



An
Bord
Pleanála

Inspector's Report

ABP-312957-22

Development	Demolition of existing structures and construction of 39 apartments. Associated site development works.
Location	Popes Hill, The Glen, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2140715
Applicant(s)	Bridgewater Homes Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Bridgewater Homes Ltd.
Observer(s)	None.
Date of Site Inspection	14.10.2022
Inspector	Fiona Fair

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1.0 Site Location and Description

- 1.1 The site is located in a residential area, c1km north of the city centre. It is a corner site which has street frontages onto Popes Road (to the west and north), and Rathmore Park (to the east). It is located above the N20 which is c80m to the west. The site area is stated as 0.21ha and contains an existing two storey house along the northwest boundary and a commercial shed east of the house. The premises is currently occupied by an auto - repair business. The first floor of the house is used as an apartment. Access to the site is currently via Popes Road (west). The site slopes significantly from east to west (a level difference of approximately 14 metres), with a significant drop below Rathmore Road. The site is also below Popes Road to the north.
- 1.2 Site levels vary within the site and vegetative cover is particularly prevalent in the eastern part of the site.
- 1.3 The site is bounded to the southwest by Motor Villas, a three - storey terrace of dwellings (which are listed on the NIAH), these buildings address Popes Road. Single storey cottages at Rathmore Park are to the east on the upper part of the site. Granary Court Apartments are to the west. To the North, is "The Avenue" housing scheme, and a corner site (where Assumption Road meets Popes Road) which is currently undeveloped. This site known as Distillery Quarter was subject to a recent SHD proposal (ABP-311874-21) which included a 3 - 6 storey, 191 number BTR apartment units and which was refused permission (March 2022).

2.0 Proposed Development

2.1 Permission is sought for:

- the demolition and removal of existing structures (including a dwelling house and garage/shed)
- the construction of 39 no. residential units
- all ancillary site development works, including access, bike store, bin storage and amenity areas.

- 2.1.1. The proposed development ranges in height from 3 to 5 storeys and has access on to Rathmore Park and Popes Hill.

Table 1: Key Statistics

Parameter	Site Proposal	Amended as per Appeal
Application Site	0.21ha (net development area of 0.18 identified)	same
No. of Units	39 apartments	34 apartments
Residential Density	216 units / ha	162 units per ha
Dual Aspect	72% (28% single aspect with 7 no. north facing)	94% (no single aspect north facing apartments)
Building Height	3 – 5 Storey	same
Public Open Space requirement: Public Open Space provision:	245sq. m 17%	 254 sq. m / 0.0254 ha (14%)
Car Parking	0 spaces, set down area only	2 set down
Bicycle Parking	84 spaces	78 spaces
Access	From Rathmore Park and Popes Hill	same
Part V	7 units	No change indicated

Table 2: The breakdown of proposed residential unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	Total
Apartment	16	21	2	39
% Total	41%	54%	5%	100%
Revised scheme as per appeal	1 bed	2 bed	3 bed	
Apartment	11	19	4	34
% Total	32%	56%	12%	100%

3.0 Planning Authority Decision

3.1 Decision

Refuse Permission for two number reasons:

1. The proposed development, by reason of siting, site coverage, design, scale and massing, is excessive and would represent over - development of the site, (minimal public communal space, poor standard of residential accommodation on the lower levels, high quantum of single aspect units, undesirable internal circulation areas, inadequate provision of communal services) and would therefore result in an unacceptable level of residential amenity for future occupants, would be contrary to the guidelines on Sustainable Urban Housing: Design Standards for New Apartments 2020,

to the provisions of the Cork City Development Plan 2015 - 2021 and to the proper planning and sustainable development of the area.

2. The proposed development, by reasons of siting, height massing and scale, elevational treatment and the use of materials, would relate poorly to its receiving environment; have an unduly overbearing relationship with adjoining properties, would be contrary to the provisions of the Cork City Development Plan 2015 - 2021, and would seriously injure the visual and residential amenities of the area.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- The planners report states that the principle of a residential scheme at this location is accepted. However, the scheme as presented is over - development of the site (insufficient private communal space, car/cycle parking/dark internal and communal spaces) and the design and articulation of the building form and massing is excessive and bulky, impacting negatively on the streetscape, on the character of the area and would have an over - bearing impact on adjoining residential properties. A new approach to the scheme is suggested, however this cannot be achieved through minor revisions.

3.2.2 Other Technical Reports

- Parks: Planners report on file states Parks report recommends refusal of planning permission. However, I note that there is no Parks report on file.
- Drainage: No objection subject to conditions.
- Environment: No objection subject to conditions.
- Urban Roads and Street Design: Further information requested.
- Traffic: Further information requested.
- City Architect: No report on file. The Planners report refers to comments from the City Architect.
- City Archaeologist: No report on file.
- Housing: No objection subject to condition.

3.3 Prescribed Bodies

IFI: No objection subject to condition.

IW: No objection subject to condition.

TII: No objection.

3.4 Third Party Observations

Eight number third - party submissions are on file, signed by multiple concerned residents. The following is a summary of the observations made:

- The proposed development is excessive in density on this restricted site.
- Concern re number of apartments proposed in the area generally.
- Such large scale developments in such close proximity to one another would have a negative impact on residents, landscape and recreational facilities and parking in the area.
- The development massing, scale 3 - 5 storeys high would be visually obtrusive and seriously injure the residential amenities and outlook of the area and adjoining properties.
- Out of character with the adjacent red brick fronted homes.
- Unsuitable and contrasting building materials and finishes: the proposed use of yellow/sand brick and large swathes of concrete render is inappropriate and will become unsightly/dirty over time.
- The building line is too far forward of the adjoining Motor Villas terrace.
- The glass balconies are unsuitable: contemporary design style, privacy issues, particularly with rooftop garden and balconies on the southern façade.
- The size and scale of the proposal is excessive.
- There should be more tree planting along boundaries of the site, and the existing treeline along the southern boundary should be retained and protected.
- Boundary walls: should be complimentary with Victorian walls. The existing boundary wall is Old Cork red sandstone and should be retained or replaced with similar.

- No provision for a set - down area at the entrance for deliveries/drop - offs.
- The location of the bin area is in very close proximity to No 1 Motor Villas, health and safety risk.
- The roof top gardens/windows/balconies overlook the southern boundary of the development.
- The location of the construction access is too close to the adjoining No 1 Motor Villas.
- Proper management of the apartments is of concern.

4.0 Planning History

- None relevant to the site itself.
- 311874-21 Permission refused (10.03.2022) for a Strategic Housing Development application). "Hewitt's Mills" (Distillery site): (Site D, Proposal of 3 - 6 stories at the junction of Assumption Road and Popes Road)
- 17/37623 (same site: the site to the north) Permission GRANTED for the demolition of a dwelling, the construction of 6 no. apartments, car parking and all ancillary site development works. The proposed residential scheme will consist of 3 no. buildings each comprising of 1 no. duplex apartment and 1 no. apartment.

5.0 Policy Context

5.1 Development Plan

5.1.1 The proposal was assessed by the PA under the Cork City Development Plan 2015-2021. However, the operative City Development Plan is now the newly adopted Cork City Development Plan 2022 – 2028. The Cork City Development Plan 2022-2028 (2022 CDP) came into effect on the 8th August 2022 (the Ministerial Direction issued to the planning authority on 2nd December 2022 is not applicable to the appeal case).

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

Under Map 04. 'North Central Suburbs' of the Cork City Development Plan 2022 – 2028 (CDP), the site is zoned Z01, sustainable residential neighbourhood, wherein the objective

is “To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.”

There is an area of High Landscape Value to the north and a designated cycle and walkway to the east. Blackpool Shopping centre is located c. 800m to the north and Collins Barricks c. 800m to the east.

The site is located within the ‘Fringe / Corridor / Centre area’, of Map 04 ‘Density and Heights’.

- The prevailing density per hectare is indicated as 25 – 100 plus with a target of 50 to 150
- The prevailing heights / no. of storeys is indicated as 2 lower 6 upper with target heights indicated as 4 storeys lower and 7 upper.
- FAR (floor area ratio) has a prevailing ratio of 1.5 – 3.5 with a target ratio of 2.5 – 4.5
- In terms of dwelling size mix Table 11.3 sets out dwelling size mix for small apartment schemes and Table 11.5 sets out minimum, maximum and target figures, for city centre dwelling size mix - set out below.

Table 11.3: Dwelling Size Mix for Small Apartment Schemes.

No. of Dwellings	Dwelling Type	Scheme Type	Standard	Basis
<10	Apartment	Refurbishment / Urban Infill	Max 4 Studios	Specific Planning Policy Requirement (SPPR) 21
<50	Apartment	Refurbishment / Urban Infill	First 9 Units (as per above) Units 10-49 (as per Tables 11.5 - 11.9)	SPPR 2 SPPR 1 & SPPR 2

Table 11.5: City Centre Dwelling Size Mix for Housing.

	Min	Max	Target
Studios / PBSA	0%	30%	20%
1 Bedroom	20%	30%	25%
2 Bedroom	30%	40%	35%
3 Bedroom	15%	25%	20%
4 Bedroom / Larger	0%	100%	0%

It is stated that these maps are based on the supporting document 'Cork City Urban Density, Building Height and Tall Building Study.'

- Details on Densities are found in Chapter 3, Delivering Homes and Communities in Volume 1
- Details on Cityscape and Building Height can be found in Chapter 11 'Placemaking and Managing Development' in Volume 1.
- The site is not located within any views identified in Map 04 – 'View Management Framework Plan'.
- The site is not located within Flood Zones A and/ or B (Strategic Flood Risk Assessment, Map 5)

5.1.3 I identify the most relevant 2022 CDP objectives to be:

- ZO 1.1

The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

- ZO 1.2

Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.

- ZO 1.3

Primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.

- ZO 1.7

Many green areas of open space in residential estates in Cork City are included in this zone. There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.

- Chapter 2 Core Strategy:

- Objective 2.30 Implementing the Core Strategy – support delivery of the City’s Core Strategy in accordance with the Core Strategy Map and Table 2.2, the Growth Strategy Map and Table 2.3, and the Objectives for City Growth Table 2.6 (first and second tiers of the strategy are the City Centre and Docklands; Douglas is within City Suburbs, the third tier of the strategy, and identified as one of six District Centres to deliver an appropriate mix of uses); and
- Objective 2.31 City Growth – target the delivery of 65% of all new homes on lands within the existing built footprint of the City (consolidate and enhance City Suburbs such as Douglas).

- Chapter 3 Delivering Homes and Communities.

- Section 3.1 - The Challenge

The National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) both focus on improving quality of life and creating compact growth and delivering housing and sustainable neighbourhoods with access to appropriate services, resources and infrastructure. Access to high quality housing is a primary component of achieving

quality of life. Delivering a sufficient amount of housing to meet our strategic growth targets is essential, but housing supply is also essential to ensure that the City offers an excellent quality of life and liveable neighbourhoods to its residents. The NPF sets out elements that support quality of life (see Figure 3.1).

- Section 3.4 - This Development Plan period 2022-2028 will see key challenges being tackled in delivering homes and sustainable neighbourhoods across Cork City:
 - A significant expansion in housing supply with a focus on bringing zoned sites forward for development within the Plan period;
 - A transition to increasing levels of brownfield development in accessible locations to achieve compact growth;
 - A shift to a gentle density approach across Cork City and an increase in the proportion of homes that are apartments and duplexes. High density development will be appropriate in the City Centre and the City Docks;
 - Delivery of at least five key substantial new sustainable neighbourhoods at the City Docks, Tivoli Docks, South Ballincollig (Maglin), Ballyvolane and Glanmire (South);
- Section 3.5 Sustainable Neighbourhoods
- 3.12 A Diverse and Inclusive City
- 3.17 Delivering Homes
- 3.19 Compact Growth in Cork
- 3.22 Residential Density
- 3.27 Delivering a Good Mix of housing

The Joint Housing Strategy / Housing Need and Demand Assessment provides an analysis of the need for below-market priced housing for new households. Within Cork City the target is to provide housing for new households at a ratio of 67% market homes to 33% below-market priced homes. In addition to meeting this new housing need the existing housing waiting list will also need to be housed. This Joint Housing Strategy demonstrates that there is an average estimated need for 20.4% of housing output to be social housing units and 12.7% for affordable housing units over the Plan period to 2028. Table 3.5 outlines estimated delivery of both social housing and affordable units on an annual basis

within the 2022-2028 timeframe. There is a need to ensure the provision of affordable private rented housing to address rising student accommodation costs.

- Section 3.32

Build-to-rent and shared accommodation developments will not be exempt from Part V requirements.

- Section 3.33

The HNDA illustrates that housing will be needed to provide for the household sizes set out in Table 3.4 in Cork City during the period of the Development Plan.

- Section 3.34

Private housing solutions for one-person household demand will be varied and include: one-bedroom flats (owner occupied, private rental and Build-to-Rent) and studios in the form of Shared Accommodation and Purpose-Built Student Accommodation.

- Delivering Homes and Communities Development Objectives
- Strategic Objective 2 Delivering Homes and Sustainable Neighbourhoods
- Objective 3.1 Planning for Sustainable Neighbourhoods
- Objective 3.2 A Diverse, Inclusive and Equal City
- Objective 3.3 New Housing Supply
- Objective 3.4 Compact Growth – at least 66% of new homes to be provided within the existing footprint of Cork with 33% of new homes in brownfield sites, and optimise potential housing delivery on suitable brownfield sites to achieve compact growth targets;
- Objective 3.5 Residential Density – higher densities to be achieved in accordance with the Cork City Density Strategy, Building Height and Tall Building Study whilst ensuring a balance between protecting the established character of the surrounding area and existing residential amenities, creating successful integrated neighbourhoods, and achieving high quality architectural, urban and public realm design;
- Objective 3.6 Housing Mix - Cork City Council will seek to:
 - a. Implement the provisions of the Joint Housing Strategy and HNDA as far as they relate to Cork City;

b. Encourage the development of an appropriate mix of dwelling types to meet target residential densities, utilising a range of dwelling types and density typologies informed by best practice (as illustrated in “Density Done Well” in the Cork City Density Strategy, Building Height and Tall Building Strategy) with combinations of houses, stacked units and apartments;

(c) Within all new residential developments, it will be necessary to ensure an appropriate balance of housing tenure and dwelling size to sustain balanced and inclusive communities, including a balance of family sized units and smaller dwellings tailored to suit the location (please refer to Chapter 11: Placemaking and Managing Development for those standards);

d. Deliver at least 20% below-market priced housing across Cork City and ideally within each new residential neighbourhood;

e. Encourage the provision of housing for one and two person households in all neighbourhoods to meet the needs of all age groups, including providing for downsizing to release family housing units;

f. Update Development Plan policy as necessary to reflect emerging national guidance with regard to housing standards.

- Objective 3.29 Neighbourhood Recreation and Amenity.
- Chapter 4 Transport and Mobility
 - Objective 4.3 Strategic Location of New Development – ensure new residential and commercial development is focused in areas with good access to the planned high frequency public transport network; and
 - Objective 4.5 Permeability – require new development to include permeability for pedestrians, cyclists, and public transport to maximise its accessibility.
- Section 4.106 Parking for New Development

As a mechanism in achieving the City Council overarching aim of providing for a co-ordinated approach to the development of the City the following approach will be taken towards new developments:

- Direct high-density residential land use and high trip generating uses including employment and retail to areas that are currently, or will be, served by high frequency transport services;
- Set maximum parking standards across the City including the Urban Towns, taking into account accessibility to public transport and / or access to local services including education and employment;
- Set out car-free or low car standards in development areas within an 800m walking catchment area of Cork city centre and / or of quality public transport; and
- Ensure that alternatives to private car ownership are made available including provision of car club bays and membership, public transport cards and increasingly, provision of and membership of cycle hire schemes.
- Chapter 11 Placemaking and Managing Development:
 - Cityscape and Building Height:
 - Building Height, Section 11.28 – building height strategy contained in Table 11.1 and will be applied in assessing development proposals (the site is a Primary Urban Corridors and principle towns area within the ‘Fringe / Corridor / Centre area’, of Map 04 ‘Density and Heights’ with target heights of 4-7 storeys applicable to the appeal site);
 - Tall Buildings, Section 11.44 – five locations identified as suitable for tall buildings including the City Centre, City Docks, Mahon, Blackpool and Wilton;
 - Definition of a Tall Building, Sections 11.45-11.46 – proposed buildings which are equal to or more than twice the height of the prevailing building height (Douglas defined as 2-3 storeys), over 18m/ 6 storeys, and considered significantly higher than those around;
 - Tall Building Locations, Section 11.51 – only suitable in 2022 CDP identified locations, as tall buildings outside of these locations are not generally considered appropriate due to their being in conflict with the overall building height strategy for Cork;

- Assessing Impacts of Tall Buildings, Sections 11.53-11.57 – lists of criteria to address/ consider including visual, functional, environmental, microclimate, and cumulative impacts;
- Residential Development:

Residential Density, Section 11.72 – Table 11.2 indicates density targets across the city, including a density range of 50-150dph for as the subject site as a Fringe / Corridor / Centre (applicable to the appeal site). Density targets for the City Centre and Docks include a minimum of 100dph with no upper limit. Density targets and prevailing character will be the key measures in determining site-specific density;
- Dwelling Size Mix, Section 11.76 and Objective 11.2 – all developments to comply with dwelling size mix, and for residential developments between 10-50 units
- Apartment Design, Section 11.91 – lists quantitative standards required to comply with national planning guidelines (floor areas, private/ communal open space, internal and cycle storage, build-to-rent specific SPPR 7 and 8), and qualitative standards (additional specifications for communal and roof top space designs); and
- Daylight, Sunlight and Overshadowing, Sections 11.98-11.99 and Objective 11.4 – habitable rooms of new residential units to have appropriate levels of light and ventilation, and a DSO assessment required to take into account the amenities of the proposed development, its relevant context, planning commitments, and likely impact on adjacent sites, with number of criteria for assessment to address/ demonstrate.

5.2 National Planning Guidelines

- Sustainable Residential Development in Urban Areas
- Sustainable Urban Housing: Design Standards for New Apartments 2022

Appendix 1 - Minimum floor areas for communal amenity space is set out as follows:

 - Studio 4 sq m
 - One bedrooms 5 sq m
 - Two bedrooms (3 person) 6 sq m
 - Two bedrooms (4 person) 7 sq m
 - Three bedrooms 9 sq m
- Quality Housing for Sustainable Communities: Best Practice
- Urban Development and Building Heights

- Design Manual for Urban Roads and Streets

5.3 National and Regional Plans

- Climate Action Plan 2023
- National Planning Framework
- Regional Spatial & Economic Strategy for the Southern Region
- Cork Metropolitan Area Strategic Plan

5.4 Natural Heritage Designations

5.4.1 There are no Natura 2000 sites within the boundary of the appeal site nor are there any Natura 2000 sites directly abutting the appeal site or within the immediate context of the site. The closest sites and those within the zone of influence of the proposed development are some 3.7Km away:

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

5.4.2 The application site is located within the existing built-up area and is served by mains water and sewerage services. There is no direct hydrological connection between the application site and these European sites in terms of surface water and wastewater. Having regard to the separation distances and the lack of pathway between these sites and the application site they are screened out.

5.4.3 The application is accompanied by a Screening for Appropriate Assessment, which concludes a Stage 2 assessment is not required in this instance.

5.5 EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 39 apartments on a site with an area of 0.21ha hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there

is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1 Grounds of Appeal

The applicant has responded to the Planning Authority's reasons for refusal by addressing on a topical basis the issues cited therein.

- Design, scale and density of the scheme is appropriate and is located in a location within easy walking distance to Cork city centre and Blackpool District Centre, located on an existing high quality bus route, that is due to be upgraded by the Cork Metropolitan Area Transport Strategy (CMATS) – such sites demand schemes to be of an appropriate scale / density.
- Have made some amendment and modifications to the scheme to address some of the issues raised by the city council.
- The revised scheme has 34 units. Revised drawings and revised HQA have been submitted.
- The revised scheme is accompanied with a comprehensive Sunlight and Daylight assessment.
- Relatively minor changes to materials and elevational changes
- Both the original and revised scheme have been carefully considered to ensure that the development would have a good standard of residential amenity and would not have an adverse impact upon adjoining properties.
- The proposed scheme provides amenity space well above the 2020 Apartment Guidelines and the Councils Development Plan requirements.
- There is an acute need for residential accommodation in Cork City.
- The majority of the site is of a low elevation (the site is a former quarry), with a modest scale / building height (2 storey's) proposed on the most elevated eastern portion of the site. To respect the modest scale of the cottages on this road. While

the western elevation comprises 3 storeys and a setback to compliment the Motor Villas terrace to the south on Popes Road.

- Proposal would give rise to a positive change in the existing environment.
- Cork city is limited in the number of developable lands for residential development in such centrally located areas.
- The design, height and massing has been carefully considered and has cognisance to its setting and surrounding permitted and proposed schemes.
- Plot ratio proposed is 1:6 (3,430 sq. m on a site area of 0.21 hectares) which is marginally above the indicative levels.
- The proposed development density on this 0.21 ha site is 161 units per ha.
- The appeal constantly references and compares the proposed development to the Hewitt's Mill development TA28.311874 (see planning history section of this report above – it has been refused permission on 10.03.2022).
- In terms of height / scale, the Councils decision is at odds with the core values and objectives of the NPF and the 2018 Height Guidelines which specifically advocate higher densities and building heights of at least 4 storeys in locations outside of the city and town centre areas.
- Objective 33 (locations which support sustainable development...) and Objective 35 (seeks to increase densities in settlements...) of the NPF are of relevance.
- The 2018 Height Guidelines do not support the City Council's decision that the development has an excessive height, scale and massing.
- The scale and plot ratio is completely justified in relation to the criteria outlines in Section 16.12 of the CCDP 2016 – 2022
 - The presence of a public transportation system
 - Vision for urban form
 - Amenity considerations above requirements.
 - Provision of ancillary facilities – located within easy walking distance of the city centre and transportation services.
 - No parking is required or proposed, just a set down area.

- Revised scheme fully justified in terms of design, scale, height and massing.
- 94% of the proposed units are dual aspect (32 of 34)
- 92.98% of bedrooms achieve an ADF of greater or equal to 1.00%
- 87.10% of living spaces achieve an ADF of greater or equal to 1:50%
- 64.52% of the living spaces achieve an ADF of greater or equal to 2.00%
- The assessment of daylight / sunlight was an iterative process with additional opening areas added during the redesign to increase and optimise the daylight availability within occupied spaces wherever possible and a number of compensatory factors were also included in the revised scheme.
- There are two bike stations located close to the site at Popes Quay.
- Good mix of apartments proposed.
- No overlooking of properties to the south, sympathetic to the existing urban environment and could in no way be described as 'over bearing'.
- Council's conservation assessment and negative decision in this instance is unwarranted and would mean that the NPF targets for brownfield sites will not be met.
- Appeal accompanied with a Daylight Assessment.

6.2 Applicant Response

- None relevant.

6.3 Planning Authority Response

- None on File

6.4 Observations

6.4.1 One received from Motor Villas Residents' Association; it is summarised as follows:

- Appeal does not address the numerous deficiencies of the proposed development.
- Unsuitable and unacceptable finishes proposed.
- Unsuitable setting and alignment to Motor Villas.

- No details of measurements are stated.
- Unsuitable glass balustrades
- Excessive scale and size
- Boundary walls unsuitable
- Road and Footpath safety queried.
- Inadequate residents parking and lack of parking facilities proposed.
- Concern with respect to security and safety at the rear of Motor Villas
- Overlooking at the rear of Motor Villas – roof garden and a number of balconies and windows would directly overlook.
- No assessment of the impact of sunlight / daylight to the houses in Motor Villas and their rear gardens.
- No details given for protection of trees to the south of the site on Cork City Council lands.
- PA 311874 Distillery Quarter site referred to throughout the appeal has been refused planning permission by ABP.

6.5 Further Responses

- None on file.

7.0 Assessment

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

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

- Zoning
- Design, Scale, Massing and Density
- Visual Amenity
- Residential Amenity
- Transportation
- Appropriate Assessment.

Zoning

7.1.3 At the time the planning application was lodged and appeal made, the Cork County Development Plan 2014-2020 (2014 CDP) was in effect, the site was located, as per Volume 2: Map 4: Central Suburbs, and was subject to the zoning objective 'Z04 Residential, Local Services and institutional Uses' with the objective 'to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'. In the interim, the Cork City Development Plan 2022-2028 (2022 CDP) has come into effect, it is the applicable CDP for the assessment of the appeal case.

7.1.4 The zoning objective for the site in the current 2022 CDP has changed to 'ZO1, sustainable residential neighbourhood', wherein the objective is "To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses." The proposed development comprises solely of a residential apartment development, which is permissible under the ZO1 Sustainable Residential Neighbourhoods' zoning objective.

- 7.1.5 Having regard to the location of the site close to the City Centre, its access to public transport services and its proximity to services and amenities/employment sources, I am satisfied that the principle of a solely residential scheme is suitable and justifiable at this location. An apartment scheme would also be appropriate as it would provide much needed additional accommodation for residents.

Design, Scale, Massing & Density

- 7.1.6 The first reason for refusal considers that, by reason of siting, site coverage, design, scale and massing, the proposal is excessive and would represent over - development of the site. The full reason for refusal is set out in full in section 3.0 of this report, above.
- 7.1.7 In the first party appeal, the applicant has submitted revised plans and drawings which make some amendments and modifications to the scheme, it is argued, to address some of the issues raised by the city council. The revised scheme has 34 units. It is submitted in the first party appeal that 'relatively minor changes to materials and elevational changes' are proposed. It is also submitted that 'the design, height and massing has been carefully considered and have had cognisance to its setting and surrounding permitted and proposed schemes. The plot ratio proposed in the amended revised scheme is 1.6 or 1.9 depending on the site area used (3,430 sq. m on a site area of 0.21 hectares / 2100 sq. m or 0.18 ha net developable area / 1800 sq. m) which is in line the indicative levels in the CDP 2022. The set out FAR (floor area ratio) in the CDP 2022, for the appeal site, is stated as a prevailing ratio of 1.5 – 3.5 with a target ratio of 2.5 – 4.5
- 7.1.8 In Table 1 above (section 2.1.1) Key Statistics, I have set out some of the amendments between the scheme originally proposed and the revised proposal as submitted with the appeal. The applicant's supporting documentation has not set out clearly the amendments proposed, while the number of apartments has been reduced (from 39 to 34) the mix has also changed. The number of dual aspect apartments has increased and single north facing apartments redesigned. The height of the scheme at 3 – 5 storey's remains the same. As is evident from Table 2 above, the number of one and two beds has been reduced and the number of three beds increased.
- 7.1.9 The building footprint has been amended and is overall reduced. This is not detailed clearly in the documentation but from the drawings submitted it is clear that the proposed building will have a greater set back / separation distance to Motor Villas to the south west corner

(amended from 2.090m to 3.545m), the building line to Popes Road, the western boundary, has been set back 7.5 m from the red line boundary, from 4 m original set back, (my calculations as it is not stated on the plans submitted). I note the building line of the north-western corner of the building has also been further stepped back from the site boundary and junction of Popes Road with Assumption Road. The north-eastern corner where the building addresses Rathmore Road, the length / width of the building façade has been reduced from approx. 18.5 m to 13.2m (my calculations from comparison of drawings submitted). The design of the façade, materials and finishes of the building has also been revised, in an effort to increase the number of dual aspect apartments, (a stepped building façade has been introduced with north and northwest facing balconies incorporated into the northern façade, dual aspect has been increased from 72% to 94%). The amended design and set back also aims to reduce overlooking or perceived overlooking.

- 7.1.10 The site area is stated as 0.21ha. A net developable area of 0.18 ha has been identified. 39 units proposed give a proposed density of 216 units per ha. 34 units would result in a density of 162 units per ha. In its assessment, the planning authority categorises the site as an 'Inner Suburban site' and describes it as brownfield and town centre in nature.
- 7.1.11 I note the first party's argument that the design, scale and density of the scheme is appropriate as it is located in a location within easy walking distance to Cork city centre and Blackpool District Centre, located on an existing high quality bus route, that is due to be upgraded by the Cork Metropolitan Area Transport Strategy (CMATS). It is argued that such sites demand schemes to be of an appropriate scale / density. It is noted the site is an infill site within the existing built - up area of the Central suburbs, north of Cork City Centre, c750m northeast of the Christy Ring Bridge/City Centre. As per the Ministerial Guidelines, the application site can be classed as: 1) Central and/or Accessible Urban Locations: as it is within walking distance (i.e. up to 15 minutes or 1,000 - 1,500m), of a principal city centre. The guidelines state that "Such locations are generally suitable for small - to large - scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments. Having regard to the provisions as set out in the guidelines which guide the appropriate location for apartment developments, the proposal is considered acceptable in principle. I agree that the site location is suitable for a relatively large-scale residential scheme. The overall mix proposed in the original scheme and the revised scheme is satisfactory having regard to the provisions of SPPR 1&2 of the

Sustainable Urban Housing - Design Standards for New Apartments Guidelines for Planning Authorities 2022.

- 7.1.12 There is no national policy context setting an upper limit for densities in sites and locations such as the appeal site, importantly, I highlight that the achievement of higher densities in infill sites is required to be balanced with protecting the character of the receiving area and safeguarding amenities of properties therein (as per section 5.9 Inner Suburban/ Infill of the Residential Development Guidelines).
- 7.1.13 Of the local policy context, I note the inclusion in the 2022 CDP of the Core Strategy for the city indicating population growth figures and appropriate locations for same, and the Density and Building Height Strategy indicating the physical and built forms by which the projected growth will be achieved.
- 7.1.14 It has been clearly indicated by way of preplanning to the applicants that the city council consider this site to be a prominent sensitive site. As set out above, there is a significant difference in levels between the site and the adjoining roads to the north and east, and the site is narrow, 32 metres at its widest point. Motor Villas, a three - storey terrace, identified on the NIAH as being of “architectural merit” (Reg. no. 20862042), are located to the southwest. The dwellings on Rathmore Terrace are single storey. The topography of the site presents a challenge. There is a 14 m level difference from east to south. The site is below Popes Road to the north, and there is a higher bank beyond the southern boundary. Site levels vary within the scheme. The rear gardens of Motor Villas are significantly below the site as current levels show. The proposed development ranges in height from 3 to 5 storeys and has access on to Rathmore Park and Popes Hill.
- 7.1.15 The PA considered that while the principle of a residential scheme at this site is acceptable, it is considered that the proposed scheme represents over - development of this site.
- 7.1.16 Having assessed the proposal and the revised proposal submitted with the first party appeal, against the policies and objectives set out in section 5.1 of this report above, pertaining to the newly adopted Cork City Development Plan 2022 -2028 and to the Sustainable Urban Housing - Design Standards for New Apartments Guidelines for Planning Authorities 2022. I consider that given the zoning and location of the site the height, plot ratio and apartments sizes, room sizes, floor to ceiling heights, dual aspect (only two apartments, apartment 9 on the first floor and 18 on the second floor are single aspect – face west), balcony sizes, lift and stairs etc. meet the qualitative standards.

- 7.1.17 The site is located within the 'Fringe / Corridor / Centre area', of Map 04 'Density and Heights'. The prevailing density per hectare is indicated as 25 – 100 plus with a target of 50 to 150. The proposed scheme of 39 units has a density of 216 units per ha. and 34 units would result in a density of 162 units per ha. Thereby exceeding the targets. The prevailing heights / no. of storeys is indicated as 2 lower 6 upper with target heights indicated as 4 storeys lower and 7 upper. Thereby at 2 – 5 storeys is within target.
- 7.1.18 Overall, having regard to the foregoing, I agree with the PA that the building form has poor massing qualities and would give rise to over development. While the amendments proposed do improve the overall proposal in terms of design, scale and density, it is my opinion the amendments do not overcome the first reason for refusal.
- 7.1.19 I concur with the planning authority's first refusal reason, as I also find that the proposal, by reason of siting, site coverage, design, scale and massing, is excessive given the limitations and sensitivities of the site and would ultimately if permitted represent over - development of the site.

Visual Amenity

- 7.1.20 The second reason for refusal considered that the proposed development, by reasons of siting, height, massing and scale, elevational treatment and the use of materials, would relate poorly to its receiving environment; have an unduly overbearing relationship with adjoining properties, would be contrary to the provisions of the Cork City Development Plan 2015 – 2022.
- 7.1.21 As I outlined in the preceding section 'Design, Scale, Massing & Density' above, the proposal, with the exception of the density and communal open space quantum, largely complies with and meets the qualitative standards, policies and objectives set out in the newly adopted Cork City Development Plan 2022 -2028 and to the Sustainable Urban Housing - Design Standards for New Apartments Guidelines for Planning Authorities 2022. National and local policy context requires landscape visual impact assessments to be undertaken for proposals with tall buildings. Specifically, the Building Height Guidelines require a landscape and visual assessment to be undertaken by a suitably qualified practitioner such as a chartered landscape architect, and the 2022 CDP requires views of buildings to be provided from long-range, medium-range and the immediate context.

- 7.1.22 Included in the amended design proposal submitted to the Board, are 3 CGIs of the revised proposal, immediate street elevation drawings and cross sections. Reports which accompanied the original application include: a Planning and Design report and a Conservation report. While I am of the opinion the buildings proposed at 2 – 5 storey (ranging in height from some 6.8m - 17.6m) are within the target range for the location and not, as per section 11.46 of the CCDP considered ‘tall buildings’ specifically, I do not consider that the information submitted in support of the proposal to be satisfactory in the sites context.
- 7.1.23 Section 11.46 states: ‘Within Cork City only buildings above 18m / 6 residential storeys are considered ‘tall buildings’, and only then when they are significantly higher than those around them’. The subject building has a height of some 17.6 m. I note that an area for plant and satellite dishes is also included on submitted plans, but this area is indicated on the roof of the building with a parapet height of some 14.2 m.
- 7.1.24 Cognisance is had to building design guidance set out in the Apartment Guidelines 2022 and to Urban Design and Building Heights (2018) which signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance-based standards to ensure well-designed high-quality outcomes. The site context is sensitive, and the topography of the site represents a challenge.
- 7.1.25 The first party appeal argues that the majority of the site is of a low elevation “(the site is a former quarry)”, with a modest scale / building height (2 storey’s) proposed on the most elevated eastern portion of the site. To respect the modest scale of the cottages on this road. While the western elevation comprises 3 storeys and a setback to compliment the Motor Villas terrace to the south on Popes Road.
- 7.1.26 I note that the application form submitted indicates at Question 18, Site History, that no dumping or quarrying took place on the site, this would appear to be an anomaly and the matter has not been addressed in the application. This matter could be addressed by way of condition if the Board is mindful to grant planning permission, the matter has not been raised by the PA or objectors / observers to the application.
- 7.1.27 In respect of the design of the buildings, I acknowledge that consideration has been given to the buildings’ external finishes with use of glazing, zinc cladding, and brick to assist the visual integration of the proposal with the receiving area. The revisions to the architectural design of the scheme, in particular, high-level windows and louvre system, additional

windows added, stepped north elevation, set back from boundaries and amendments to the northeaster elevation, materials (higher quality materials added) and fenestration are all positive and go some way to overcoming some of the concerns raised. The revised scheme submitted to the Board does not overcome the design, scale and massing concerns. It contrasts significantly with the adjoining terrace and character of the surrounding area. It does not in my opinion ensure a balance between protecting the established character of the surround area and existing residential amenities, creating a successful integrated neighbourhood and achieving high quality architectural, urban and public realm design.

- 7.1.28 Albeit the site is not located within any views identified in Map 04 – ‘View Management Framework Plan’, I am of the opinion that given the sensitivities of the site, highlighted at pre planning, and the scale, height and massing of the proposal, a Landscape Visual Impact Assessment (LVIA) should have been prepared. Medium and long-distance views are required. The 3 CGI's, immediate distance street views submitted, of the revised proposal, are insufficient in considering the impact on the visual amenity of the area, and I consider reinforce the overall concerns of massing. I am of the opinion that the massing and relationship with surrounding buildings has not been satisfactorily overcome, in particular with respect to Popes Road and Motor Villas.
- 7.1.29 I agree with the concerns raised in the Urban Design and Architecture appraisal included in the PA report. While the site is suitable for housing, the design fails to make a positive contribution to the character and streetscape of the area. Minimal ground public communal space is included. I consider the massing of the scheme contributes to overdevelopment of the site. The proposal does not aid legibility and wayfinding of the streetscape and urban block due to its overly dominant scale, and massing.
- 7.1.30 I concur with the planning authority's second refusal reason, as I also find that the proposal, due to its scale and design, would adversely impact on the character of the area and cause injury to the visual amenities of the area. I recommend refusal of permission be upheld on this substantive issue.

Residential Amenity

- 7.1.31 The first reason for refusal considers that the proposal would result in an unacceptable level of residential amenity for future occupants, would be contrary to the guidelines on Sustainable Urban Housing: Design Standards for New Apartments 2020, to the provisions

of the Cork City Development Plan 2015 – 2021. Minimal public communal space, poor standard of residential accommodation on the lower levels, high quantum of single aspect units, undesirable internal circulation areas and inadequate provision of communal services are cited as of concern. The full reason for refusal is set out in full in section 3.0 of this report, above.

- 7.1.32 As stated throughout this report, the applicant has submitted revised plans and drawings with the first party appeal, which make some amendments and modifications to the scheme. In Table 1 above (section 2.1.1) Key Statistics, I have set out some of the amendments between the scheme originally proposed and the revised proposal as submitted with the appeal. The number of apartments proposed has been reduced from 39 to 34. It comprises a mix of 11 one beds, 19 two beds and 4 three beds. (see Table 1 and Table 2 in section 2.0 Proposed Development above for details). The dual aspect has been increased from 72% to 94%, only two west facing apartments on the first and second floor are single aspect, all north facing single aspect apartments have been omitted / redesigned.
- 7.1.33 It is strongly submitted in the first party appeal that ‘both the original and revised scheme have been carefully considered to ensure that the development would have a good standard of residential amenity and would not have an adverse impact upon adjoining properties.
- 7.1.34 In tandem with the PA I would still have concerns with respect to site coverage, overall massing and amenity of future occupants given the constraints of the site, in particular, its topographical arrangement. I too would have concern with respect to the low level of resident amenity space and communal open space. Albeit the PA report states that the Parks report recommends refusal – there is no record on the PA’s website or on file of a Parks report pertaining to this site. No public open space is proposed (I note the CCDP 2022 has a general requirement for POS of 10%) and a contribution towards same has not been raised or justified. This matter could be dealt with by way of condition and compliance given the brownfield nature of the site, should the Board consider permission should be forthcoming, the matter has not been raised as an issue in the appeal.
- 7.1.35 The level of communal amenity space proposed has not been justified and is substandard in my view. Due to the topography of the site, parts of the site along the northern and southern boundaries are unusable. Communal amenity space proposed at ground floor courtyard, upper - level amenity area (both along the southern boundaries) and rooftop

terrace (with an area of some 210 sq. m) at 4th floor level are inadequate to satisfy minimum standards. Cognisance is had to the community space of some 37.6 sq. m proposed at ground floor adjacent to the bike store and storage area. As per Appendix 1 of the Design Standards for New Apartments I calculate that the minimum floor space requirement for communal amenity space would be in the region of 218 sq. m. It is stated that 254 sq. m is proposed (14%), however, it is substantially in the form of a roof terrace at fourth floor (approx. 210 sq. m). The quality of the ground level open space would have a poor amenity level given the level differences in the site. Overall, I consider that the level of communal open space is deficient and has not been adequately justified.

- 7.1.36 A Daylight sunlight and overshadowing report has been submitted with the first party appeal and it indicates 92.98 % of bedrooms achieve 1% ADF and 64.52% of K/L/D rooms achieve 2% ADF. 87.10% of K/L/D rooms achieve 1.5% ADF according to the BRE Guidelines. A number of compensatory factors are proposed including proximity to services, generous floor to ceiling height of 3.0 m per apartment, private amenity space in the form of balconies for each unit which are in line with or exceed the minimum area requirements that are set out in the 2022 Apartment Guidelines, high quality finishes and communal open space. The report sets out and quotes that The BRE Guide gives advice and is not mandatory and the guide should not be seen as an instrument of planning policy. It is submitted that the guidelines are interpreted flexibly since natural lighting is only one of many factors in site layout design. That it is important that the guidelines that exist in relation to day light are read in the correct context and are not viewed as mandatory requirements.
- 7.1.37 In line with EN 17037:2018 Table A.1. 54% of rooms assessed are compliant with the new European daylighting standard, achieving 300 Lux over at least 50% of their floor area and 100 Lux over at least 95% of their floor area for at least 50% of annual daylight hours.
- 7.1.38 Given the daylight analysis carried out using both standards, providing daylighting results in terms of average daylight factor (based on previous British Standard – BS 8206-2) and Spatial Daylight Autonomy (based on current European Standard – EN 17037) and cognisance being had to compensatory factors and guidance argument put forward it is clear from Appendix A Daylighting Results - BS 8206-2:2008 ADF that four bedrooms are well below the 1% ADF guidelines with a stated ADF of 0.61, 0.82 and 0.71 and 0.84. Also 15 K/L/D rooms are below the 2 % ADF guideline some significantly so at 0.61, 0.84, 1.29 and 1.47.

- 7.1.39 Appendix B Daylighting Results – EN 17037:2018 Spatial Daylight Autonomy indicates that a significant number of bedrooms and K/L/D rooms are well below the target guideline figures.
- 7.1.40 I have concerns in respect of whether the measures/ explanations are sufficiently compensatory due the results set out. The potential for the percentage achievement is indicated as low. Due to the architectural design responses to the site's context (topography and high solid to void ratio in the elevations, windows in southern elevations being high level, number of glazed windows to avoid overlooking impacts), and as outlined above, the unsatisfactory public communal open space for the scheme. As such, I am not satisfied that the future residents would be provided with sufficient access to adequate daylight and sunlight to ensure a high standard of residential amenity. Accordingly, I consider that the proposal does not comply with 2022 CDP Objective.
- 7.1.41 In respect of overshadowing, I have reviewed the applicant's Shadow / Daylight Study – Plan View, the planning and design report (for the revised scheme) and the first party appeal. I consider the information submitted fails to adequately establish and address the impact on adjacent properties. A zone of influence has not been established, adjacent residences to west, south and east are not identified, no daylight (VRT), sunlight (APSH), or amenity area/ open space overshadowing calculations have been undertaken for adjacent residences. Shadow images have been generated of the scheme and immediate area with images for different hours of the 21st of March at 9am, 12pm and 3pm (only), which is limited and not provided with sufficient analysis. It appears that there is significant shadow cast on 21st March at 3 pm on the rear windows of Motor Villas and their rear private gardens. I consider there to be potential for afternoon/ evening shadow to be cast on residences and amenity areas to the south / southwest / south east that has not been sufficiently identified (i.e. residences) and therefore not analysed. I concur with the concerns raised in the third-party submission/ appeal observation relating to the lack of robustness of the analysis and the unidentified potential impact of the proposal on the wider area. In this regard, I consider the proposal does not comply with 2022 CDP Objective 11.4 as the analysis fails to take into account the likely impact on adjacent sites.
- 7.1.42 In respect of overlooking, while I note the applicant's design approach attempts to respond to the close proximity and outlook of the southern elevations to Motor Villas and property to the south, in particular the redesign of this elevation to incorporate high level windows with louvre system, a greater proportion of void to solid ratio, bedroom windows set back. Also

overall building set back from boundaries, the potential for overlooking and perceived overlooking remains given the scale and massing of the proposal. I consider the redesign response, as submitted to the Board, to avoid overlooking is an improvement on the initial design submitted with the original application to the PA but overall given concerns with respect to level of amenity spaces, overshadowing and visual impact I consider on the whole the proposal is unsatisfactory. I would also have concern with respect to overlooking from the roof terrace amenity space proposed at fourth floor level, in particular to the south.

7.1.43 In terms of overbearing, it is submitted by the first party that the proposed development has been designed to be a sympathetic height and massing to the adjoining Motor Villas and Rathmore Park. Comparisons have been made, throughout the first party appeal, that the proposed development is entirely consistent with the adjoining Hewitt's Mills development proposed under TA28.311874. This development, for construction of 191 no. Build to Rent apartments three to six storeys in height, was refused planning permission on the 10.03.2022 (for a Strategic Housing Development application). Located at the junction of Assumption Road and Popes Road, a short distance to the north east.

7.1.44 I have considered the visual impact on the receiving environment in the preceding section of this report. I consider that adjacent residences would likely experience a loss of residential amenity due to the design of the proposal.

7.1.45 Of the impacts associated with increased traffic activities, I consider these in a subsequent section. Of the impacts associated with construction related activities, these can reasonably be anticipated as short-term and temporary in nature and can be appropriately ameliorated through mitigation measures required by way of condition and compliance. Specifically, the submission and approval of a CDWMP and the CEMP prior to commencement should the Board consider that planning permission should be forthcoming in the subject instance.

7.1.46 In summary, the proposal does not achieve an appropriate communal open space, of sufficient quantum and quality, and resident facilities and amenities of an adequate and sufficient nature. As such, I consider the proposal would fail to provide an adequate level of residential amenity for future occupants of the scheme. Further, I do not consider that the applicant has sufficiently demonstrated, on the basis of the Daylight, Sunlight, Overshadowing Assessment submitted, that the proposed development would not be detrimental to the residential amenity of existing residential properties in the vicinity of the

site, or that the failure of a number of proposed apartments to reach minimum daylight and sunlight target standards, in the absence of robust mitigating compensatory measures, would not result in poor residential amenity for future occupants. The proposed development should be refused on that basis.

Transportation

- 7.1.47 Third party concerns have been raised with respect to traffic calming, road and footpath safety, pedestrian safety, increase in traffic, lack of resident's car parking and overflow. A report from the Traffic Division and from the Urban Streets and Road Design Division have been received. Both request further information.
- 7.1.48 No on-site car parking is proposed and from information submitted on file it appears, while 84 cycle parking spaces were proposed with the initial proposal, 78 are proposed with the revised proposal. Two set down car parking spaces are proposed at the Popes Road entrance. The transportation division state in their report that there is insufficient justification to support zero car parking. It is also held that a Traffic Assessment and RSA for the vehicular entrance would be required.
- 7.1.49 The Urban Roads and Street Design report in principle welcomes zero car parking. However, it is recommended that to support provision of zero car parking, a high - quality pedestrian network is required. DMURS guidance recommends considering the footpath as divided into 3no. areas; footway where people walk, verges which provide a buffer between pedestrians and the vehicle carriageway to provide space for street trees and strips which can be incorporated into the private space of the development. Clarity is requested with respect to vehicular access and cyclist access / egress.
- 7.1.50 The applicant has not addressed the issues raised in their first party appeal. It is clear that zero car parking is proposed, 78 cycle parking spaces and 2 set down spaces. Cognisance is had to section 4.106 Parking for New Development set out in the CDP 2022, it promotes setting maximum parking standards. Car – free or low car standards in development areas within an 800m walking catchment area of Cork city centre and / or of quality public transport; and area of Cork city centre and / or of quality public transport. Ensuring that alternatives to private car ownership are made available including provision of car club bays and membership, public transport cards and increasingly, provision of and membership of cycle hire schemes.

7.1.51 Having regard to the foregoing, I consider that the proposal is acceptable with respect to zero car parking, number and location and access to cycle parking and the set down area proposed, given its central location. Site is located within Zone 1 Cork City Centre and Inner City as per car parking zones set out in the new CDP 2022. Issues raised with respect to pedestrian safety, compliance with DMURS and the need for an RSA could be dealt with by way of condition and compliance should the board be mindful to grant planning permission. However, in the event that permission is refused as per my recommendation it is advisable that such matters are clearly addressed in any subsequent repeat application on this site.

7.1.52 The matter of construction traffic and inconvenience has been dealt with previously under 'Residential Amenity' section of this report.

Appropriate Assessment.

7.1.53 The applicant and the Planning Authority have undertaken Stage 1 screening exercises for Appropriate Assessment.

7.1.54 The site is neither in nor beside a European site. This site lies 3.7km north from the nearest Natura 2000 site (Cork Harbour). Two European Sites exist in this Harbour, i.e. Cork Harbour SPA (004030) and Great Island SAC (001058). While the site and the lands adjoining it to the south slope downwards towards this River, surrounding residential/industrial/commercial premises form an effective barrier to any run-off reaching it. There is no direct hydrological link between the site and Cork Harbour.

7.1.55 No capacity issues have been raised with respect to the Cork WWTP at Garrigrennan, Little Island.

7.1.56 Notwithstanding the above cited absence of a hydrological link, the size, location, and undeveloped state of the site are such that I consider the proposal should be assessed with respect to any significant effect upon the Qualifying Interests of the Cork Harbour SPA.

7.1.57 Under Screening for Stage 1 Appropriate Assessment, the question to be addressed is, "Is the project likely to have a significant effect either individually or in combination with other plans and projects on a European Site(s)?"

7.1.58 The project is for the construction of 39 or 34 residential units on the site in a two – five storey block. Considerable reworking of the site's topography and removal of vegetation and trees would be required to facilitate their construction.

The Qualifying Interests of Great Island Channel SAC are as follows:

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]

7.1.59 The Conservation Objectives for of these Qualifying Interests is to maintain the former and restore the latter to their favourable conservation condition.

7.1.60 The Qualifying Interests of Cork Harbour SPA are as follows:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- Shelduck (*Tadorna tadorna*) [A048]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Pintail (*Anas acuta*) [A054]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]
- Lesser Black-backed Gull (*Larus fuscus*) [A183]
- Common Tern (*Sterna hirundo*) [A193]
- Wetland and Waterbirds [A999]

The Conservation Objectives for each of these Qualifying Interests is to maintain its favourable conservation condition.

- 7.1.61 In the absence of a direct hydrological link between the site and Great Island Channel SAC, the proposal would not pose a risk to the Qualifying Interests of this SAC and so their Conservation Objectives would not be significantly affected by it. Likewise, the envisaged indirect hydrological link via the Cork WWTP would not lead to any significant effect as it is operating within its capacity.
- 7.1.62 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 001058 and 004030, in view of these Sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.1.63 This determination is based on the following: The absence of a direct hydrological link between the site and the identified European Sites, the distance of 3.7 km across Cork City between the site and European Sites, and the habitats comprised in the sites.
- 7.1.64 In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The proposed development, by reason of site coverage, design, scale, bulk and massing is excessive and would by reason of the topography and the constraints of the site, result in over development of the site, be out of character with the existing residential properties in the vicinity and surrounding area. It would set a negative precedent for further inappropriate development in the vicinity of the site. The proposed

development would therefore injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not aid legibility and wayfinding of the streetscape due to its overly dominant scale, massing and inadequate qualitative and quantitative provision of communal open space. It would conflict with the provisions of the current Development Plan for the area, the Cork City Development Plan 2022-2028, and with minimum standards recommended in the a Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2022 and to the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020, and would therefore constitute an excessive density of development on this restricted site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied that the Daylight, Sunlight, Overshadowing Assessment undertaken for the proposed development complies with Objective 11.4 of the Cork City Development Plan 2022-2028, nor that, on the basis of the Daylight, Sunlight, Overshadowing Assessment submitted, that the proposed development would not be detrimental to the residential amenity of existing residential properties in the vicinity of the site, in particular those in Motor Villas to the south west, and that the failure of a number of proposed apartments to reach minimum daylight and sunlight target standards, in the absence of robust mitigating compensatory measures, would result in poor residential amenity for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fiona Fair
Senior Planning Inspector

10.01.2023