of the development is not in keeping with the area and is contrary to the Circular Letter NRUP 02/2021.
- The site is located in the most historic area of Carrigtwohill and will impact on the cemetery.

#### 6.5. **Planning Authority Response**

Submission advises no further comments.

Following the submission of the first party response to the third-party appeals, no further comments were advised.

## **7.0 Planning Assessment**

### **7.1. Introduction**

7.1.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Compliance with National Guidelines & Standards
3. Density
4. Layout & Design
5. Unit Mix & Typology
6. Visual Impacts and Residential Amenity
7. Roads & Traffic Issues
8. Water Services
9. Other Issues

### **7.2. Principle of the development**

7.2.1. The Board will note that the site is located within the settlement boundaries of the main town of Carrigwohill as identified in the Cobh Municipal District Local Area Plan 2017. The proposed development seeks to demolish two detached single storey houses and construct a block of apartments with a café at ground floor level, and all associated parking and open space. The site is located immediately adjacent to St. Mary's Cemetery and there is a small residential development, of 25 houses, immediately to the north. This area of Carrigwohill is primarily residential in nature and a new school campus has been permitted across the road from the site. The site

is also within walking distance of the train station which provides access to Cork City centre.

7.2.2. The proposed development will result in the construction of 38 apartments which will include a mix of 1, 2 and 3 bed roomed units. The site is zoned 'Existing Built-up Area' in the 2017 Cobh Municipal District Local Area Plan and residential development is permissible under this zoning. Under the new County Development Plan 2022, due to come into effect on 6<sup>th</sup> of June 2022, the site is zoned Existing Residential/Mixed Residential and Other Uses.

7.2.3. Having regard to the location of the subject site, on serviced lands, zoned for residential purposes together with the proximity to public transport, retail, community and social facilities, it is reasonable to conclude that in principle, the development of the site for residential purposes is acceptable. The principle, however, is subject to all other planning considerations including issues relating to roads and traffic, visual and residential amenities, water services and other considerations which I will address further below.

### 7.3. Compliance with National Guidelines & Standards:

7.3.1. Having regard to the location of the subject site within the settlement boundary of Carrigtwohill, together with the brownfield nature of the site and the recent planning history of sites adjacent, I am satisfied that the principle of a residential development can be considered acceptable and in accordance with the general thrust of national policy. The subject site had an initial stated area of 0.3108ha, reduced to 0.284ha following the submission of the response to the FI request, with the omission of an area of the adjacent graveyard lands, and proposes to provide 38 residential units on the site as follows:

<b>Unit Type</b>	<b>Proposed</b>	<b>% Of Units</b>
<b>1 bed</b>	10	26.3
<b>2 bed (4 person)</b>	25	65.8
<b>3 bed</b>	3	7.9

<b>Total</b>	<b>38</b>	<b>100</b>
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7.3.2. The objective of the Sustainable Residential Development in Urban Areas 2009 Guidelines, and its companion design manual, is to produce high quality, and crucially, sustainable developments and communities through the reduction, as far as possible, of the need to travel, particularly by private car, and promoting the efficient use of land. The Guidelines, together with the companion design manual, sets out a series of 12 criteria which should be employed in the assessment of planning applications and appeals.

7.3.3. The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities suggest that in areas close to public transport corridors, minimum densities of 50 units per hectare should be applied subject to a number of safeguards. The density proposed in the amended proposed development, which omits the area of open space contained within the graveyard grounds reducing the site area to approximately 0.284ha, is approximately 134 units per hectare, up from the original 122 units per hectare. In terms of compliance with the local policy requirements, the Cork County Development Plan advises that the site is located within an area where Medium 'A' density is applicable (20-50 units per ha). As such, it is considered that the density as proposed is high.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020

7.3.4. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better provisions for building refurbishment and small-scale urban infill schemes, address

the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.3.5. The 2020 Guidelines update the 2018 Guidelines, and in terms of the subject appeal, are the appropriate guidelines. Chapter 3 of the Guidelines provide for Apartment Design Standards, and I proposed to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines, Specific Planning Policy Requirement 3, require that the minimum floor areas be applied to apartment developments. The Board will note that there are 5 no. unit types proposed within the scheme, providing for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
10 x One bedroom	45.0m <sup>2</sup>	4 x 49.1m <sup>2</sup> 6 x 50.7m <sup>2</sup>	500.6m <sup>2</sup>
25 x Two bedrooms (4 persons)	73.0m <sup>2</sup>	10 x 75.9m <sup>2</sup> 15 x 80.3m <sup>2</sup>	1,963.5m <sup>2</sup>
3 x Three bedroom (5 persons)	90.0m <sup>2</sup>	3 x 92.7m <sup>2</sup>	278.1m <sup>2</sup>
<b>38 units in Total</b>			<b>2,742.2m<sup>2</sup></b>

The development proposes 38 x 1, 2 and 3 bedroom apartments. All apartments proposed achieve the minimum floor area required by the guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

**Minimum aggregate floor areas for living/dining/kitchen rooms**

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
One bedroom	3.3 m	23.0m <sup>2</sup>
Two bedrooms (4 person)	3.6 m	30.0m <sup>2</sup>



Three bedrooms	3.8 m	34.0m <sup>2</sup>
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\* Combined Living / Dining / Bedspace also includes circulation.

In terms of the above, I am satisfied that the proposed development adequately accords with the guideline requirements.

*b) Safeguarding Higher Standards*

It is a requirement that ‘the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%)’.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
26.3% 1-bed units	10	10 x 45m <sup>2</sup> = 450m <sup>2</sup>
65.8% 2-bed units	25	25 x 73m <sup>2</sup> = 1,825m <sup>2</sup>
7.9% 3-bed units	3	3 x 90m <sup>2</sup> = 270m <sup>2</sup>
<b>Total</b>	<b>38</b>	<b>2,545m<sup>2</sup></b>

+ 10%	No of Apartments	Cumulative Min Floor Area
1-bed units + 10%	10	10 x 4.5m <sup>2</sup> = 45m <sup>2</sup>
2-bed units + 10%	10	10 x 7.3m <sup>2</sup> = 73m <sup>2</sup>
<b>Total</b>	<b>20</b>	<b>118m<sup>2</sup></b>

Total Required Minimum Floor Area therefore is 2,6633m<sup>2</sup>.

The actual proposed floor area of the residential element of the overall development, is 2,742.2m<sup>2</sup> and as such, the scheme complies with the 2020 Apartment Guideline requirements.

*c) Dual aspect ratios:*

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The

proposed development provides for 38 apartments in a single block which will rise to between 3 and 5 storeys. Of the proposed 38 units, 18 are dual aspect. Given the intermediate location of the subject site, the Guidelines require, SPPR 4 refers, that at least 50% of units are dual aspect and, in this regard, the proposed development does not comply with the 2020 Apartment Guidelines with 47% of the 38 units proposed being dual aspect. Of the 20 single aspect units, 9 have a southern aspect, 5 westerly and 6 have a single northern aspect. All apartments are afforded private amenity spaces in the form of small balconies which meet the recommended 1.5m minimum depth required in the Guidelines. Overall, I am generally satisfied that this is acceptable.

d) *Floor to Ceiling Height:*

It is a specific policy requirement, SPPR 5, that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The sections submitted with the planning documents and appeal indicate that a floor to ceiling height of 2.7m at ground floor level, and 3m across floors 1<sup>st</sup> to 3<sup>rd</sup> with the 4<sup>th</sup> floor proposing a floor to ceiling height of 2.8m is proposed. In the event of a grant of planning permission, I recommend that a condition be included to require the ground floor of the proposed development have a 3m floor to ceiling height. The floor to ceiling height in the upper floors can be reduced so as not to increase the overall height of the building.

e) *Lift & Stair Cores:*

The proposed development includes two stair cores within the building. A lift area is also proposed to serve the development in proximity to the central stair core to the west of the building. Having regard to the scale of the proposed development, I am satisfied that the proposed stairs and lift arrangement is acceptable.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines, and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m<sup>2</sup>.'

The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The Board will note that the development proposes external storage facilities to serve the development. The minimum storage space requirements are identified as follows:

**Minimum storage space requirements**

One bedroom	3 sq m
Two bedrooms (4 person)	6 sq m
Three bedrooms	9 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment, with additional storage facilities also provided remotely at ground floor level (following the request for further information). I note that the internal storage provisions appear to generally accord with the requirements of the guidelines, except as they relate to 3 bedroomed units.

The response to the FI indicates that 38 bulky storage units with an area of 1.4m<sup>2</sup> are to be provided. While I would accept that these remote storage units will result in the floor area for storage exceeding the minimum requirements, a cursory measurement from the plans submitted would suggest that they are 0.6m wide x 2m deep (1.2m<sup>2</sup>). The floor plan for the bulky storage area only provides for 19 units so it is implied that the storage units will be stacked. While I would accept that the scheme will provide for

storage in accordance with the guideline requirements, I am not convinced that the detail of their provision is clear. This should be dealt with by way of condition should the Board be so minded to grant permission.

*g) Private Amenity Space:*

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

**Minimum floor area for private amenity space**

One bedroom	5 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

All apartments are provided with balconies or terraces, all of which appear to achieve the recommended area and 1.5m minimum depth required in the Guidelines. All private open spaces adjoin and have a functional relationship with the main living areas of the apartments and primarily have a southern, western, or eastern aspect, other than the 6 units identified as having a single northern aspect.

The Board will note that while the balconies appear to accord with the minimum requirements, the calculation of area on the submitted plans are incorrect in a couple of cases. For example, the balcony area for proposed Type A4 units suggests that the balcony has an area of 7.5m<sup>2</sup> when in fact the dimensions indicated are 1500mm x 4500mm which is a floor area of 6.75m<sup>2</sup>. As Unit Type A4 is a two-bedroom (4 persons) unit, the minimum requirement for private amenity space is 7m<sup>2</sup> and therefore, the development does not accord with the minimum guideline standard. In addition, the calculation for unit Type A3 is also incorrect on the submitted plans and details which indicate a private amenity space of 7.7m<sup>2</sup>. The actual area is 7.007m<sup>2</sup>.

Should the Board be minded to grant permission in this instance, this issue should be addressed to ensure an appropriate level of residential amenity for future occupants.

*h) Security Considerations*

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

The Board will note that the main entrance to the apartment building is located on the western elevation, and on to Station Road. The entrance to the café lies to the south of the apartment access and two further access points to the main lobby / lift and stairs are proposed, one on the northern elevation and one from the car parking area to the east. A further access to the building is proposed from the southern elevation of the building and from the proposed amenity area to the south of the site.

I am generally satisfied that the access to the building and matters of security are acceptable.

7.3.6. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities and refuse storage as well as communal amenity space, children's play, bicycle parking and storage and car parking.

7.3.7. In terms of the provision of refuse storage, the Board will note that a bin storage area to service the apartments is proposed within the ground floor area at the north-eastern corner of the proposed building. The refuse area proposed covers approximately 29.5m<sup>2</sup> and the plans submitted would suggest that 6 large sized wheelie bins will be provided to serve the development. I note that the submitted Waste Management Plan deals with the Construction phase.

- 7.3.8. The bin store area includes a set of double doors which will open onto the car parking area. The access to the car parking area for the development is to be controlled by means of automated vehicular access control. There does not appear to be any pedestrian access to the bin storage area for residents. In the context of the submitted site layout, the access to the bin store area could be considered as being quite restricted. In addition, there is no temporary storage area for bins proposed at the roadside. The bin trucks will, therefore, be required to travel into the car park access laneway, through the automated access control mechanism and undertake a 3-point turn manoeuvre in the north-eastern area of the site in order to retrieve the bins and exit the site face forward onto Station Road. While I accept that there is potentially space for this manoeuvre to occur, no Swept Path Analysis has been submitted in the event that all car parking spaces are occupied at the time of collection.
- 7.3.9. I accept the principle of the location of the proposed bin storage area within the development, noting that the Guidelines advise that 'Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public'. In acknowledging the concerns raised above, I am generally satisfied that the impact of waste collection can be considered as being reasonable at this urban location. The period of impact associated with bin collection is short, and likely only once a week. I also note that there are other properties and developments in the immediate vicinity of the site which also require refuse collection. The level of impact associated with the proposed development in this regard is considered minimal and acceptable.
- 7.3.10. In relation to communal amenity spaces, the development proposes a landscaped area of approximately 377m<sup>2</sup> to the south of proposed building. The area will comprise a long, landscaped space, with a width of approximately 7m. The plans indicate that the area is to include a 2m wide path which will curve through the space, and along the eastern boundary connecting to the car parking area to the north-east of the site, with two benches proposed along the route. In addition, the plans indicate the intention to provide 2 small areas comprising a natural play logs/seats area and a natural play boulders and logs area.

- 7.3.11. The Board will also note that an area of the adjacent graveyard was initially included in the overall site area, and which was proposed to comprise part of the public open space provision for the development. Following the request for further information, this area was omitted. The updated plans, while excluding the graveyard area, depict it as an existing green space on adjacent site. The Board will note the concerns of the third parties that the applicant has sought to give the impression that this space is somehow used as an active recreational space, which is not the case. The space comprises the access to the main burial grounds of the graveyard and should not be considered in terms of the open space requirements for the scheme. In the context of the proposed development, and while I accept that the open space area proposed within the scheme occupies a stated 12.8% of the site area in accordance with the CDP requirements, the quality of this open space might reasonably be questioned, given the lack of any real usable space in terms of active recreation.
- 7.3.12. Car parking for 19 cars, including 1 accessible space, is proposed within the development. The Guidelines promote the location of apartments which have access to public transport and other sustainable transport modes. Where it is appropriate to reduce car parking provisions, high quality cycle parking and storage facilities should be provided. The guidelines require that 1 cycle storage space per bedroom is applied. The proposed development therefore requires 69 bicycle parking spaces for residents. The Board will note that the initial proposal provided for an internal bike storage area for 88 bicycles, with additional external bike stands provided for visitors. The amended proposal repurposes the internal bike storage area to provide for bulky items storage.
- 7.3.13. The PAs final report refers to the proposal to provide separate secure caged bicycle parking externally within the car parking area of the development. The Board should note that this area of secure bicycle parking was submitted as part of the original application and therefore, does not represent any new bicycle parking spaces. I note the proposal to provide a further bike parking area along the northern elevation of the building, but consider that the detail is lacking. As such, the replacement of the internal bike storage room to provide for the storage of bulky goods has resulted in the loss of a significant number of secure bicycle parking spaces.

- 7.3.14. No details of the caged bicycle parking have been submitted and I cannot advise as to the level of bicycle parking now proposed within the scheme. I also, cannot attest to the quality of the proposed parking facilities in order to be satisfied that the amended proposed development accords with the guideline requirements as they relate to the provision of cycle parking. This issue is critical given the applicants seeking to minimise car parking for the overall development. If the Board is minded to grant planning permission for the scheme, this matter should be addressed in advance of such a favourable decision.
- 7.3.15. In terms of car parking, the Guidelines notes that the quantum or requirement for car parking will vary in terms of the location of the site. Section 4.19 suggest that the car parking provision can be minimised, substantially reduced, or wholly eliminated in certain circumstances. Such policies are applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems. Where it is sought to eliminate or reduce car parking provision, it is necessary to ensure the provision of an appropriate drop off, service, visitor parking and parking for the mobility impaired. I would note that the guidelines clearly suggest that these locations are central and/or accessible urban locations which are ‘most likely to be in cities, especially in or adjacent to city centres or centrally located employment locations.’ The subject site is noted to be located within an intermediate urban location.
- 7.3.16. The Board will note the Councils proposals as part of the Part 8 URDF funding for the public realm works in the vicinity of the subject site, which will include public parking in the vicinity of the proposed development site. I further note the proposed provision of 19 parking spaces within the site to support the residential scheme. In addition, I am satisfied that the proposed development location benefits from very good proximity to sustainable transport connections in the form of a train connection to Cork City Centre a 7-minute walk to the north (approximately 500m) and bus connections at Church Lane, a 3-minute walk (approximately 200m) to the south, also providing regular services to Cork City centre.
- 7.3.17. In terms of public transport access to Carrigwohill, I note the following:



- The train service to Cork City, which takes 18 minutes, commences at 6.20am with a service every half hour up to 9.50am, after which, the service is on an hourly basis and the last train to Cork City from Carrigtwohill runs at 10.50pm. The return schedule commences at 5.45am from Cork and takes 15 minutes. There is a service every half hour up to 9.15am with hourly services thereafter. The final train to Carrigtwohill from Cork City is at 10.15pm.
- The bus service to Cork City, which takes between 16 and 29 minutes depending on the time of day and the bus route, commences at 7.15am. There are 4 routes noted, with 5 buses leaving Carrigtwohill for Cork City before 9am. The final bus to Cork City leaves at 11.05pm. The return schedule commences at 6.00am from Cork and takes 19 minutes. There are 4 buses that leave Cork City for Carrigtwohill before 9am, with a further service at 9am, with at least 1 bus in an hour thereafter (between 45 minutes to an hour). The final bus to Carrigtwohill from Cork City is at 11.00pm.

7.3.18. In addition to the public transport facilities already present, I note the proposals for the provision of improved cycle facilities in this area of Cork as detailed in the Cork Cycle Network Plan 2017, which provides a detailed plan for the provision of the cycling network within the metropolitan area of Cork City. While it is a document of recommendations, it has been through a public consultation process and has mapped existing infrastructure in the Metropolitan Area. Chapter 18 of the Plan sets out the details of the inter-urban cycle routes that are envisaged to connect the metropolitan towns to Cork City, and includes Route Code IU-1 which will connect Midleton to the Dunkettle Roundabout / Lower Glanmire Road. The Plan advises that the proposed infrastructure type will:

‘be a fully segregated cycle track parallel to the rail line from Midleton to the west of Carrigtwohill village where it is proposed to provide a two-way segregated cycle track within the corridor of the old N25. This route can form part of the Eurovelo Network between Waterford and Kerry, connecting to the west through the proposed network in the City Centre.’

I note that this element of the strategic cycleway scheme has had design drawings prepared and is currently at public consultation stage. In addition, the Cork Metropolitan Area Transport Strategy 2040, published in February 2020, indicates that the cycling network proposed in the Cork Metropolitan Cycle Network Plan will be delivered in full.

7.3.19. While I acknowledge the concerns of the third parties in relation to the level of permitted development in this area of Carrigtwohill, I am satisfied that the proximity of both the train station and the town centre makes the site an appropriate and accessible location for such residential development, with a reduced car parking provision. This approach is in accordance with the national guidelines

Conclusion:

7.3.20. In terms of the principle of the proposed development, I am generally satisfied that the principle of the development is acceptable in terms of compliance with the guidelines. In addition, I am satisfied that the principle of the proposed development is acceptable in terms of the location of the site within Carrigtwohill and the zoning objective afforded to the site. In terms of the general thrust of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2020, I have raised a number of concerns in terms of the development as follows:

- Floor to ceiling height of the ground floor units
- Minimum aggregate floor areas for private amenity space
- Access to bin storage area for refuse trucks and residents
- Lack of details relating to the provision of adequate and secure bicycle parking for residents
- Accessibility and quality of the proposed bulky storage provision
- Quality of communal space to the south of the proposed building in terms of useability.

#### 7.4. Density:

- 7.4.1. In terms of density, I note Circular Letter: NRUP 02/2021, dated 21<sup>st</sup> April 2021, which provides that 'it is necessary to adapt the scale, design, and layout of housing in towns and villages, to ensure that suburban or high-density urban approaches are not applied uniformly, and that development responds appropriately to the character, scale and setting of the town or village. As such, it is highlighted that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context.'
- 7.4.2. In addition to the above, I note the requirements of SPPR 4 as detailed in the Urban Development & Building Height Guidelines 2018 which states that, in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:
1. The minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2009)" or any amending or replacement Guidelines;
  2. A greater mix of building heights and typologies in planning for the future development of suburban locations; and
  3. Avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.
- 7.4.3. The 2021 Circular notes that discretion may be applied in the assessment of residential density and that while net densities of 30-35 dwellings per hectare may be regarded as acceptable in certain large town contexts, net densities of less than 30 dwellings per hectare, although generally discouraged, are not precluded. The Circular concludes noting that towns and their contexts are not all the same and that planning policy and guidance are intended to facilitate proportionate and tailored

approaches to residential development, including the flexible application of residential density at the periphery of large towns, and particularly at the edges of towns in a rural context.

7.4.4. The subject site lies within the settlement boundary of the town, approximately 200m from the centre of Carrigtwohill, a main town, and as such, is within walking distances to shops and services. The site is located on zoned and serviced land, and I note that the current CDP indicates that the subject site should support medium 'A' density development with 20-50 dwelling units per hectare. The development before the Board proposes 38 residential units on a site covering 0.284ha which would result in a density of 134 units/ha.

7.4.5. The site is considered to be located at the 'Edge of Small Town/Village', as detailed in Section 6.12 of the Sustainable Residential development in Urban Areas Guidelines for Planning Authorities (2009). The Guidelines provide that in such locations, developments should have a density of between 15-20 units per hectare. In this context, I consider that the proposed density of 134 units/ha is excessive at this location within the town of Carrigtwohill. While I accept the principles of the national policy, I am not satisfied that the development as proposed responds appropriately to the character, scale and setting of this area of the town of Carrigtwohill. While I have no objections to the principle of apartments at this location, I consider that the overall scale and density should be reduced through the omission of a floor (comprising 11 apartments). Should the Board be so minded to grant permission in this instance, this matter should be dealt with by way of condition of permission, and would effectively reduce the density of development on the site to approximately 95 units/ha.

## 7.5. **Layout & Design:**

7.5.1. The proposed development site comprises the sites of two existing detached houses and is regular in shape. The two existing houses, both of which are located to the west of the site and closer to the public road, have large rear gardens which extend to the east and bound with the adjacent graveyard. The rear of houses in the Cois

Cille estate to the north of the site also back onto the site. The existing development in the immediate vicinity of the site comprises developments of semi-detached houses and older estates which include terraced houses. The proposed development will introduce apartments into an existing lower density neighbourhood.

7.5.2. The proposed development provides for the construction of a single apartment block which will be located to the southern and western area of the site. Car parking will be provided to the north-eastern area of the site with vehicular access along the northern boundary from the public road to the west. Pedestrian access is provided independently to the vehicular access through the main door to the west of the building with additional pedestrian access provided along the southern side of the building. Footpaths are also proposed along the northern side of the building. The footpaths will connect to the existing network of footpaths in this area of Carrigtwohill.

7.5.3. Public open space is proposed in the form of a long, landscaped area between the southern boundary and the proposed new building and will include a path through the area to the rear of the site, connecting with steps to the car parking area. The quality of this open space might reasonably be questioned, given the lack of any real usable space in terms of active recreation.

7.5.4. Chapter 6 of the Sustainable Residential Development in Urban Areas, 2009 deals with Small Towns and Villages and note that 'in order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.' Section 6.8 of the guidelines provides for layout and design considerations in order to ensure that new development relates successfully to the structure of the smaller town or village. In terms of overall scheme design, each residential scheme should be designed to:

- Make the most effective use of the site;
- Make a positive contribution to its surroundings;
- Have a sense of identity and place;

- Provide for effective connectivity;
- Include a design approach to public areas.

7.5.5. In the context of the above criteria, I would acknowledge that the proposed layout seeks to make the most effective use of the site, in terms of access to existing infrastructure on site, and in the wider area. I would also acknowledge that the layout has sought to create a sense of identity and place within the context of the wider Carrigtwohill area with the introduction of apartments at this location. I note the third-party concerns in terms of the nature of the proposed development.

7.5.6. In terms of the overall design approach, the Board will note that I have no objections in principle. I do, however, consider that the proposed overall height and density of the scheme is excessive and would, if permitted, represent a visually incongruous development at this sensitive location of Carrigtwohill. If permitted as proposed, I consider that the development would not contribute positively to the surroundings of the site. As indicated previously, should the Board be minded to grant permission for the proposed development, a floor should be omitted to reduce the visual impacts of the scheme at this location.

## 7.6. Unit Mix & Typology:

7.6.1. The development, as permitted, proposes apartments only as follows:

<b>Unit Type</b>	<b>Proposed</b>	<b>% Of Units</b>
<b>1 bed</b>	10	26.3
<b>2 bed (4 person)</b>	25	65.8
<b>3 bed</b>	3	7.9
<b>Total</b>	<b>38</b>	<b>100</b>

The Board will note that the proposed development seeks to construct only one type of residential unit, all being apartments. I also note the dominance of the existing residential development in the vicinity of the subject site which includes a range of

densities including semi-detached houses and terraced houses, as well as detached houses on large sites, further north of the site.

- 7.6.2. I note the arguments presented by the first-party in terms of the proposed apartment development mix of units, and I also note the concerns of the third-parties in this regard. While I accept the history of a permitted apartment scheme in the town as detailed by third-party submissions, I note that these units are being completed on behalf of an approved housing body and will be occupied soon. While I also acknowledge that there are few other apartment developments in Carrigtwohill, I am satisfied that apartments are an appropriate form of housing which can contribute to addressing the existing housing shortage in the country and can appropriately increase residential density on suitably zoned and serviced lands.
- 7.6.3. Given the location of the subject site in close proximity to the town centre and associated amenities, including shops, schools, sports grounds, as well as the train station to the north of the site, I am satisfied that the nature of the proposed development presents the most appropriate form to serve the needs of the wider community in terms of housing mix and typologies. I further note the provisions of the 2018 Urban Development and Building Height Guidelines for Planning Authorities in addressing the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation.
- 7.6.4. While I acknowledge the limited housing type/mix proposed in the current scheme, given the wide choice of housing types available in the area, I am satisfied that the principle of the proposed development is acceptable, and in compliance with the relevant ministerial guidelines and the Urban Design Manual. I consider that the mix as proposed is acceptable and in accordance with the provisions of both national and local policy.

## 7.7. Visual Impacts & Residential Amenity

- 7.7.1. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. Increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and objectives of the Cork County Development Plan and the Cobh Municipal District Local Area Plan 2017.
- 7.7.2. The Cobh Municipal District Local Area Plan 2017, at Section 1.7.45 deals with Town Centre Improvement Schemes and is the only place where building heights is referred to. The issue of height was raised by third-parties and it is submitted that the proposed height is not appropriate to the location, given the low-rise nature of the adjacent homes. The proposed building will rise to 15.15m above ground level in an area where the adjacent houses have an overall height of 8.96m. I consider that the development does not provide an appropriate transition in scale or have due regard to the nature of the surrounding morphology, would appear over dominant, overbearing, and incongruous in this streetscape.
- 7.7.3. In support of the proposed development, the applicant submitted contextual elevations and a number of photomontages as part of the design assessment, to depict the development as proposed. While I have no objections in principle to the overall design of the proposed apartment block, or indeed the proposed height in principle, I have concerns in terms of the overall height and scale in the context of the sites' location surrounded to the north and west by low rise, 2 storey homes and to the east and south by the adjacent graveyard.
- 7.7.4. Further south of the access to the graveyard, the applicant has referred to the presence of a modern community hall in order to justify the overall height and scale of the development. The Board will note that this building is not a Community Hall, and is a sports hall associated with the secondary school which lies to the south of the graveyard. This hall rises to approximately 11.2m in height but as it is set back



from the public road, the overall scale and height does not impact on the wider streetscape.

- 7.7.5. Given the restricted nature of the proposed development site, in terms of the uses surrounding the site, and while I have no objections in principle to an apartment development at this location, I consider that should the Board be positively disposed to granting permission, consideration should be given to a reduced height for the proposed building. The omission of a floor at mid-level of the building would reduce the overall height by 3m which would improve the visual impacts associated with the development. However, overall, I consider that the proposed development would represent an inappropriate form of development which would significantly impact existing residential, visual, and general amenities of the wider area, would be overbearing on existing residential development to the north and west, as well as the graveyard to the east and south, and would not be appropriate to the character of the streetscape.

#### Overlooking

- 7.7.6. The Board will note that the third-party appellants have raised concerns in terms of the potential for overlooking associated with the proposed development. In particular, concern is raised in terms of the adjacent graveyard. The closest 3 balcony areas located approximately 10m from the boundary of adjacent houses to the north. These balconies have a direct eastern aspect so the views towards the existing houses will be angled. I note the proposals of the applicant to provide 1.8m high screening devices on the northern side of these 3 balconies which will minimise any potential for overlooking of existing adjacent properties.
- 7.7.7. In addition to the above 3 balconies, 9 further balconies, 3 each on floors 1<sup>st</sup> to 3<sup>rd</sup>, will have a northern aspect. These amenity spaces, however, will be located approximately 19m from the northern boundary, and approximately 29m from opposing first floor windows. While I accept that the proposed development is located more than the general 22 metres from the adjacent residential properties, a standard applied to directly opposing above ground floor windows in order to maintain privacy, given the overall height of the proposed development, together with

the number of balconies proposed on the northern elevation, I consider that the development has the potential to significantly impact on the existing residential amenities of the houses on Cois Cille by reason of overlooking into the private amenity spaces. While I accept that reduced distances might be appropriately considered in terms of higher density schemes or compact infill sites, I do not accept that any innovative design solutions have been put forward by the applicant to allay these concerns, particularly having regard to the number of proposed private balconies which will overlook the adjacent properties.

- 7.7.8. While I acknowledge the concerns of the residents in Patrick Pearse Place, located diagonally to the south-west of the subject site, in terms of overlooking, I note that the front of these properties lie approximately 30m from the proposed development site. I am satisfied that no issues of overlooking of the private amenity spaces of these houses arises.
- 7.7.9. In terms of the impact of overlooking of the existing graveyard, I am satisfied that there is potential for impacts arising from 6 of the proposed apartments. In this regard, I would again suggest that if the scheme was reduced by one floor, the impacts are reduced. I also note the applicants' proposals regarding the provision of 1.8m high screens on the eastern side of the offending balconies to the east. I have no objections in this regard.
- 7.7.10. In terms of the southern elevation, I note that there is potential for 16 proposed balconies to overlook the entrance to the adjacent graveyard. While I acknowledge the issues raised by the third-parties I do not consider it appropriate to consider a refusal of permission of the scheme on the grounds of overlooking this area of the graveyard. I note that the balconies on the southern elevation are set back approximately 6.5m from the boundary of the graveyard at this location which I consider to be acceptable.

#### Overbearance

- 7.7.11. In terms of the potential overbearance of the development from the surrounding properties, it is clear that the proposed development will be visible from the private amenity areas of adjacent houses to the north and the graveyard to the east, as well

as the wider area. I consider that a grant of permission will change the outlook from these homes. In the context of the existing and proposed development in the area, I would note that there have been changes occurring, in particular on lands to the west of Station Road, towards Terrysland and Castlelake which is subject to a current strategic housing application, ABP-313827-22 for 716 residential units, 224 houses and 492 apartments refers.

7.7.12. The proposed development is significantly higher in height, scale, and massing in the context of the two-storey semi-detached and terraced housing in the area. I note that the closest existing apartment development to the subject site is approximately 500m to the west, and at a remove from the existing residential properties in the area of the subject site. The introduction of a 5-storey apartment building on this restricted infill site, adjacent to the permitted 2 storey houses to the north, will, in my opinion, be visually overbearing when viewed from the adjacent properties to the north and west, and from the public roads to the south and in the vicinity of the site.

#### Daylight/Sunlight/Overshadowing

7.7.13. Section 3.2 of the Urban Development and Building Height Guidelines (2018), in terms of the at scale of the site/building, states as follows:

- 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.
- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such

objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.

7.7.14. In addition to the Building Height Guidelines, the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020 also require at Section 6.6, that planning authorities' should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. Where an applicant cannot fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting taking account of its assessment of specifics.

7.7.15. The applicants' assessment of daylight, sunlight and overshadowing comprises a one paragraph reference in the submitted Architectural Design Statement dated August 2021. The report states:

'In terms of impact on daylight of the proposed development on the existing dwellings to the north the proposed development is considered to have no greater impact than 2 storey dwellings located 22m from the rear of the existing dwellings, which is generally considered acceptable as diagram below.'

In addition, the report references drawing 21004[02]2701, which is a section drawing through the rear of the site in a north to south direction and includes the existing house on the site as a reference in terms of the angle of shadow.

#### Sunlight to Amenity Spaces / Overshadowing

7.7.16. With regard to sunlight to amenity spaces, Section 3.3.17 of the BRE guidance document provides that for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on the 21<sup>st</sup> of March. While the applicant has not submitted a full assessment in terms of the potential impact of the development on adjacent properties in terms of daylight / skylight / shadow, I am generally satisfied that given the separation

distance between the subject building the northern boundary, the adjacent amenity spaces of existing houses are unlikely to be significantly impacted by the proposed development.

- 7.7.17. Having regard to the provisions of national and local policies and objectives with regard to urban development including increased densities, together with the constraints associated by the subject site in terms of its position immediately south and east of existing housing and residential development, and my assessment with regard to the impact that arises in respect of the impact to sunlight to and overshadowing of existing amenity spaces, I consider that the potential for undue impacts on the amenities of the neighbouring residential properties can be reasonably discounted and that the discretion offered by Section 3.2 of the Sustainable Urban Development and Building Height Guidelines and Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) is such that, a refusal of permission is not warranted with regard to Sunlight to Amenity Spaces / Overshadowing of existing properties.
- 7.7.18. With regard to the proposed development, the north facing balconies associated with the proposed development are unlikely to achieve a significant amount of sunlight/daylight during the middle of the day but having regard to the separation distance between the proposed building and the site boundary, there is potential for the balconies to achieve morning light throughout the year. I would acknowledge that the proposed south facing communal amenity space will likely be fully compliant in the context of the BRE Guidelines. I have no objections in this regard.

#### Loss of Light within Existing Homes

- 7.7.19. The BRE guidance for daylight and sunlight is intended to advise on site layout to provide good natural lighting within a new development, safeguarding daylight and sunlight within existing buildings nearby and protecting daylight of adjoining properties. Section 2 of the document deals with Light from the Sky and Section 2.2 of the guidelines set out the criteria for considering the impact of new development on existing buildings. The guidance in this regard is intended for rooms in adjoining

dwellings where daylight is required, including living rooms, kitchens, and bedrooms, and include as follows:

- Consideration of the separation distance – if it is three or more times its height, the loss of light will be small.
- Consideration of the angle to the horizontal subtended by the new development at the level of the centre of the lowest window – if the angle is less than 25° it is unlikely to have a substantial effect on the diffuse skylight in existing buildings.
- Consideration of the Vertical Sky Component (VSC) - If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- If the VSC is both less than 27% and less than 0.8 of its former value, occupants of the existing building will notice the reduction in the amount of skylight.

The Guidelines suggest that the above considerations need to be applied sensibly and flexibly.

7.7.20. In the context of the above, the Board will note that I have employed all the relevant Guidance documents in order to present a rational assessment of the proposed development, identifying potential impacts arising and consideration on the reasonableness or otherwise of identified potential impacts. My assessment is based on the identified national and local policies which support the increase in density of development within urban areas centre on appropriately zoned and serviced lands and the need to provide new homes while considering the potential impacts on existing residents.

7.7.21. As indicated above, given the separation distance between the proposed building and the northern boundary, I am satisfied that there is likely to be little impact in terms of overshadowing of existing adjacent private amenity spaces. Given that these amenity spaces are generally located between the proposed building and the

existing houses, there is unlikely to be any impact in terms of internal daylighting of existing properties.

- 7.7.22. Overall, I am generally satisfied that the proposed development is acceptable in terms of daylight / sunlight and overshadowing impacts.

### Conclusion

- 7.7.23. Having regard to the nature and scale of the proposed development I consider that the development, if permitted will have a negative impact on the existing residential amenities of the area by reason of overbearing and overlooking and that the development would seriously injure the visual amenities of the streetscape.

## **7.8. Roads & Traffic Issues**

- 7.8.1. In terms of roads and traffic issues, I note that the Cork County Council Area Engineer raised no significant concerns in relation to the proposed development from a roads and traffic viewpoint. The site is to be accessed via Station Road, where a new entrance to the rear car parking area is proposed to be located to the north-western area of the site. There are no issues arising in terms of sight distances available at the proposed entrance and the Board will note the location of the site within the urban speed limit.
- 7.8.2. The Board will note that I have addressed matters relating to car parking and bicycle parking previously in this report.
- 7.8.3. In terms of the provision of car parking, the Board will note that the proposed development location benefits from good proximity to sustainable transport connections in the form of a train connection to Cork City Centre a 7-minute walk to the north (approximately 500m) and bus connections at Church Lane, a 3-minute walk (approximately 200m) to the south, also providing regular services to Cork City centre, as well as good walking and cycling options in the local area. I note national policy in this regard, and in particular Objective 13 of the National Planning Framework, which allows for a 'range of tolerance' for car parking standards in urban areas in order to achieve stated outcomes, provided public safety is not

the Apartment Guidelines suggests that the car parking provision can be minimised, substantially reduced, or wholly eliminated in certain circumstances. Such policies are applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems.

- 7.8.4. The Board will note the Councils proposals as part of the Part 8 URDF funding for the public realm works in the vicinity of the subject site, which will include public parking in the vicinity of the proposed development site. I further note the proposed provision of 19 parking spaces within the site to support the residential scheme. Overall, I am generally satisfied that the proposed parking provision can be considered acceptable.
- 7.8.5. In addition to the public transport facilities already present, I note the proposals for the provision of improved cycle facilities in this area of Cork as detailed in the Cork Cycle Network Plan 2017, which provides a detailed plan for the provision of the cycling network within the metropolitan area of Cork City, and described previously in this report, Section 7.3.18 refers.
- 7.8.6. I have previously raised concerns in terms of the issue of bicycle parking. The repurposing of the original internal bike store to provide storage for bulky goods has significantly reduced the provision of bicycle parking. While I acknowledge the proposal to provide secure bicycle parking in the car parking area, clear and accurate details of said parking is not provided. Given the proposal to provide a reduced quantum of car parking, I consider that this matter cannot be dealt with by way of condition in the event of a grant of planning permission. With regard to the quantum of bicycle parking spaces proposed, I am not satisfied that the development provides adequately.
- 7.8.7. The application includes a Draft Mobility Management Plan, presenting as a template for the implementation of a full Mobility Management Plan, which will be finalised once the development is completed and operational. The Draft Plan sets out the details of the proposed improvements to Station Road under the URDF project in terms of pedestrian and cycle facilities, as well as the details of the Cork Cycle Network Plan. Section 7 of the Draft Plan sets out the proposed Mobility



Management Initiatives which will include the appointment of a Mobility Manager to implement the recommendations of the MMP and monitor its performance.

- 7.8.8. Of note, the Plan seeks to ensure that the appropriate level of cycle parking is provided. The plan refers to 88 no. bicycle parking spaces as originally proposed but was not updated following the repurposing of the internal bike store following the request for further information. While I accept that the MMP should be considered as a dynamic process, I am not satisfied that this element of the overall scheme has been appropriately dealt with.
- 7.8.9. Section 8 of the MMP sets out the key recommendations, and I would note that it is highly supportive of the implementation of the planned greenway / dedicated cyclist and pedestrian paths between Cork City and Carrigtwohill, and further east of Carrigtwohill. In addition, the MMP submits that the upgrade of Station Road with the construction of dedicated cycle tracks and footpaths will promote and encourage more residents to walk and cycle. A condition should be included in any grant of planning permission requiring the submission of an updated Mobility Management Plan to the planning authority for approval prior to the occupation of the development, and in particular, the issue of cycle parking should be clearly addressed.
- 7.8.10. Overall, and other than the issues relating to the provision of cycle parking, I am generally satisfied that the proposed development is acceptable in terms of roads and traffic safety.

## **7.9. Water Services**

- 7.9.1. The Board will note that Irish Water have advised that the proposed connection to the Irish Water Network in Carrigtwohill can be facilitated.
- 7.9.2. In terms of surface water drainage, the Board will note that the development will connect to the existing storm water network. The applicant submits that a Storm Water Management Plan will be applied to surface water discharges into the public network, and I note that there are no objections in this regard. Having regard to the information available to me, I am generally satisfied that the applicant has

adequately addressed the matter of surface water drainage. As such, I have no objections to the proposed development in terms of water services.

7.9.3. The Board will note that the subject site does not lie within any area which is identified as being susceptible to flood risk. I am satisfied that the proposed development is acceptable in this regard.

## 7.10. Other Issues

### 7.10.1. Archaeology & Heritage

The Board will note that an Archaeological Impact Assessment was carried out on the site in support of the proposed development. There are no recorded monuments located within the proposed development site, but the site lies adjacent to St. Mary's Cemetery. While the report notes 16 RPM Sites within 1km of the site, the development is located within 30m of the closest archaeological site, being a graveyard (CO075-017001-) which is located to the south-east of the site, and within which lies two churches (CO075-017002- and CO075-017003-) Recorded Monuments. A fourth record also noted within this complex has been deemed redundant.

A pre-planning geophysical survey was carried out on the proposed development site under licence where no clear response indicative of archaeology was recorded with the site. There were, however, some tentative high resistance responses which may indicate structural features. A site walkover found no features of finds of archaeological significance. The report noted that no pre-development archaeological testing was carried out, but notes that should the development proceed, preconstruction testing will be undertaken. The report also recommends archaeological monitoring during the construction phase of the development.

The Board will note that the Cork County Archaeologist has advised no objection to the proposed development subject to the inclusion of conditions. I am satisfied that the matter can be appropriately dealt with by way of condition.

### 7.10.2. **Part V**

The proposed development seeks to construct 38 residential units on a site covering 0.284ha on a serviced site in the town of Carrigtwohill. The development will connect to public services. The development is subject to requirements of Part V of the Planning and Development Act 2000, as amended. The applicant has submitted a proposal in this regard which has been accepted by the PA. A condition relating to Part V should be included in any grant of planning permission.

### 7.10.3. **Development Contribution**

The subject development is liable to pay development contribution, and a condition to this effect should be included in any grant of planning permission. Should the Board be minded to grant permission for the development as proposed, I recommend that the conditions included in the Cork County Council decision relating to contributions be included.

Should the Board be minded to grant permission with the omission of a floor as recommended should permission be considered, the following is relevant:

1. **General Development Contribution:**

The proposed development shall be liable to pay a development contribution in accordance with the provisions of the Councils General Development Contribution Scheme.

2. **Supplementary Development Contribution in respect of the Cobh/Midleton – Blarney Suburban Rail Project:**

The proposed development shall be liable to pay a development contribution in accordance with the provisions of the Councils Supplementary Development Contribution Scheme as it relates to the Cobh/Midleton – Blarney Suburban Rail Project.

3. **Special Development Contribution:**

The Board will note that the Executive Engineer in the HIIT section of the Council sought that three special development contributions be attached to any grant of planning permission for the proposed development as follows:

- Car Parking - €12,500
- Station Road Upgrade / Connectivity to Train Station - €42,000  
and
- Cobh Cross Interim Measures - €44,000.

The total Special Development Contribution, therefore, amounts to €98,500 in terms of exceptional costs for works which will benefit the development.

## **8.0 Appropriate Assessment**

### **8.1. Introduction:**

- 8.1.1. The site is not located within any designated site. The closest Natura 2000 site is the Great Island Channel SAC (Site Code: 001058) which is located approximately 1.2km to the south-west of the site. The Cork Harbour SPA (Site Code: 004030) lies approximately 1.3km to the south-west of the site.
- 8.1.2. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.3. The Board will note that the applicant references AA at Section 9 of the submitted Planning Statement. The Planning Statement identifies 2 Natura 2000 sites within 15km of the site. There is no assessment of any degree noted with the section 9 of the Planning Statement which concludes that no AA issues arise. The report concludes that the proposed works do not require progression to Stage 2 AA. As such, no AA Screening or Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or

possible significant effects, if any, arising from the proposed development on any European site.

- 8.1.4. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 8.1.5. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
  - Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

## 8.2. Consultations

- 8.2.1. With regard to consultations, the Board will note that no third-party concerns were raised with the Planning Authority with regard to AA. In addition, I note that the PA undertook AA Screening which screened out the development having regard to the distance from Natura 2000 sites and the lack of any hydrological connection between the site and Natura 2000 sites.

### 8.3. Screening for Appropriate Assessment

8.3.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

8.3.2. The applicant did not prepare an Appropriate Assessment Screening Report as part of the subject application. The site is not located within any designated site. The closest Natura 2000 site is the Great Island Channel SAC (Site Code: 001058) which is located approximately 1.2km to the south-west of the site. The Cork Harbour SPA (Site Code: 004030) lies approximately 1.3km to the south-west of the site. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 2 Natura 2000 Sites occurring within a 15km radius of the site as described above.

8.3.3. I consider it appropriate to consider the following Natura 2000 sites as being within the zone of influence of the proposed development, for the purposes of AA Screening:

- Great Island Channel SAC (Site Code: 001058)
- Cork Harbour SPA (Site Code: 004030).

### 8.4. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.4.1. The subject site lies within the urban area of Carrigtwohill, within the identified development boundaries of the town and adjacent to a primarily residential area which includes a variety of house types. The proposed development will comprise the demolition of two detached single storey houses and the construction of an apartment scheme in 1 block with a café proposed at ground floor level. The development will connect to public services and is not located within any designated

site. Being a brownfield site, the site does not appear to contain any of the habitats or species associated with any Natura 2000 site.

8.4.2. The following table sets out the qualifying interests for the identified Natura sites:

European Site	Qualifying Interests
<p><b>Great Island Channel SAC (Site Code: 001058)</b></p> <p>Located approx. 1.2km to the south-west of the site</p>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</li> </ul>
<p><b>Cork Harbour SPA (Site Code: 004030)</b></p> <p>Located approx. 1.3km to the south-west of the site</p>	<ul style="list-style-type: none"> <li>• Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</li> <li>• Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</li> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> <li>• Grey Heron (<i>Ardea cinerea</i>) [A028]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Wigeon (<i>Anas penelope</i>) [A050]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Pintail (<i>Anas acuta</i>) [A054]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</li> </ul>

	<ul style="list-style-type: none"> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>
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**Great Island Channel SAC (Site Code: 001058)**

8.4.3. The Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest. Geologically, Cork Harbour consists of two large areas of open water in a limestone basin, separated from each other and the open sea by ridges of Old Red Sandstone. Within this system, Great Island Channel forms the eastern stretch of the river basin and compared to the rest of Cork Harbour, is relatively undisturbed. Within the site is the estuary of the Owennacurra and Dungourney Rivers. These rivers, which flow through Midleton, provide the main source of freshwater to the North Channel.

8.4.4. The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. The saltmarshes are scattered through the site and are all the estuarine type on mud substrate. The site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports. The site is of major importance for the two habitats listed on Annex I of the E.U. Habitats Directive, as well as for its important numbers of wintering waders and wildfowl. It also supports a good invertebrate fauna.

8.4.5. While the main land use within the site is aquaculture (oyster farming), the greatest threats to its conservation significance come from road works, infilling, sewage outflows and possible marina developments.

**Cork Harbour SPA (Site Code: 004030)**

8.4.6. Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA



site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. Owing to the sheltered conditions, the intertidal flats are often muddy in character.

8.4.7. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for a number of species as identified above. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. The site is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Cork Harbour is also a Ramsar Convention site and part of Cork Harbour SPA is a Wildfowl Sanctuary.

8.5. **Conservation Objectives:**

8.5.1. The Conservation Objectives for the relevant designated site are as follows:

European Site	Conservation Objectives
<p><b>Great Island Channel SAC (Site Code: 001058)</b></p> <p>Located approx. 1.2km to the south-west of the site</p>	<ul style="list-style-type: none"> <li>• The NPWS has identified a site-specific conservation objective to <b>maintain</b> the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets:               <ul style="list-style-type: none"> <li>○ Mudflats and sandflats not covered by seawater at low tide [1140]</li> </ul> </li> <li>• The NPWS has identified a site-specific conservation objective to <b>restore</b> the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</li> </ul>
<p><b>Cork Harbour SPA (Site Code: 004030)</b></p> <p>Located approx. 1.3km to the south-west of the site</p>	<ul style="list-style-type: none"> <li>• The NPWS has identified a site-specific conservation objective to <b>maintain</b> the favourable conservation condition of all of the bird species listed as Special Conservation Interests for this SPA, as defined by a list of attributes and targets.</li> <li>• To acknowledge the importance of Ireland's wetlands to wintering waterbirds, "Wetland and Waterbirds" may be included as a Special Conservation Interest for some SPAs that have been designated for wintering waterbirds and that contain a wetland site of significant importance to one or more of the species of Special Conservation Interest. Thus, the following site-specific conservation objective is included for the Cork Harbour SPA as follows: <ul style="list-style-type: none"> <li>○ To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly occurring migratory waterbirds that utilise it as defined by a list of attributes and targets.</li> </ul> </li> </ul>

## 8.6. Potential Significant Effects

8.6.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated.

8.6.2. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 1.2km from the boundary of any designated site. As such, there shall be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.

- Disturbance and / or displacement of species:** The site lies within the settlement boundaries of the main town of Carrigtwohill, which includes a number of residential developments to the north and west of the site. There is little physical development to the immediate south of the site due to the presence of St. Mary's Cemetery. The environs of the site can be described as brownfield and urban in nature given the presence of two detached houses and associated gardens on the site. No qualifying species or habitats of interest, for which the designated site is so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated.
- Water Quality:** The proposed development relates to the construction of a residential scheme on lands within the settlement boundary of Carrigtwohill. The development will connect to existing public water services. I note in particular that the site synopsis for the Great Island Channel SAC (Site Code: 001058) notes that the greatest threats to its conservation significance come from road works, infilling, sewage outflows and possible marina developments. The Board will also note the location of the Carrigtwohill WWTP at a location which is surrounded by the Natura 2000 sites described above. Discharge, therefore, from the WWTP is into waters associated with the SAC and SPA. The existing Carrigtwohill WWTP has been noted as having adequate capacity to accommodate the proposed development, with a PE capacity of 30,000 at present. Having regard to the scale of the proposed development together with the submission from Irish Water, I am generally satisfied that the principle of the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development.

The development site is not bound on any side by a water course / drainage ditch. It is proposed that surface water arising from the development will discharge to the existing storm water network in Carrigtwohill, and I note no objections from Cork County Council Engineering Departments in this regard.

- 8.6.3. I am generally satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 sites can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

### **8.7. In Combination / Cumulative Effects**

- 8.7.1. Given the nature of the proposed development, being the construction of a residential scheme, I consider that any potential for in-combination effects on water quality in Cork Harbour and associated Natura 2000 sites can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 001058) via rivers and other surface water features are also subject to AA.

### **8.8. Conclusion on Stage 1 Screening:**

I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

## 9.0 Recommendation

I recommend that permission for the proposed development be refused for the following stated reasons.

## 10.0 Reasons and Considerations

1. Having regard to the location of the subject site, together with the height, design, scale, mass and bulk of the proposed development and the proximity of the development to adjoining properties, it is considered that the proposed development fails to integrate or be compatible with the design and scale of the adjoining buildings and as a result, would have an excessively overbearing and overlooking effect on adjoining properties, would seriously injure the visual amenities of the streetscape and would have an adverse impact on the character of the area.

The proposed development would, therefore, by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, would be contrary to the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site, it is considered that the proposed density of the scheme is excessive in the context of adjoining development, would result in an inadequate amount of private open space to serve the proposed development, and would give rise to substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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A. Considine  
Planning Inspector  
08<sup>th</sup> July 2022