



An
Bord
Pleanála

Inspector's Report 313228-22

Development	Demolition of existing structures and construction of a 5-storey residential development of 23 no. apartments (22 no. 1-bedroom and 1 no. 2-bedroom units)
Location	Site fronting onto York Street and Wellington Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	22/40799
Applicant(s)	Ballygifford Holdings Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Decision
Appellant(s)	Ballygifford Holdings Limited
Observer(s)	None
Date of Site Inspection	24 th January 2023
Inspector	Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.055 ha and is located on the northern side of Cork City, on the south-western side of the junction of York Street and Wellington Road. The gradient of York Street increases significantly from south to north, with the site being located at the street's northern end. This street facilitates one-way, north-bound vehicular traffic only. The site occupies a central location, being within a short walk of the city centre and Kent train station. Its primary orientation is east-west fronting onto Wellington Road to the north.
- 1.2. The site accommodates a 2-storey, derelict industrial building which is single-storey in height to the front and single-storey over lower ground floor to the rear reflecting the topography of York Street. The building is generally characterised by blank external walls fronting onto the adjoining street network, save for a vehicular access enclosed by metal shutters in each of the building façades. The property has a concrete yard to the rear. The building is vacant and in a poor state of repair and was being used to store cars at the time of the inspection. On street-parking is in operation to the front of the site at Wellington Road, with 2 no. large mature trees in place within the public footpath. Double-yellow lines extend along the public road adjoining the site at York Street.
- 1.3. The neighbouring land uses are primarily residential in nature, including B&B's, hostels and guesthouses. A terrace of 2-storey residential dwellings adjoins the site to the west (Sidney Place). A 3-storey over basement Georgian property (Glenvera) which is in use as a guest house is located directly opposite the site on the northern side of Wellington Road. The eastern side of York Street opposite the subject site is characterised by 3-storey terraced dwellings. The site of the former Thompson's Bakery abuts the site's southern boundary and includes a distinctive brick chimney structure. The McCurtain Street/Victorian Quarter is located beyond, at the southern end of York Street.
- 1.4. Existing building heights in the immediate vicinity of the site generally range from 2 storeys to 4 storeys over basement.

2.0 Proposed Development

- 2.1. The proposed development consists of the demolition and removal of the existing structure and the construction of a residential development up to 5-storeys in height comprising 23 no. apartments (22 no. 1-bedroom and 1 no. 2-bedroom unit) and all ancillary site development works including access, plant, bike / bin storage and amenity areas (including 2 no. roof terraces).
- 2.2. The height of the proposed development is 3-storeys over lower ground floor adjacent to the existing 2-storey terraced dwellings adjoining the site to the west at Sidney Place, increasing to 4-storeys over lower ground floor at the junction of Wellington Road and York Street. The building height steps back down to 3-storeys over lower ground floor as it extends onto York Street. The building height within the site (i.e at the rear elevation) reads as 4-5 storeys as a result of the topography of York Street.
- 2.3. The development accommodates bin and bicycle storage, a plant room and 2 no. apartments at lower ground floor level. The existing rear yard will largely be retained and will facilitate vehicular and pedestrian access from York Street. No on-site car parking is proposed. A refuse staging area and an area of landscaping is also proposed at this level adjacent to the southern site boundary. The ground floor level will accommodate 5 no. apartments, the 1st and 2nd floor levels will each accommodate 6 no. apartments, while the 3rd floor level will accommodate 4 no. apartments. Private amenity space is proposed by way of terraces, balconies or winter gardens.
- 2.4. The proposed palette of materials for the development includes brick, with metal windows, doors and balustrades.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Refuse Permission for the proposed development for 2 no. reasons issued on 10th March 2022 as follows:

(1) The proposed development constitutes overdevelopment of a sensitive site, would be contrary to objective 16.9 of the Cork City Development Plan 2015 that states that residential developments should be sustainable and create high quality places and spaces which deliver a quality of life which residents and visitors [are] entitled to expect in terms of amenity, safety and convenience and contrary to the guidance set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities. The proposed development therefore does not accord with the proper planning and sustainable development of the area.

(2) Having regard to the location of the proposed development in the Wellington Road / St. Luke's Architectural Conservation Area and proximity to NIAH buildings and a building on the Register of Protected Structures, it is considered that the proposal would be contrary to objectives 9.28, 9.29, 9.30 and 9.32 of the Cork City Development Plan 2015 and also fails to accord with the guidance regarding setting outlined in the Architectural Heritage Protection Guidelines for Planning Authorities by Department of Arts, Heritage and the Gaeltacht, as the new development [would] have an adverse effect on the special interest of protected structures and the character of the ACA. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. **Planning Reports**

3.2.2. Basis of Planning Authority's decision.

3.2.3. **Other Technical Reports**

3.2.4. **Environment, Waste Management & Control:** Recommends that **Further Information** be requested in relation to the management of waste during

construction and demolition, including the submission of a Construction Waste Management Plan.

- 3.2.5. **Housing:** No objection to the proposed development.
- 3.2.6. **Traffic:** Recommends that **Further Information** be requested in relation to: (1) a Road Safety Audit of the vehicular entrance, (2) analysis of the entrance and interior courtyard showing adequate turning circles for fire tender and waste collection vehicles, (3) the submission of an outline Construction Traffic Management Plan, (4) an agreed public lighting report and drawing, (5) proposed bicycle parking provision.
- 3.2.7. **Drainage:** No objection to the proposed development subject to condition.
- 3.2.8. **City Architect:** Considers that the proposed development is a very good urban block development and a welcomed contribution to the architecture of the city. Recommends that the southern elevation of the proposed development be a blank gable, with windows omitted, to enable the continuous development of the western side of York Street.
- 3.2.9. **Urban Roads & Street Design:** Recommends that **Further Information** be requested to ensure the proposed development does not impact on any committed projects, notably the McCurtin Street Public Transport Improvement Scheme.
- 3.2.10. **Conservation Report:** Recommends that **permission be refused** based on: (1) the excessive building height and scale, (2) the failure of the development to respect the north-south balance of existing development on the street, (3) the adverse effect on the setting of nearby Protected Structures and NIAH buildings, (4) the blocking of wider city centre views of the Protected Structures on the north side of Wellington Road, (5) failure of the front elevation to adequately acknowledge the pattern and rhythm of existing building types, characterised by vertical fenestration, (6) unresolved design of the rear elevation, (7) overdevelopment of the site.
- 3.2.11. The Conservation Officer also considered that the proposed development fails to accord with the guidance regarding setting as outlined in the Architectural Heritage Protection Guidelines for Planning Authorities, as the new development would have an adverse effect on the special interest of the Protected Structures and the character of the ACA.

3.3. **Prescribed Bodies**

- 3.3.1. **Inland Fisheries Ireland:** Notes that it is proposed to dispose of treated effluent from the development to the public sewer. Requests that Irish Water confirms there is sufficient capacity in the system to accommodate same.
- 3.3.2. **Irish Water:** No objection to the proposed development.

3.4. **Third Party Observations**

- 3.4.1. A total of 7 no. third-party observations was made on the application by: (1) John Hannon, 2 York Street, Cork, (2) Margaret Murphy, 14 Sidney Place, Wellington Road, Cork, (3) Tadhg Murphy, The Mews, 12 Woods Place, York Street, Cork, (4) Yvonne Murphy, Glenvera, Sidney Place, Wellington Road, Cork City, (5) Monica Dineen, York House, York Street, Cork, (6) Marie Collins, 9B Sidney Place, Wellington Road, Cork, (7) Mary Marwood, Glencora House, York Street, Cork.
- 3.4.2. The issues which are raised can be summarised as follows: (1) impact on foundations and sewers from excavation works, (2) excessive building height – light impacts to neighbouring properties, (3) no car parking, (4) impact on street trees, (5) excess number of bedsits and one-bedroom apartments already exists in the area, (6) family accommodation required in this area, (7) impact on local sewer supply, (8) traffic impacts, (9) impact on architectural character of the area, (10) overlooking of neighbouring residential properties, (11) unit mix does not comply with SPPR1 of the Apartment Guidelines, (12) overdevelopment of the site.

4.0 **Planning History**

- 4.1. **Planning Authority Reg. Ref. 11/34813:** Planning permission granted on 23rd June 2011 for a temporary change of use for 5 years from parking / storage to organic farmer's market.
- 4.2. **Planning Authority Reg. Ref. 07/31581:** Planning permission granted on 12th April 2007 for the demolition of the existing building and boundary walls with the retention and crown reduction of existing lime trees to facilitate construction of a mixed-use building of 3-4 storeys over basement, comprising 4 no. terraced town houses, 1 no. 1-bedroom apartment, 3 no. 2-bedroom apartments and 1 no. 3-bedroom apartment and 1 no. workspace, with pedestrian entrances on Wellington Road and York Street

and vehicle entrance on York Street including associated ancillary accommodation of 11 bay basement carpark, balconies, roof terraces, bicycle parking and bin store.

- 4.3. **Planning Authority Reg. Ref. 05/29568; ABP Ref. 28.212963:** Planning permission refused on 4th July 2005 for the demolition of the existing building and the construction of 17 no. apartments, a landscaped courtyard, ancillary accommodation, bicycle parking and bin store with access via the existing entrance.
- 4.4. Planning permission was refused for 1 no. reason on the basis that the proposed development, by reason of its height, scale, size and design, would constitute unsympathetic overdevelopment of a restricted and sensitively located site, which would be detrimental to the existing distinctive pattern of development in this designated Area of Special Character. It was also considered that the proposed development would seriously injure the residential amenities of properties on the eastern side of York Street by reason of overlooking and loss of privacy and would result in a visually obtrusive feature, which would adversely impact on views of the area from the city central area and would adversely impact on the treelined streetscape character at this location.

5.0 Policy and Context

5.1. Cork City Development Plan 2022-2028

- 5.1.1. While the Cork City Development Plan 2015-2021 was in force at the time this planning application was lodged, the 2022-2028 development plan has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this appeal case.

5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning ZO 01 – “Sustainable Residential Neighbourhoods”, which has the objective “to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses”. Section 12.24 of the development plan states that the vision for sustainable residential development in Cork City is one of sustainable neighbourhoods where a range of accommodation, open space, local services and community facilities are within easy reach of residents. Development within this zone should generally

respect the character and scale of the neighbourhood. Development that does not support the primary objective of this zone will be resisted.

5.3. Conservation

5.3.1. The site is located in the Wellington Road/St. Luke's Architectural Conservation Area (ACA). New development in ACAs should have regard to existing patterns of development, the city's characteristic architectural forms and distinctive use of materials. It is expected that new development should generally reflect contemporary architectural practice and not aim to mimic historic building styles.

5.3.2. **Objective 8.23 (Development in Architectural Conservation Areas):** Development in Architectural Conservation Areas should have regard to the following:

(a) Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted.

(b) Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area.

(c) Historic materials and methods of construction should be retained and repaired where this is reasonable.

(d) Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.

5.3.3. **Objective 8.24 (Demolition in Architectural Conservation Areas):** Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

5.4. New Residential Development

5.4.1. When assessing proposals for residential development a broad range of issues will be assessed, including: (1) design quality, (2) site features and context, (3) residential density, (4) building height, (5) residential mix, (6) existing neighbourhood

facilities and the need for additional facilities, (7) integration with the surrounding environment in terms of built form and the provision of walking / cycling permeability, (8) transport and accessibility, (9) residential amenity of scheme proposed, (10) impacts on residential amenity of surrounding areas, (11) utilities provision, (12) waste management.

- **Residential Density and Building Heights**

5.4.2. Residential densities and building heights for different parts of the city are identified in Table 11.2 of the development plan. A lower density target of 100 units per hectare is identified for the City Centre (no upper target identified), with a building height target range of 4 – 6 storeys.

- **Dwelling Size Mix**

5.4.3. Applications for 10-50 dwellings will need to provide a dwelling size mix that benefits from the flexibility provided by the dwelling size target ranges provided for the respective sub-area. Where a clear justification can be provided based on market evidence that demand / need for a specific dwelling size is lower than the target, then flexibility will be provided according to the ranges specified.

5.4.4. Tables 11.3 and 11.5 of the development plan identify the unit mix for small apartment schemes in the city centre. For schemes of less than 50 units, a max. of 4 studio units shall be provided for the first 9 units. The following mix shall apply to units 10-49:

	Min. (%)	Max. (%)	Target (%)
Studio/PBSA	0	30	20
1-bed	20	30	25
2-bed	30	40	35
3-bed	15	25	20
4-bed / larger	0	100	0

5.5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022)

5.5.1. **SPPR1:** Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

5.5.2. **SPPR2:** For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

- Where up to 9 residential units are proposed, notwithstanding SPPR1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units.
- Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th.
- For schemes of 50 or more units, SPPR1 shall apply to the entire development.

All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

5.5.3. The key development standards for apartment units in the context of this appeal case are summarised below. For urban infill schemes on sites of up to 0.25 ha, these requirements may be relaxed on a case-by-case basis, subject to overall design quality.

- **Overall floor area:** 1-bedroom unit - 45 m²; 2-bedroom/3-person unit – 63 m² (not to comprise more than 10% of the total units); 2-bedroom/4-person unit – 73 m². The majority of the units shall exceed the minimum floor area standards by 10%.

- **Storage space:** 1-bedroom unit - 3 m²; 2-bedroom/3-person unit – 5 m²; 2-bedroom/4-person unit – 6 m². Storage for bulky items should also be provided outside individual apartments.
 - **Dual Aspect Ratio:** Minimum 33% dual-aspect units in more central and accessible urban locations. Where single-aspect apartments are provided, the number of south-facing units should be maximised, with east and west facing units also acceptable. North-facing units may be considered where they overlook a significant amenity e.g. a park or waterbody.
 - **Floor to Ceiling Height:** Min. of 2.4 m required, but 2.7 m encouraged.
 - **Lift and Stair Cores;** Max. of 12 apartments per floor per core.
 - **Private amenity space:** 1-bedroom unit – 5 m²; 2-bedroom/3-person unit – 6 m²; 2-bedroom/4-person unit – 7 m².
 - **Communal amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/3-person unit – 6 m²; 2-bedroom/4-person unit – 7 m². The recreational needs of children must be considered as part of communal amenity space.
 - **Bicycle parking:** 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit.
- Car parking:** In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.

5.5.4. Provision shall be made for the **storage and collection of waste** materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/ lift core and designed for the projected level of waste generation and types and quantities of receptacles required.

5.6. **Architectural Heritage Protection Guidelines for Planning Authorities (2011)**

5.6.1. Criteria for assessing proposals within an ACA are set out in Section 3.10 of the Guidelines. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the character of the area.

Where demolition is proposed, the onus is on the applicant to make the case for demolition and the Planning Authority should consider the effect on the ACA and any adjacent Protected Structures.

5.7. Natural Heritage Designations

5.7.1. Cork Harbour SPA (Site Code: 004030) is located 3 km to the south-east of the subject site at its closest point.

5.8. EIA Screening

5.8.1. An Environmental Impact Assessment Screening report was not submitted with the application. Class (10)(b) of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use).

5.8.2. It is proposed to construct 23 no. apartments which is significantly below the 500-unit threshold noted above. The site has an area of 0.055 ha and is located within an existing built-up area but not in a business district. The site is therefore well below the applicable threshold of 10 ha. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not like to have a significant effect on any European site. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be marginal.

5.8.3. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment, and that on preliminary examination, an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal against the Planning Authority's Notification of the Decision to Refuse Permission for the proposed development has been lodged on behalf of the applicant by McCutcheon Halley Planning Consultants. The grounds of appeal can be summarised as follows:

- The proposed development is essentially the same height / scale as the previously permitted scheme on the site (Planning Authority Reg. Ref. 07/31581 refers). The draft Cork City Development Plan 2022 identifies that new development in the City & Central Areas shall generally range from 4- 6 storeys in height to make the best use of land.
- The subject site is the precise location where planning guidelines and the draft 2022 development plan encourage higher density residential development, within a 2-minute walk of the city centre and a high-quality public transport route.
- The ACA features and Protected Structure cited in the City Council's assessment will not be adversely affected by the proposed development.
- The Planning Authority's assertion that the proposed development will not be of a high quality or deliver a high quality of life is subjective and unsubstantiated.
- The proposed development is fully in accordance with objective 16.9 of the 2015 development plan. It will provide a high-quality residential environment in relation to safety, convenience and amenity; it provides open space standards in excess of the development plan and 2020 Apartment Guidelines; is within easy walking distance of all amenities/services; is at an appropriate scale and will provide an attractive appearance and distinctive sense of place.

- The unit mix is consistent with the City Council’s Housing Programme 2021-2023 which acknowledges the significant shortage of smaller studio and 1-bedroom units in the city centre and is consistent with the type of housing sought by housing bodies to address homelessness and the housing crisis.
- The applicant is happy to provide a revised unit mix if considered appropriate by An Bord Pleanála.
- A revised unit mix in compliance with SPPR1 and SPPR2 of the Apartment Guidelines can be achieved (comprising 13 no. 1-bedroom units and 7 no. 2-bedroom units) with no change to the overall height / scale of the development and minimal changes to the floor plans and eastern and northern elevations only.
- Both the original and revised schemes were subject to a detailed HQA which demonstrates that both options fully comply with the Apartment Guidelines.
- The proposed development involves the demolition of an early 20th century, 2-storey former garage which is not a Protected Structure or listed on the NIAH. The building does not make a positive contribution to Wellington Road / St. Luke’s ACA.
- The proposed development provides an opportunity for improving the streetscape and strengthening the urban quality of this corner site. The City Architect strongly supported the proposed development from an architectural and urban design perspective.

6.1.2. The appeal submission includes revised floor plan and elevation drawings of the amended development and an accompanying HQA.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. The applicant has proposed changes to the development under the appeal as illustrated on the revised drawings which accompany the submission. The number of apartments has been reduced from 23 to 20 no. comprising 13 no. 1-bedroom units and 7 no. 2-bedroom units. The amended scheme results in alterations to the fenestration arrangements on the Wellington Road elevation of the development and on the west-facing, 4-storey elevation at the north-western corner of the building. In my opinion, the changes which are proposed to the development are material. As such, in the event the Board considers granting planning permission in this instance, I consider it would be appropriate to readvertise the development to the public. For the convenience of the Board, my assessment examines the development as originally proposed and the amended scheme as presented in the appeal submission.

7.2. I am satisfied that the main issues for consideration in this case include:

- Compliance with Development Management Standards
- Impact on Wellington Road / St. Luke's Architectural Conservation Area
- Appropriate Assessment

7.3. Each of these issues is addressed in turn below.

7.4. Compliance with Development Management Standards

7.4.1. Refusal reason no. 1 of the Planning Authority's decision states, inter alia, that the proposed development would constitute the overdevelopment of a sensitive site, would be contrary to objective 16.9 of the 2015 city development plan regarding the creation of sustainable, high-quality residential places and would be contrary to the guidance contained in "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities".

7.4.2. In assessing the proposed development, Cork City Council's Planning Officer noted that the proposed unit mix (22 no. 1-bedroom units and 1 no. 2-bedroom unit) does not comply with SPPR1 or SPPR2 of the Apartment Design Guidelines. The Planning Officer also identified that there is a preponderance of 1-bedroom and

studio type units traditionally associated with Wellington Road, and as such, considered that the proposed unit mix would be inappropriate at this location.

- 7.4.3. The Planning Officer also considered that: the kitchen/living/dining area of the 2-bedroom apartment did not meet the required aggregate floor area; that the required room widths were not achieved in 10 no. of the units; that some internal storage areas did not meet the required standards; and that only 4 no. units were provided with the required standard of private amenity space. It was also considered that communal open space had not been clearly identified on the plans and that a light report was required to aid the assessment of the availability of light within the apartments. As such, the Planning Officer concluded that the proposed development did not meet the standards of the Apartment Design Guidelines, would constitute the overdevelopment of the site, and would not adequately provide for the amenity of future residents.
- 7.4.4. While the 2015-2021 Cork City Development Plan was in force at the time this planning application was lodged, the 2022-2028 development plan has been adopted in the interim. The proposed development, comprising 22 no. 1-bedroom units (96%) and 1 no. 2-bedroom unit (4%) does not comply with the identified unit mix for apartments on city centre sites as set out in tables 11.3 and 11.5 of the development plan. I note that this unit mix has been informed by a Housing Need Demand Assessment (HNDA), as provided for under SPPR1 and SPPR2 of the Apartment Design Guidelines.
- 7.4.5. In seeking to justify the unit mix, the applicant's agent submits that it is consistent with the City Council's Housing Programme 2021-2023, which acknowledges the significant shortage of smaller studio and 1-bedroom units in the city centre and with the type of accommodation sought by housing bodies to address homelessness and the housing crisis. While SPPR2 of the Apartment Design Guidelines allows the Planning Authority to exercise discretion in relation to unit mix on a case-by-case basis, I note that the Planning Officer considered the unit mix to be inappropriate. Having regard to the foregoing, I consider that the proposed unit mix does not comply with development plan requirements and that planning permission should be refused for the proposed development on this basis.

- 7.4.6. In reviewing the applicant's Housing Quality Assessment (HQA), I note that all units exceed the minimum **overall floor area** requirements. While some of the combined kitchen/living/dining room areas do not meet the required standards for 1 bedroom and 2 bedroom/3-person units (23 m² and 28 m² respectively), I note that the deficits arising are marginal. I also note that the internal storage space serving 4 no. of the units is marginally below (0.3 – 0.4 m²) the required standard. All bedrooms within the 1-bedroom units meet or exceed the required minimum aggregate floor area (11.4 m²). The double-bedroom in the 2-bedroom/3-person unit falls below the minimum floor area requirement (13 m²) by 0.6 m². Given that the overall apartment areas achieve the required standards, I am satisfied that these deviations are not material.
- 7.4.7. A total of 17 no. units (74%) are **dual aspect**, although I note that some units rely on a small secondary window serving a living room or a bedroom to achieve this compliance. Four of the units fronting onto Wellington Road are primarily north-facing, single-aspect (nos. 01F.02, 2F.03, 3F.03 and 4F.02). The Apartment Design Guidelines state that such units may be considered where they overlook a significant amenity such as a public park, garden or formal space, a water body or some other amenity feature. The relevant units overlook a public road, and as such, do not comply with this requirement.
- 7.4.8. Having regard to the primarily recessed nature of the balconies, terraces and winter gardens serving the apartments, the inclusion of apartment units at lower ground floor level, and the presence of large mature trees within the footpath adjoining the front elevation of the development, I agree that an assessment of the availability of light within the units should have accompanied the application. In the absence of such an assessment, it is not possible to determine whether future occupants of the proposed development would benefit from acceptable levels of internal light.
- 7.4.9. In reviewing the proposed **private amenity space**, I note that only 4 no. units are provided with the required standards as identified by Cork City Council's Planning Officer. Excluding apartment 0F.01 at the lower ground floor level and apartment 1F.01 at ground floor level, the deficit arising in all other cases varies between 0.1 – 0.2 m², which I consider to be marginal. The terrace serving unit 0F.01 at lower ground floor level has a stated area of 3.7m² on the HQA and a stated area of 3.5 m² on the lower ground floor plan drawing, which is below the required 5 m² standard for

a 1-bedroom unit. The balcony serving unit 1F.01 at ground floor level has a stated area of 4.9 m², which is below the required standard of 6 m² for a 2-bedroom unit. However, given the existing use value and condition of the site, and the proposed occupancy of these units, I consider the proposed quantum of private open space would be acceptable in this instance, having regard to the development standards flexibility provided within the Apartment Design Guidelines for infill sites of less than 0.25 ha.

- 7.4.10. A requirement for 116 m² of **communal open space** arises to serve the development based on the proposed unit mix. The development description on the statutory notices refers to 2 no. roof terraces and a review of floor plan drawing no. A10-02 identifies “Roof Area A” and “Roof Area B” above second floor level, which have stated areas of 49.6 m² and 58 m² respectively. Page 3 of the appeal submission also refers to “two roof-top amenity areas”. I note that these areas are not identified as communal open space on the planning drawings, although access is provided to each space from the internal corridor at the third-floor level. While I consider that this matter has not been adequately clarified in the planning application, for the avoidance of doubt I would note concerns regarding the use of these roof top areas for communal amenity purposes given their proximity to apartments 4F.04 and 4F.01, both of which have bedrooms directly adjoining these spaces.
- 7.4.11. The planning report which accompanies the application states that the shared amenity space consists of the “small south-facing courtyard at the lower level of the site”. This courtyard is demarcated on the lower ground floor plan drawing and includes a landscaped area of 13 m² and a refuse staging area adjacent to the southern boundary wall. Pedestrian access to the lower ground floor units and the bicycle store is facilitated through the courtyard. Vehicular and pedestrian gates open into this space from York Street, while the private terrace serving apartment 0F.02 also projects into it. As a result of the foregoing, a very marginal area remains, which would have almost no meaningful value as an amenity space. I also consider that the use of this space would have a detrimental impact on the residential amenity of apartment 0F.02 due to noise and disturbance. As such, I consider that planning permission should be refused based on the absence of dedicated, high-quality communal amenity space to serve the development.

7.4.12. Thus, in conclusion, while I consider that the overall unit sizes and standard of private amenity space are acceptable, I further consider that the unit mix does not comply with development plan requirements for apartment schemes in the city centre. I also consider that the proposed communal open space arrangements to serve the development have not been satisfactorily clarified and would give rise to a poor standard of residential amenity for future occupants of the scheme.

- **Amended Scheme**

7.4.13. The amended development includes 13 no. (65%) 1-bedroom units and 7 no. (35%) 2-bedroom units (6 no. 2-bedroom, 4-person units and 1 no. 2-bedroom, 3-person unit). The revised unit mix does not comply with tables 11.3 and 11.5 of the development plan regarding apartment developments in the city centre.

7.4.14. All units meet or exceed the minimum **overall floor area** requirements. All the combined kitchen/living/dining room areas meet or exceed the minimum required areas, excluding unit 1F.01 which is 1 m² below. Four of the units have internal storage space which does not meet the minimum requirements, with the deficits arising ranging from 0.1 – 0.3 m². All of the bedrooms in the 1-bedroom units meet or exceed the minimum requirement (11.4 m²). The double bedroom of unit no. 1F.01 (2-bedroom/3-person unit) falls short of the required area (13 m²) by 0.6 m². The 2-bedroom/4-person units require aggregate bedroom areas of 11.4 m² + 13 m². While none of the bedrooms achieve an area of 13 m², I note that the room sizes vary from 11.7m² - 12.9 m².

7.4.15. A total of 14 no. of the units (70%) are **dual aspect**. Four units are north-facing, single aspect onto Wellington Road, and as such, do not overlook a significant amenity space which would compensate for this aspect.

7.4.16. The HQA submitted with the appeal confirms that 8 no. of the **private amenity spaces** are marginally below (0.1 – 0.2 m²) the required standards, 10 no. meet or exceed the required standard and 2 no. fall below the required standard by 1.1 – 1.3 m² (units 1F.01 and 0F.01 respectively).

7.4.17. A requirement for 113 m² of **communal open space** arises to serve the amended development. In my opinion, the proposed open space arrangements remain largely unchanged under the revised proposal, although I note that “Roof Area A” is no longer adjoined by a bedroom window at third floor level. In my opinion, the

proposed communal open space arrangements have not been adequately clarified or resolved under the appeal submission, and as such, would result in a poor standard of residential amenity for future occupants of the scheme.

7.5. Impact on Wellington Road / St. Luke's Architectural Conservation Area

- 7.5.1. In refusing planning permission for the proposed development, the Planning Authority had regard to the location of the proposed development in the Wellington Road / St. Luke's ACA and its proximity to NIAH buildings and a building on the Register of Protected Structures and considered that the proposal would be contrary to objectives 9.28, 9.29, 9.30 and 9.32 of the Cork City Development Plan 2015 and would fail to accord with the guidance regarding setting as outlined in the Architectural Heritage Protection Guidelines for Planning Authorities. It was considered that the proposed development would have an adverse effect on the special interest of Protected Structures and the character of the ACA (refusal reason no. 2 refers).
- 7.5.2. In responding to the foregoing, the applicant's agent submits that the proposed development involves the demolition of an early 20th century, 2-storey former garage which is not a Protected Structure or listed on the NIAH. It is submitted that the existing building does not make a positive contribution to Wellington Road / St. Luke's ACA and that the proposed development provides an opportunity to improve the streetscape and strengthen the urban quality of this corner site. It is also noted that the City Architect supported the proposed development from an architectural and urban design perspective.
- 7.5.3. The City Architect considered that the proposed development was sympathetic in form and scale to the early 19th century 4-storey houses on the north side of Wellington Road/Sidney Place. It was considered that the massing, form and scale of the development was appropriate to the location and that the solid to void proportions and fenestration were elegant. The City Architect also considered that the south elevation of the York Street portion of the development should be left as a blank gable to allow future development on the western side of York Street to extend as a continuous street.

- 7.5.4. Cork City Council's Conservation Officer recommended that planning permission be refused for the proposed development. In reaching this conclusion it was considered that the proposed structure fronting onto Wellington Road was excessive in height, exacerbated by its setting forward of the existing building line. The Conservation Officer considered that the building would: be out of proportion with the adjoining buildings on the south side of the road, particularly 12-16 Sidney Place; create a sense of enclosure with the Protected Structure on the northern side of the road (Glenvera); and, block wider city centre views of the Protected Structures on the north side of the street, which would harm their setting and the character of the ACA. It was also considered that the proposed development fails to respect the adjacent lower-scaled buildings on the west side of York Street; that the fenestration onto Wellington Road fails to adequately acknowledge the rhythm and pattern of the existing building types; and that the design of the rear elevation is not fully resolved.
- 7.5.5. In considering this issue I note that the overall building form and heights are unchanged under the appeal submission, apart from alterations to the fenestration arrangements on the northern and west-facing elevations of the building as previously described. As such, my assessment below relates to both the original proposal for the site and the amended proposal included with the appeal submission.
- 7.5.6. I note that Glenvera, the 3-storey over basement property on the opposite side of Wellington Road, is a Protected Structure. Nos. 1-8 Sidney Place to the north-west of the site, (including footpaths, railings and steps) are also Protected Structures, as is the former Thompson's Bakery on the adjoining site to the rear. In my opinion, the existing building on the appeal site has a negative impact on the character of these Protected Structures and the ACA due to its dilapidated appearance and vacant status. The building also has limited interaction the adjoining street network, being surrounded by a boundary wall at York Street and Wellington Road. The site is also significantly underutilised given its central location.
- 7.5.7. The adjoining dwellings to the west at Sidney Place are two-storeys in height. The proposed development reads as 3-storeys in height adjacent to No. 12 Sidney Place, with the parapet level being 0.32 m higher than the ridge height of the existing dwelling. In my opinion, this is a reasonable transition in scale at this location. The building height increases to 4-storeys (over lower ground floor) onto Wellington Road extending around the corner onto York Street, before stepping back down to 3-

storeys over lower ground floor. The proposed development reads as 4-5 storeys in height to the rear within the site, reflecting the gradient of York Street.

7.5.8. While the proposed building height exceeds the established character of the area, I do not consider the extent of this increase to be significant. I note that the development plan identifies a building height target range of 4-6 storeys for city centre sites. I do not agree with the Conservation Officer's assessment that the proposed development would create a sense of enclosure with Glenvera on the northern side of Wellington Road given that separation distances of between approx. 18 m and 22 m would arise between the opposing building façades. While the building fenestration is horizontal rather than vertical, I consider this treatment to be acceptable for a modern, infill building. While the proposal may block some wider city centre views of the Protected Structures on the northern side of the street, I do not consider that this would justify a refusal of planning permission in this instance.

7.5.9. The City Architect's comments regarding the maintenance of a blank gable on the southern elevation of the building are acknowledged. In my opinion, the provision of louvres to the corner, south-facing windows may be an appropriate design response to this issue, given that the rooms to which these windows relate are triple aspect. I consider this matter could reasonably be addressed by condition should the Board consider granting planning permission in this instance.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

8.1. I recommend that planning permission be refused for the proposed development.

9.0 Reasons and Considerations

- 9.1.1. The proposed development, which is predominantly characterised by 1-bedroom units, does not comply with the unit mix for apartment developments on city centre sites as identified in Tables 11.3 and 11.5 of the Cork City Development Plan 2022-2028. In addition, the proposed development does not provide high-quality, communal open space for future occupants of the scheme. As such, the proposed development would be contrary to development plan standards regarding unit mix and the development management standards for communal open space contained in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2022). Thus, the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Louise Treacy
Senior Planning Inspector

22nd March 2023