



An  
Bord  
Pleanála

## Inspector's Report ABP-313237-22

---

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Construction of 27 Apartments.   |
| <b>Location</b>                     | Old Market Place and Blarney Street,<br>Gurrabraher, Cork City.  |
| <b>Planning Authority</b>           | Cork City Council  |
| <b>Planning Authority Reg. Ref.</b> | 21/40384   |
| <b>Applicant(s)</b>                 | Majestic Property Developers Limited   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant Permission   |
| <b>Type of Appeal</b>               | Third Parties v. Grant   |
| <b>Appellant(s)</b>                 | 1. Blarney Street & Surrounding Areas<br>Community Association Ltd.<br>2. Noreen Naughton c/o Niall and<br>Marion Naughton |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 16th November 2022   |
| <b>Inspector</b>                    | Stephen Ward   |

## 1.0 Site Location and Description

- 1.1. The site is located between Old Market Place and Blarney Street on the north-western edge of Cork city centre, approximately 500 metres northwest of Patrick Street. The site has frontage onto both Old Market Place (to the east) and Blarney Street (to the south) and wraps around the rear of a cluster of buildings at the junction of these two streets.
- 1.2. The site is partially developed along Old Market Place and includes a bakery building and a c.1770 gable-fronted dwelling (mostly recently used as a shop). Both buildings would appear to be vacant for a considerable period and are in an advanced state of disrepair. There is a vehicular gate entrance onto Old Market Place at the northeast corner of the site. There are no buildings or entrances on the Blarney Street frontage to the south. The site is densely overgrown, has a stated area of 0.13 hectares, and rises in level from south to north.
- 1.3. Blarney Street to the south comprises a mixture of 2-3 storey terraces, mainly in residential use. Old Market Place contains extensive car-parking and includes a mixture of 3-storey residential properties along its eastern side. To the north, the site is bounded by 2-storey terraced housing on elevated ground. To the west is a commercial yard containing single storey buildings.

## 2.0 Proposed Development

- 2.1. In summary, permission was sought for a development comprising the following:
  - Demolition of existing vacant and derelict structures (489.5m<sup>2</sup>) consisting of the modern bakery building.
  - Retention of the former dwelling/shop building (50.5m<sup>2</sup>).
  - Construction of 27 no. apartments in 2 blocks ranging from 2 to 4-storeys.
  - The apartments comprise 17 no. 1-bed units and 10 no. 2-bed units.
  - Landscaping, boundary treatments, surface water treatment, drainage, footpaths, and all ancillary site development works.

2.2. Foul water and surface water would drain to the existing combined sewer on Old Market Place. Surface water would be attenuated on site and discharged at a controlled rate. Water supply would be via the existing supply on Old Market Place.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By order dated 16<sup>th</sup> March 2022, Cork City Council (CCC) issued notification of the decision to grant permission subject to 29 conditions. Notable conditions can be summarised as follows:

Condition 20 requires that (a) no car-parking is provided, (b) a dedicated setdown and/or delivery parking bay on Old Market Place shall be agreed, and (c) a minimum of 40 high-quality bicycle spaces shall be provided.

Condition 22 requires the developer to provide a 1.8m wide footpath around the site perimeter, details to be agreed.

Conditions 26 & 27 require agreement of the design and conservation measures for No. 21 Old Market Place and the Blarney Street building.

#### 3.2. Planning Authority Reports

##### Further Information

3.2.1. Following the initial assessment of the application, the planning authority requested further information. The issues raised can be summarised as follows:

1. Elevation and section drawings showing the relationship between the proposed development and 35-37 Old Market Place.

2. Evidence of legal right of the bow-way under existing adjacent building.

3. Conservation requirements to include:

- Concerns that the mass of the east elevation is not in keeping with the urban grain.
- The high concentration of gable-fronted buildings in the area.

- Clarification of the survival/reinstatement of existing windows.
- Subtle road surface marking to preserve the expanse of Old Market Place.
- Details of eaves, windows, roof, and rainwater good on the Blarney Street building to respect the historic character of the street.
- Survey details of the upper floors of the building.

3.2.2. The applicant's response to the further information request included the following notable revisions:

- Omission of the proposed bow-way.
- Revised eastern elevation massing to include vertical emphasis and subtle variations in parapet heights.
- Confirmation that the gable-front building and associated fenestration will be retained to the extent possible. A revised ground and first-floor layout includes a new 3-bed duplex unit, resulting in an overall reduction to 26 no. units.
- Revised southern elevation for the building fronting onto Blarney Street.

#### Planner's Reports

3.2.3. The assessment outlined in the Planner's Reports on file can be cumulatively summarised as follows:

- Given the zoning (ZO 4), central location, and derelict nature of the site, the principle of residential development is welcomed.
- The proposed apartments comply with minimum standards outlined in Sustainable Urban Housing: Design Standards for New Apartments (2020).
- Any impacts on residential amenity are considered to be minor and acceptable.
- The omission of the bow-way satisfactorily addresses concerns about legal right of access.

- The revised eastern elevation satisfactorily addresses concerns about integration with the existing urban grain.
- Conservation Office concerns about 2<sup>nd</sup> floor glazing on No. 21 Old Market Street and elevational details along Blarney Street can be addressed by condition. The Conservation Office report is noted and endorsed.

#### 3.2.4. **Technical Reports**

Contributions: Outlines that a general financial contribution would be due in respect of the proposed development.

Environment: No objections subject to conditions.

Archaeology: No objections subject to conditions.

Drainage: No objections subject to conditions.

Conservation Report: Following the receipt of further information, there is no objection subject to the agreement of design/conservation details as outlined in condition nos. 26 & 27 of the CCC decision.

Traffic (Regulation & Safety): No objections subject to conditions.

#### 3.3. **Prescribed Bodies**

Irish Water: No objections subject to conditions.

Inland Fisheries Ireland: Requests that Irish Water confirms that the sewer system has adequate capacity to avoid overloading or polluting of waters.

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

Several submissions were received. The issues raised can be summarised as follows:

- Excessive density of development.
- Adverse impacts on the built heritage character of the area, including Shandon ACA and Old Market Place.
- Adverse impacts on views and visual amenity along Blarney Street.
- Loss of light, sunshine, quality of life, privacy, and air.

- Adjoining properties will suffer excessive noise levels.
- Design, height, scale, and materials are not in keeping with the local neighbourhood.
- Inadequate mix of housing types/tenure.
- An absence of greenery in the proposed development.
- Concerns about the removal of boundary walls and potential impacts on groundworks and drainage.
- Inadequate open space provision.
- Substandard area and layout of apartments, including fire risk.
- Inconvenient transport links to shopping facilities.
- Insufficient parking facilities on site.
- Passive green space and bird life would be disturbed.
- Waste collection requirements would be significant and should not result in the reopening of the bow-way.
- Site excavation does not respect natural topography and may affect drainage.
- Retention of commercial space might enrich the area.
- Excessive traffic congestion in the area.
- Inadequate use of solar panels.
- The Blarney Streets Local Environs Plan 1990 envisaged commercial development on the site to create local employment.
- Inaccurate Site Notice erection.
- Objection to legal right of access to the bow-way.
- Potential structural impacts on No. 381 Blarney Street.
- Overbearing impacts on adjoining properties.

## 4.0 Planning History

There would not appear to be any recent relevant history relating to the site.

## 5.0 Policy and Context

### 5.1. National Policy / Guidance

5.1.1 The **National Planning Framework (NPF)** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains a number of policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints;
- NPO 4 promotes attractive, well-designed liveable communities;
- NPO 6 aims to regenerate cities with increased housing and employment;
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking
- NPO 27 promotes the integration of safe and convenient alternatives to the car in the design of communities, by promoting walking and cycling access
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location
- NPO 35 aims to increase residential density in settlements through a range of measures including infill development and site-based regeneration.

5.1.2 Following the theme of 'compact urban growth' and NPO 13 of the NPF, the 2018 **Urban Development and Building Heights, Guidelines for Planning Authorities** (hereafter referred to as the 'Building Heights Guidelines') outlines the wider strategic policy considerations and a performance-driven approach to secure the strategic objectives of the NPF.

- 5.1.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009)**, hereafter referred to as ‘the Sustainable Residential Development Guidelines’, sets out the key planning principles which should guide the assessment of planning applications for development in urban areas. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. A design manual accompanies the guidelines which lays out 12 principles for urban residential design relating to context, connections, inclusivity, variety, efficacy, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.
- 5.1.4. The 2020 **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities** (hereafter referred to as the ‘Apartment Guidelines’) sets out the design parameters for apartments including locational consideration; apartment mix; internal dimensions and space; aspect; circulation; external amenity space; and car parking. The Guidelines were updated on the 22<sup>nd</sup> of December 2022, but Circular NRUP 07/2022 clarifies that appeals that are subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the 2020 version of the Apartment Guidelines, that include SPPRs 7 and 8. The 2020 version will therefore apply in this case.
- 5.1.5. The **Architectural Heritage Protection Guidelines for Planning Authorities**, hereafter referred to as the ‘Architectural Heritage Guidelines’, sets out detailed guidance to support planning authorities in their role to protect architectural heritage when a protected structure, a proposed protected structure or the exterior of a building within an ACA is the subject of development proposals. It also guides those carrying out works that would impact on such structures.



## 5.2. Cork City Development Plan 2022-2028

### Strategic Objectives

5.2.1 Relevant Strategic Objectives can be summarised as follows:

SO1 – Deliver compact liveable growth.

SO2 – Deliver homes at densities that create liveable integrated communities.

SO3 - Integrate land-use and transportation planning to increase active travel and public transport usage.

SO4 – Transition to a low-carbon, climate-resilient and sustainable future.

SO7 - Protect and enhance the unique character and built fabric of the city.

SO9 - Develop a compact liveable city based on attractive, diverse and accessible urban spaces and places.

5.2.2 The Core Strategy includes the site within the ‘Shandon / Fairhill’ neighbourhood in the City Centre. It supports the 15-minute city concept, which is based on a network of neighbourhoods at a scale that puts people first with an emphasis on walkable neighbourhoods and active travel. The growth objectives for the city centre are based on increased regeneration and consolidation, focusing on the delivery of more homes and providing a broader mix of uses to enhance the city centres role as an employment, retail, cultural, learning and entertainment destination.

5.2.3 Compared to the baseline 2016 population of 22,732 persons, there is a targeted city centre population growth of 3,486 persons (or 15%) to 2028. This is to be delivered through a combination of regeneration (new build) at a rate of 5% and consolidation (re-use) at a rate of 10%. The Growth Strategy Map (2.21) identifies the appeal site within an area targeted for ‘compact growth’. Section 2.57 outlines the objectives for the city centre, including its role as the living heart of the city and the importance of infill and consolidation.

5.2.4 Other relevant objectives can be summarised as follows:

2.10 – Supports the 15-minute city concept.

2.11 – Supports the development of a low carbon city.

2.13 – Supports design-led development to create high-quality environments.

2.14 – Supports walkable neighbourhoods.

2.24 - Aims to address issues of dereliction, vacancy and underutilisation of sites within Cork City by encouraging and facilitating their re-use and regeneration.

2.31 - Aims to deliver 65% of all new homes within the built footprint of the city.

### Housing

5.2.5 Chapter 3 deals with ‘Delivering Homes and Communities’. For the purposes of assessing density and building height, it outlines that the appeal site is located within the ‘primary urban corridors & principal towns’ zone. Relevant objectives can be summarised as follows:

3.1 - Supports the 15-Minute City concept, placemaking at the heart of design, planning for communities, the provision of supporting neighbourhood infrastructure, and the creation of healthy and attractive places to live.

3.2 – Supports a diverse, inclusive and equal distribution of uses, infrastructure, and services, which takes into account the specific needs of population groups and reduces social inequality.

3.3 – Promotes new housing supply of at least 17,118 homes during the plan period.

3.4 - Seeks to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork, with at least 33% provided within brownfield sites.

3.5 – Promote high-quality higher density development in accordance with the standards set out in Chapter 11 of the Plan.

3.6 – Encourages the development of an appropriate mix of dwelling types.

3.9 – Encourages infill development to ensure that small sites and vacant space are utilised for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes.

### Transport & Mobility

5.2.6 Chapter 4 ‘Transport and Mobility’ aims to provide an integrated and sustainable transport system based on the implementation of the Cork Metropolitan Area Transport Strategy (CMATS). It includes a primary cycle route along Blarney Street

and an improved BusConnects bus route (CBC 5 to City Centre via Shandon) to the north of the site.

5.2.7 The Cork Northern Distributor Road (CNDR) is identified as a short-term critical enabler for CMATS. It would enable the development of land banks and would facilitate the roll-out of sustainable transport measures for the North City area.

5.2.8 Relevant objectives can be summarised as follows:

4.1 – Aims to implement CMATS.

4.2 – Complete the roll-out of the City Centre Movement Strategy.

4.4 – Promotes active travel and the 15-Minute City concept.

4.5 – Promotes permeability, particularly along public transport routes.

#### Built Heritage

5.2.9 Chapter 8 deals with 'Heritage, Arts and Culture'. Relevant Objectives can be summarised as follows:

8.1 – Aims to protect and preserve archaeological monuments and heritage.

8.17 – Conserve Cork's built heritage.

8.18 – Encourages the re-use of historic buildings with minimal impact on character.

8.19 – Aims to protect structures on the Record of Protected Structures.

8.21 – Allows enabling of development to facilitate the restoration of Protected Structures or other buildings of architectural merit.

8.22 – Have regard to the inclusion of structures on the National Inventory of Architectural Heritage (NIAH) for protection as appropriate.

8.23 – Outlines policy for development in Architectural Conservation Areas (ACAs).

8.24 – Generally discourages the demolition of structures in ACAs.

8.25 – Requires recording of structures demolished in ACAs.

8.26 – Generally discourages the demolition of structures of vernacular or historic / social interest which contribute to the character / identity of an area.

8.27 – To protect important elements of built heritage and their settings.

5.2.10 Volume 3 of the Plan relates specifically to Built Heritage Objectives. It includes the subject site within the Shandon ACA. It highlights the area's significant social, economic, cultural, and religious importance, its diverse range of uses, its dense, historic street pattern, and the association of the area around the appeal site with the cattle trade. It acknowledges that 18<sup>th</sup> century gable fronted buildings are a distinctive feature of its architectural heritage. Issues highlighted include:

- A lack of public open spaces
- A high proportion of transient population
- Car parking problems
- The derelict state of prominent buildings.

5.2.11 Part 2 of Volume 3 contains the Record of Protected Structures (RPS). There are no Protected Structures within or adjoining the appeal site. The existing gable-fronted building on the site (No. 21 Old Market Place) and the adjoining cobbles / flags / paving / kerbing are both included on the NIAH and rated as 'regional' significance.

#### Key Growth Areas

5.2.12 Chapter 10 deals with 'Key Growth Areas' and identifies the City Centre as a 'Strategic Consolidation and Regeneration Area'. Relevant Objectives can be summarised as follows:

10.1 – Sets out strategic objectives to strengthen and consolidate the city centre.

10.2 – Supports and increased population in the city centre through addressing vacancy, dereliction, underutilisation etc.

10.3 - Ensure that new or infill sites respect the architectural and historical character and significance of the City Centre and is appropriate in its context.

10.12 – Enhance the city centre public realm.

#### Placemaking and Managing Development

5.2.13. Chapter 11 outlines guidance and standards in relation to Placemaking and Managing Development. Relevant standards and objectives include the following:

Table 11.1 outlines building height targets of 5-7 storeys for the city 'fringe / corridor'.

Objective 11.1 promotes sustainable residential development and quality places.

Table 11.2 outlines a target Floor Area Ratio (FAR) of 2.5 – 4.5 and a density range of 50-150 dwellings per hectare for ‘city fringe / corridor’ areas.

Objective 11.2 and Table 11.3 outline a dwelling mix for small apartment schemes.

Sections 11.90 to 11.94 set out quantitative and qualitative standards for apartment design.

Objective 11.4 states that all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation, and that potential impacts on adjoining properties may need to be assessed. The objective and associated sections also outline guidance for further assessment.

5.2.14. Chapter 11 outlines further guidance for residential development, including guidance in relation to ‘separation, overlooking and overbearance’, ‘infill development’, and ‘living over the shop’. It outlines a preference for the retention of existing dwellings rather than demolition, unless a strong justification is put forward.

5.2.15. Regarding Transport & Mobility, Chapter 11 outlines that Car Parking Zone 1 generally comprises Cork City Centre and the inner city. It is policy to constrain parking within the City Centre below the maximum level in order to reinforce pedestrian priority in the area and to promote a material shift to non-car transportation. Table 11.13 outlines a maximum standard of 0.5 space per 1-2 bedroom residential unit and 1 space for 3+bed units. Table 11.14 outlines a standard of 1 bicycle parking space per unit for standard apartments.

### Zoning

5.2.16. Chapter 12 deals with ‘Land Use Zoning Objectives’. The appeal site is located within the ‘ZO 1 Sustainable Residential Neighbourhoods’ zone, where the objective is ‘*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*’. Primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship. Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

### 5.3. Natural Heritage Designations

The nearest designated Natura 2000 site is the Cork Harbour SPA, located c. 3.5km to the southeast of the appeal site.

### 5.4. Environmental Impact Assessment - Preliminary Examination

5.4.1. With regard to EIA thresholds, 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.)

5.4.2. It is proposed to construct a residential development containing 27 dwelling units. Therefore, the number of dwellings proposed is well below the threshold of 500 dwelling units. The site has an overall area of c. 0.13ha and is also, therefore, well below the applicable site area thresholds of 10ha and 2ha, even if the area is considered a ‘business district’.

5.4.3. The site is largely surrounded by residential development and some small-scale commercial uses. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is acknowledged that the site is located within an Architectural Conservation Area. However, I am satisfied that the issues of archaeological and architectural heritage can be satisfactorily assessed through the normal planning process.

5.4.4. The proposed development is not likely to have a significant effect on any European Site (as outlined in Section 8.0 of this Report). There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors).

5.4.5. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing/mixed-use development in the area. 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 foul sewer services, upon which its effects would be minimal.

- 5.4.6. Having regard to the nature and scale of the proposed development and the location and nature of the subject site, together with the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development would not be likely to have significant effects on the environment and that, on preliminary examination, an Environmental Impact Assessment Report (EIAR) or a determination in relation to the requirement for an EIAR was not necessary in this case.

## **6.0 The Appeal**

- 6.1. The decision of CCC to grant permission has been appealed by two third-parties. The grounds of each appeal are summarised in the following sections.

### **6.2. Appeal on behalf of Noreen Naughton**

This appeal primarily relates to the impacts of the development on the property at No. 381 Blarney Street.

- The applicant has not clarified legal entitlement to the potential use of the bow-way for access. This would have a major impact on the adjoining house.
- Site works may impact on the adjoining house and the approval does not make provision for this.
- The proposal represents overdevelopment will have an overbearing impact on residential amenities.
- The proposal is out of character with the prevailing pattern of development and the character of the ACA.
- The building and balconies overlook the rear of the property.
- The absence of parking facilities and the loss of public parking will exacerbate problems in the area.
- Some of the bus services referenced by the developer do not serve the area.

- There is an inadequate separation distance from the property.
- There has been no assessment of sunlight/daylight impacts on adjoining properties or within the proposed development.
- There has been no Appropriate Assessment Screening or assessment for EIAR sub-threshold development.
- The Site Notice was not erected as shown on the drawings and was erected outside the site boundaries.
- The appellant was not informed of the further information response by CCC, and their submission was not acknowledged by CCC.

### **6.3. Appeal by Blarney Street & Surrounding Areas Community Association Ltd.**

- The 1990 local development plan earmarked the site for commercial purposes and its potential as an employment source would be lost.
- The development is completely out of character with the area and the ACA, as was stated by heritage expert and CC Cllr Kieran McCarthy.
- The development will overlook adjoining properties and the rooftop space will create additional noise and disturbance.
- The height of the building will limit light to adjoining buildings.
- The absence of parking facilities and the loss of public parking will exacerbate problems in the area.
- The proposal may cause the collapse of boundary walls or structural damage to properties in the surrounding area.
- The developer did not engage with the views of the local community.
- The appellant was not informed of the further information response by CCC.



#### 6.4. Applicant Response

The applicant's response to the appeals can be cumulatively summarised as follows:

- The current Development Plan 2015-2021 (as extended) defines the land as 'ZO 3 Inner City Residential Neighbourhoods'. The plan supports residential development of diversified mix and tenure in the city centre.
- Regional and national policy encourages the use of infill sites and derelict properties for the increased supply of housing.
- Only part of the site is within the Blarney Street Historical Street character and the proposal has been designed in keeping with the existing street context. It refers to the Conservation report submitted with the application.
- The scheme complies with the Apartments Guidelines and will have adequate space for residents. Rooftop terraces are an accepted part of apartment developments, and no more noise will arise than already exists from the raised developments to the north of the site.
- The proposed height is consistent with the Urban Development and Building Height Guidelines.
- The scheme was designed to minimise light/sunlight impacts on surrounding properties, while balancing the need to yield an appropriate number of units. A shadow study was submitted with the application.
- The absence of car-parking is consistent with the Apartments Guidelines criteria for central and/or accessible sites.
- The boundary wall images submitted are at a significant remove from the site. The site has been surveyed and the developer is confident that the development can be delivered without damage to the receiving environment.
- The developer has discussed community concerns relating to the height and structural impacts of the development. The scheme has been designed to address these concerns.
- The further information response was not deemed significant by CCC. Accordingly, there was no requirement for further consultation.

- Concerns raised on behalf of Ms Naughton, relating to ownership, procedural issues, and dislike of the project, are frivolous. A legal letter is attached to state that the applicant has legal ownership in part of the ground floor of no. 381 and all of no. 382. It also confirms that there is no intention to develop that portion of no. 381.

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

None.

#### **6.6. Observations**

None.

### **7.0 Assessment**

7.1. Having inspected the site and examined the application details and all other documentation on file, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle and quantum of development
- Visual Amenity and Built Heritage
- Standard of residential development proposed
- Impacts on adjoining properties
- Traffic and Transport
- Daylight and Sunlight.

#### **7.2 The principle and quantum of development**

##### Demolition

7.2.1. In the first instance, the proposed development involves substantial demolition of existing development. The former bakery building comprises the main development on site, and it would be entirely demolished. I acknowledge that the Development

Plan outlines a preference for the retention of existing buildings. However, this is a modern building of no architectural or heritage value and I would have no objections to its demolition. It is proposed to retain No. 21 Old Market, which is included on the NIAH, and I would support this approach in principle. Further built heritage implications are discussed in section 7.3 of this report.

- 7.2.2. I also acknowledge the additional sustainability and energy issues associated with new-build development compared to building refurbishment. However, the former bakery building is in a state of advanced deterioration and does not present an opportunity for refurbishment at a scale that would be appropriate for this site. The demolition of the building would facilitate more comprehensive, higher-density development, which would be appropriate at this location.

### Zoning & Policy

- 7.2.3. The appeal site is located within the 'ZO 1 Sustainable Residential Neighbourhoods' zone, where the objective is 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. Although the site has a commercial history, residential is the predominant use in the area and it is recognised in the Development Plan as a 'primary use' within this zone. I note that the appeal raises the question of retaining commercial/employment use in accordance with the Blarney Street Local Environs Plan 1990. However, I am satisfied that the Development Plan sets out the current zoning and policy provisions for the site and the proposed residential use is consistent with these provisions.
- 7.2.4. In addition to the zoning provisions, I have outlined in section 5 of this report comprehensive local and national policy which aims to increase housing density, particularly on underutilised derelict/brownfield sites in central/accessible locations. In this regard, I am conscious of the deteriorating nature of this brownfield site and its location immediately adjoining the city centre. The site is easily accessible to a host of employment, social, and commercial services, and residential development should be supported in such locations in accordance with local and national policy.

### Quantum

- 7.2.5. Table 11.2 of the Development Plan outlines targets for the 'city fringe / corridor' area, including a density range of 50-150 dwellings per hectare (dph), a Floor Area

Ratio (FAR) of 2.5 - 4.5, and building height of 5-7 storeys. The proposed development (as amended) involves the provision of 26 dwellings (c. 1882m<sup>2</sup>) in up to 4-storeys on a site area of 0.134 hectares. This results in a density of c.194 dph and a FAR of c. 1.40. Therefore, while the proposed density exceeds the stated range, this should be viewed in the context that the building height and FAR are significantly lower than the stated targets.

7.2.6. In national policy, the Sustainable Residential Development Guidelines outline appropriate locations for increased density. In principle, it states that there should be no upper limit on city centre sites, including 'brownfield sites', and that increased densities should be promoted in public transport corridors, including sites within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. In relation to inner suburban infill sites, residential development should strike a balance between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill. The appeal site is located within a 'fringe' area of the city centre and the inner suburbs. It is also located within 300 metres of bus stop services on Cathedral Road to the north of the site. Therefore, much of the above guidance supports increased density in this case.

7.2.7. Section 2 of the Apartment Guidelines outlines the types of location that may be suitable for apartment development. It describes 'central and/or accessible urban locations' as being generally suitable for small- to large-scale and higher-density development that may wholly comprise apartments. Subject to further consideration and assessment, such sites would include those that are:

- within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas);
- within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

7.2.8. Having regard to the criteria above, I consider that the appeal site is within walking distance of the city centre and significant employment locations (e.g. University

Hospital) and, accordingly, can be classified as a central/accessible site which is suitable for higher-density apartment development.

- 7.2.9. In conclusion regarding the quantum of development proposed, I would highlight that varying considerations apply to the site. In a spatial sense, the Development Plan includes the site within a 'fringe / corridor' area that extends to outer lying areas such as Blackpool, Wilton, and Mahon, while at the same time it is a central/accessible site which is within 500 metres walking distance of the city centre (where no upper density limit applies). And while the proposed density exceeds Development Plan standards, it should be noted that the building height and FAR would be significantly below the recommended ranges.
- 7.2.10. I would highlight that the current density provisions did not apply at the time of the planning authority decision, which was made in accordance with the previous Cork City Development Plan 2015-2021. The planning authority did not raise any objections on the issue of density, albeit that the previous Development Plan did not include an upper limit on density for the area. Therefore, the Board may consider this to be a **new issue** and may wish to seek the views of the parties on the matter. The Board may also wish to consider whether the proposed density materially contravenes the Development Plan. However, even if the Board feels that there is a material contravention, it should be noted that it can still be permitted on the basis of section 37(2)(a) of the Planning and Development Act of 2000 (as amended).
- 7.2.11. Ultimately, having regard to the varying issues outlined in sections 7.2.9 and 7.2.10 above, I consider that flexibility is warranted on the matter of density standards, and I do not consider that a refusal is warranted on this issue alone. In my opinion, the overall quality of the scheme should be assessed in light of the main issues identified in section 7.1 of this report.

### Conclusion

- 7.2.12. Having regard to the foregoing, I am satisfied that the proposed demolition and redevelopment of the site would be consistent with the Development Plan zoning for the area, and that higher densities would be appropriate at this location in principle having regard to local and national policy. However, I acknowledge that the zoning objective highlights the need to provide and protect residential amenity, and that

development in this zone should generally respect the character and scale of the neighbourhood. Further assessment will therefore be required on these matters.

### 7.3 Visual Amenity and Built Heritage

7.3.1. I acknowledge the location of the site within the Shandon ACA. The Development Plan highlights the area's significant social, economic, cultural, and religious importance, its diverse range of uses, its dense, historic street pattern, and the association of the area around the appeal site with the cattle trade. It acknowledges that 18<sup>th</sup> century gable fronted buildings are a distinctive feature of its architectural heritage. The issues highlighted for the ACA include a lack of public open space, a high proportion of transient population, car parking problems, and dereliction.

7.3.2. As previously outlined, there is no objection to the demolition of the modern bakery buildings on site. It is proposed to retain No. 21 Old Market Street, which is included on the NIAH with a 'regional' rating. The NIAH describes and appraises the building as follows:

*Terraced gable-fronted three-bay three-storey former house, built c. 1770, now vacant. Pitched slate roof with red brick chimneystack. Roughcast rendered walls. Timber sliding sash windows to upper floors. Ground floor openings altered and fixed windows and door inserted. The scale and form of this former house make a positive contribution to the streetscape. This gable-fronted building is an interesting addition to the predominantly nineteenth-century streetscape, and is enhanced by the retention of notable features and materials, such as the timber sliding sash windows and slate roof.*

7.3.3. The Limestone kerbing to the front of No. 21 is also included on the NIAH and is described and appraised as follows:

*Remains of limestone kerbing, c. 1850. Though now in poor condition, and with the original paving removed, these mid nineteenth-century kerbs are significant contributors to the architectural heritage of the city. While the pavement on this street is now predominantly modern concrete replacement, these limestone remains are interesting reminders of the quality of materials formerly utilised in the streetscape.*

7.3.4. The application includes a Conservation Report prepared by Design Forum Conservation. It outlines that the core structure of no. 21 remains in place, but it has

been stripped of interior features over the years. The conservation strategy outlines that intervention will be in accordance with the ICOMOS Charters and the Architectural Heritage Guidelines. It proposes to retain and refurbish No. 21, including the existing sash windows at first-floor level, and that closer inspection would facilitate recording and the agreement of any further features to be protected prior to the commencement of demolition.

- 7.3.5. The Conservation Strategy relating to No. 21 was reviewed by the CCC Conservation Office. The report was generally satisfied with the revised proposals subject to conditions regarding the 2<sup>nd</sup> floor glazing, the chimney and further agreement regarding the extent of historic fabric to be retained. I consider that the retention and refurbishment of this building would have a positive impact on the character of the area, and I have no objection to the proposed approach subject to the agreement of details by condition.
- 7.3.6. Proposals in relation to the historic kerbing to the front of the site are not clearly indicated. I note that condition nos. 17 and 22 of the CCC decision require further details to be agreed in relation to footpaths and I consider that this should specify the retention of the existing kerbing in the event of a grant of permission.
- 7.3.7. Aside from the existing built heritage issues, it is proposed to construct new residential apartments on the remainder of the site. The site is quite enclosed and screened by existing development when viewed from the north and west, and I do not consider there will be significant impacts on visual amenity or the character of the area in these aspects. It is most prominent when viewed from the east, and to a lesser extent along Blarney Street to the south.
- 7.3.8. Regarding the original application, the planning authority raised concerns about the massing and design of the eastern elevation and its impact on the urban grain. I consider that the revised proposal in the further information response successfully addresses this concern through the appearance of tighter plot widths with vertical emphasis and stepped parapet heights. However, while the photomontage images appear to distinguish the plots with subtle variations in the building line, it is not clear that this is actually reflected in the floor plan drawings. I would recommend that this matter should be clarified by condition in the event of a grant of permission.

- 7.3.9. I would acknowledge that the proposed 4-storey building would be higher than the prevailing building height of 2-3 storeys. However, the proposed 4-storey flat roof is comparable to the 3-storey pitched roof heights of some buildings, as well as the ridge heights of the 2-storeys dwellings on elevated ground to the north of the site. The majority of the 3<sup>rd</sup> floor level would be stepped back from the site frontage and the proposed height is lower than the applicable Development Plan target heights of 5-7 storeys. Accordingly, I am satisfied that the proposed building height can be accommodated as proposed without seriously detracting from the character and visual amenity of the area.
- 7.3.10. In terms of the design character and materials etc, I would acknowledge that the proposed approach is contemporary in nature and different to surrounding development. However, consistent with best conservation practice, I consider it appropriate that a contemporary approach is used to suitably distinguish modern interventions within the ACA.
- 7.3.11. Along Blarney Street, it is proposed to infill the existing gap between nos. 381 and 383. This proposal is quite simple in terms of form, proportions and design, which are generally consistent with existing development at this location. I note that the planning authority requires clarification on design details, and I would have no objection to the agreement of such detail by condition in the event of a grant of permission.
- 7.3.12. In conclusion, I consider that the conservation strategy is appropriate and would suitably protect and improve the relevant built heritage features on site. I am also satisfied that the scale and design of the new development is appropriate for the area and can be accommodated without seriously detracting from the amenity and character of the Shandon ACA. Accordingly, subject to the agreement of details by condition, I would have no objection on the grounds of built heritage or visual amenity.

#### **7.4 Standard of residential development proposed**

##### Mix of Units

- 7.4.1. Objective 11.2 of the Development Plan outlines that 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 on the basis of 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.

- 7.4.2. Table 11.3 of the Plan refers to 'dwelling size mix for small apartment schemes'. It largely builds on SPPR 1 & 2 of the Apartments Guidelines and states that for the first 9 units, the only restriction that applies is a maximum of 4 no. studio units. The application does not include any studio units and therefore this standard does not have any effect on the scheme. For units 10-26, it states that the standards as per Tables 11.5-11.9 apply. However, while Tables 11.5-11.9 outline ranges/targets for various sub-areas, none of them include the city 'fringe/corridor' area. In my opinion, this constitutes a distinct lack of clarity for dwelling size mix requirements in small apartment schemes in the 'fringe/corridor' area. And in the absence of such clarity, I consider that the Apartments Guidelines standards should apply.
- 7.4.3. Although SPPR1 of the Apartments Guidelines states that developments may include up to 50% 1-bed or studio type units, SPPR 2 allows for flexibility in the application of SPPR 1 in building refurbishment schemes or urban infill schemes on sites of up to 0.25ha. The appeal site is less than 0.25ha and the proposal would be considered an urban infill scheme. Again, SPPR 2 states that, for schemes of 10-49 units, the only restriction for the first 9 units is a maximum of 4 no. studio units. The parameters set out in SPPR 1 shall then apply from the 10<sup>th</sup> residential unit to the 49<sup>th</sup>.
- 7.4.4. In this case, 15 no. 1-bed units are proposed, none of which are studio units. If the first 9 of these units are discounted in accordance with SPPR 2, the remaining 17 units would be comprised of 1 no. 3-bed unit, 10 no. 2-bed units, and 6 no. 1-bed units. Therefore, for unit nos. 10-26, the number of 1-bed units (i.e. 6 or 35%) would be less than 50% of the total units (as per SPPR 1), which would comply with the requirements of SPPR 2. It is also noted that SPPR 2 allows scope for exercising discretion on the application of standards on urban infill schemes. Having regard, to the foregoing, I am satisfied that the proposed unit mix is acceptable in this small urban infill scheme which is unlikely to significantly impact on the overall mix of housing supply in the area.

### Floor areas and dimensions

- 7.4.5. The Development Plan requirements in this regard are consistent with the standards outlined in the Apartment Guidelines (SPPR 3). The application includes a 'Schedule of Accommodation' and all proposed units exceed the minimum overall apartment floor areas as set out in SPPR 3.
- 7.4.6. Furthermore, with regard to 'Safeguarding Higher Standards' the Guidelines requires that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. Sections 3.12 and 3.13 of the Guidelines state that in schemes of 10 up to 99 units it is acceptable to redistribute the minimum 10% additional floorspace requirement throughout the scheme, i.e. to all proposed units, to allow for greater flexibility. The 'Schedule of Accommodation' demonstrates that 16 of the 26 units exceed the requirements by more than 10% and that the overall scheme exceeds total floor area requirements by 14%. Therefore, I am satisfied that suitable proposals have been included in this regard.
- 7.4.7. I note that 2 of the 26 units would be 3-person 2-bed units. However, this would not exceed 10% of the overall units which is acceptable in accordance with section 3.7 of the Apartments Guidelines.
- 7.4.8. I have also reviewed the other requirements of Appendix 1 of the Apartment Guidelines for living/kitchen/dining areas, bedrooms and storage. Notwithstanding some minor individual shortfalls, I am satisfied that the quantitative areas required are satisfactorily provided in accordance with the flexibility allowable under the Guidelines.
- 7.4.9. The proposed ground floor ceiling heights are generally 3m throughout and 2.4m+ in the upper floors. I acknowledge that there are some minor exceptions, including the proposed ground floor unit fronting onto Blarney Street. However, I consider any minor shortfalls to be acceptable given the need to integrate building height with adjoining development. Therefore, the proposed ceiling height provisions are acceptable within the scheme.
- 7.4.10. All of the proposed units would also be provided with private amenity spaces which comply with the minimum area requirements. The spaces are at least 1.5m deep and are suitably accessed off the main living areas in accordance with the requirements

of the Guidelines. The spaces would generally benefit from a southern, eastern, or western aspect and, accordingly, would benefit from good sunlight levels. A mixture of gardens, winter gardens, balconies, and terraces are proposed, and these are adequately separated from existing and proposed properties to ensure an appropriate level of privacy and amenity for the proposed units.

#### Aspect

- 7.4.11 The Development Plan requirements in this regard refer to SPPR 4 of the Apartment Guidelines. SPPR 4 outlines that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations. Furthermore, on urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.
- 7.4.12 The proposed development includes 20 (or 77%) dual-aspect units, with none of the single-aspect units (i.e. nos. 5, 13, 14, 17, 21, 22) facing north. Accordingly, the proposal significantly exceeds the 33% requirement as per SPPR 4 (i), notwithstanding the fact that an even lower proportion than 33% could be considered on a small urban infill site such as this.

#### Access, Security, and Lift / Stair Cores

- 7.4.13 The perimeter of the site is largely bound by active public spaces along Blarney Street and Old Market Place, which provide existing surveillance of the site. There is no direct street access, apart from the 2 units along Blarney Street. Otherwise, the development is accessed through the pedestrian entrances off Old Market Place, which lead to the central plaza and the lift/stair core. The majority of individual apartment entrances overlook the central plaza, which provides a communal sense of security and enclosure. Otherwise, apartments entrances are in close proximity to the lift/stair core, which provides a safe and convenient route. There would be a maximum of 7 units per floor per core, which would not exceed the maximum of 12 units per floor per core as per SPPR 6 of the Guidelines

### Communal Open Space

- 7.4.14 In accordance with Appendix 1 of the Guidelines, the proposed development requires a total communal open space area of 152m<sup>2</sup>. The proposed scheme includes a 'main plaza' with a stated area of 169m<sup>2</sup>. It is centrally located and easily accessible to all units (except Blarney Street) and would be suitably overlooked by surrounding development. There is also a secondary 'evening courtyard' at the northern end of the site, which has a stated area of 140m<sup>2</sup>.
- 7.4.15. Otherwise at ground floor level, I note that peripheral open areas are proposed to the south of Unit 1 and the west of Unit 2. It is not clear whether these spaces are private, communal, or otherwise. However, as proposed they appear to be residual and inaccessible spaces, which is clearly unsatisfactory. In the event of a grant of permission, I would recommend an appropriate condition to clarify and resolve the matter.
- 7.4.16. In addition to the ground level spaces, a 45m<sup>2</sup> roof plaza is proposed at third floor level. It would be accessible to all units and would be likely to be in excess of the needs of the 3 no. 3<sup>rd</sup> floor units which are already served by large balcony spaces.
- 7.4.17. In total, the scheme includes c. 354m<sup>2</sup> of communal space, which significantly exceeds the requirement for 152m<sup>2</sup>, notwithstanding that section 4.12 of the Apartments Guidelines allows for a further relaxation of requirements (i.e. less than 152m<sup>2</sup>) in part or whole on urban infill sites of up to 0.25ha. The spaces are suitably located and would be landscaped to create an acceptable quality of residential amenity. I note that the Apartments Guidelines recommend the provision of children's play spaces in schemes with more than 25 no. units with two or more bedrooms. This does not apply to the proposed development. Accordingly, I am satisfied that adequate communal space proposals have been included.

### Other Communal Facilities

- 7.4.18. The *Planning Guidelines for Childcare Facilities* (2001) recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units. Having regard to the limited scale of the development (26 units), I am satisfied that childcare facilities are not required in this case.

7.4.19. Regarding refuse storage, proposals include a separate bin store at ground floor at the northeast corner of the site (total area of c. 25m<sup>2</sup>). The space is conveniently accessible to the stair/lift core and would be serviced from the adjoining Old Market Place. The planning authority has not raised any objection in this regard, and I am satisfied that the facilities can be designed to address the criteria set out in section 11.270 of the Development Plan and section 4.8 and 4.9 of the Apartment Guidelines. The space would appear to be open and I consider that proposals for enclosure, lighting, and ventilation should be agreed by condition. An Operational Waste Management Plan should also be agreed in the event of a grant of permission.

7.4.20 Having regard to the limited scale of the development and its central/accessible location, I am satisfied that no other communal/social facilities should be considered necessary as part of the development.

#### Public Open Space

7.4.21 The Development Plan (s. 11.112) states that public open space for residential developments (general provision) will normally be required at a rate of 10% of the site area, apart from in exceptional circumstances. Given the challenging configuration and limited size of the site, together with the need to maintain a strong streetscape / building line around the site perimeter, I would accept that the provision of meaningful public open space is not viable on this site, and I have no objection in this regard.

#### Conclusion on residential Standards

7.4.22 Having regard to the foregoing, I am satisfied that the proposal would provide an acceptable mix of apartment units, which would be sized, orientated, and designed in accordance with the requirements of the Apartment Guidelines. Adequate private amenity space has been provided for each unit and communal amenity space would significantly exceed the normal minimum requirements, notwithstanding that such normal requirements can be relaxed in part or whole in the case of small urban infill sites such as this. Other communal facilities have been provided to an acceptable extent and the absence of on-site public open space is considered acceptable having regard to the nature and location of the site. Further assessment of

development standards, including daylight/sunlight and traffic/transport issues, is outlined in later sections of this report.

## **7.5 Impacts on adjoining properties**

- 7.5.1. The appeal raises concerns about overlooking impacts on the privacy and amenity of surrounding properties. The appeal site is bounded by public streets to the east and south and, therefore, I do not consider that there would be any unacceptable privacy impacts on the properties to the east side of Old Market Place or to the south side of Blarney Street. To the west, the site is bounded by a commercial yard, which would not be overly sensitive to overlooking impacts and would form an adequate separation distance buffer (c.20 metres) from the Rock Steps dwellings further to the west. Therefore, I am satisfied that potential impacts are limited to the adjoining properties to the north of the site, as well as the adjoining properties on the northern side of Blarney Street.
- 7.5.2. As previously outlined, the adjoining properties to the north are on significantly higher ground. Only the top two floors of the proposed development would rise above the level of the dividing (south) rear garden boundary of nos. 35-37. There are no north-facing windows at third floor level and the north side of the unit no. 24 balcony could accommodate additional screening to prevent overlooking. There are only two no. north-facing windows at second floor level, the closest of which would be c. 8m from the northern site boundary and c. 12m from the rear façade of No. 35. These are secondary windows serving the kitchen/living/dining rooms of units 18 and 19. The applicant has proposed obscured glazing for these windows, which I consider to be acceptable given that the spaces will predominantly be served by larger south-facing glazing.
- 7.5.3. Section 11.101 of the Development Plan acknowledges that traditionally a minimum separation distance of 22m between the rear elevations of buildings was required to provide sufficient privacy and avoid overlooking of back gardens, but that best practice has since evolved, and lesser separation distances are often appropriate. Having regard to the location and context of the site, together with the mitigation measures for visual screening discussed above, I consider that lesser separation distances can be accommodated in this case and that the proposed development

would not result in any unacceptable overlooking or privacy impacts for the properties to the north of the site.

- 7.5.4. At the southern end of the site, it is acknowledged that there are north-facing windows and gardens to the rear of the Blarney Street properties, albeit to a limited extent. The two lower floors of the proposed scheme are closest to the Blarney Street properties. However, they contain minimal south-facing glazing, limited to a kitchen/living/dining window serving unit no. 1, which would be c. 11m from the rear façade of the opposing Blarney Street property. Furthermore, the dividing boundary wall would largely screen any overlooking impact. There would be no south-facing windows/balconies in close proximity to existing properties at 2<sup>nd</sup> floor level. And while there would be south-facing windows and balconies at 3<sup>rd</sup> floor level, I am satisfied that they would be adequately setback and elevated to avoid any unacceptable overlooking or privacy impacts on the Blarney Street properties.
- 7.5.5. Concerns have also been raised about noise impacts associated with the proposed development, including those emanating from amenity spaces such as the rooftop terrace. However, I consider that such amenity spaces are a common and accepted feature of urban residential development and there is no reason to conclude that the location, scale, or design of the development would result in any unacceptable noise impacts on surrounding properties.
- 7.5.6. Regarding overbearing concerns, I have already noted the proximity of the development to adjoining properties at the northern and southern ends of the site. The upper floors of the proposed development would be at a similar level to the elevated properties to the north and would be suitably distanced. And while the Blarney Street properties to the south are at a significantly lower level, I consider that the proposed development incorporates a suitably designed tiered setback of the upper floors. Accordingly, I do not consider that the proposed development would result in any unacceptable overbearing impacts on the closest adjoining properties.
- 7.5.7. Having regard to the foregoing issues, I do not consider that the proposed development would result in any unacceptable impacts on the amenities of surrounding properties. Further potential impacts in relation to traffic/parking and daylight/sunlight are discussed in the following sections of this report.

## 7.6 Traffic and Transport

- 7.6.1 The application proposes a car-free development. In this regard, I am conscious of NPO13 in the NPF, which states that planning and related standards, including car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- 7.6.2. Section 4.19 of the Apartment Guidelines also states that in 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. This is particularly applicable in highly accessible areas in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located in close proximity.
- 7.6.3. In this regard, I have already concluded in section 7.2 of this report that the site is within a central and/or accessible urban location as described in the Apartment Guidelines. Section 4.27 of the Guidelines also outlines that car-parking provision may be relaxed in part or in whole on urban infill sites up to 0.25ha such as the appeal site.
- 7.6.4. At local level, the Development Plan contains several policies and objectives aimed at supporting sustainable travel modes, including SO3, section 2.57, and objective 4.4 (as outlined in section 5 of this report). Section 4.106 outlines the approach towards parking for new development, including a maximum parking standard and car-free or low car standards in areas within 800m walking catchment area of Cork city centre and / or of quality public transport. The proposed development would comply with these criteria.
- 7.6.5. The Development Plan establishes four parking zones for the City with the aim of ensuring adequate residential parking/car storage and control of destination carparking (non-residential uses), whilst also allowing greater flexibility in car parking standards on sites well served by public transport. The appeal site is located within Car Parking Zone 1 (City Centre and Inner City). Table 11.13 outlines a maximum



standard of 0.5 space per 1-2 bedroom residential unit. Therefore, the proposed development could accommodate a maximum of 13 additional spaces.

- 7.6.6. However, in conclusion regarding the principle of car-free development, I am satisfied that this is a central/accessible site adjoining the city centre and within 300 metres of bus stop services on Cathedral Road. I am satisfied that the site complies with the relevant criteria for car-free developments as set out in local and national policy, and I have no objection to the principle of this approach.
- 7.6.7. In such cases, the Apartment Guidelines states that it is necessary to ensure, where possible, the provision of an appropriate number of spaces for drop-off, servicing, visitors, and mobility impaired. Provision is also to be made for alternative mobility solutions including car-sharing and cycle facilities, and specific measures should demonstrate that enable car parking provision to be avoided. In this regard I note that drop-off/servicing space would be readily available within Old Market Place, as required by Condition no. 20 (b) of the CCC decision, and I do not consider that existing parking capacity would be significantly affected. The application also included an Outline Mobility Management Plan which highlights the low levels of car ownership/usage in the area, the alternative travel modes available, and includes the appointment of a Mobility Manager to encourage sustainable travel modes in accordance with the required modal split. I am satisfied that these measures assist in enabling car-parking provision to be avoided.
- 7.6.8. With regard to cycle parking, the Development Plan standards require 1 space per unit in the city centre / inner urban areas (i.e. 26 no. spaces). The Apartment Guidelines recommend 1 space per bedroom and 1 visitor space per 2 apartments, which would result in a requirement for 38 long-term spaces and 13 visitor spaces.
- 7.6.9. The proposed development would significantly exceed requirements by providing two separate storage areas to cater for a total of 76 enclosed long-term spaces and 16 external short-term visitor spaces. The storage facilities are easily accessible and appropriately designed, and I am satisfied that proposals are acceptable in accordance with local and national standards.
- 7.6.10. In the absence of car-parking on site, I consider that the volume of traffic generated by the proposed development will be largely limited to servicing and drop-off vehicles. This would not be significant, and it should be noted that historical

development on site would have already generated significant commercial vehicle traffic. Therefore, I do not consider that the vehicular traffic associated with the proposed development would significantly impact on the capacity of the road network or the convenience and safety of road users in the area.

- 7.6.11. In conclusion, I am satisfied that the scheme has been appropriately designed as a 'car-free' development which would promote active travel and public transport usage. There are suitable and sufficient alternative mobility solutions in this central/accessible location, and I am satisfied that appropriate cycle-parking, drop-off, and servicing arrangements can be provided. I also consider that any temporary traffic impacts at construction stage could be satisfactorily addressed through the agreement of a construction traffic management plan by condition in the event of permission being granted. Accordingly, I do not consider that the proposed development would have any unacceptable impacts on the safety and free flow of traffic or the movements of pedestrians, cyclists and other vulnerable road users.

## 7.7 Daylight and Sunlight

### Policy

- 7.7.1. Although the proposal does not exceed prevailing/target building heights as per the Development Plan and does not rely on SPPR 3 of the Urban Development and Building Height Guidelines (2018), I note that section 3.2 of the Guidelines states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that '*appropriate and reasonable regard*' should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE (BR 209) 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- 7.7.2. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) also highlight the importance of provision of acceptable levels of natural light in new apartment developments, which should be weighed up in the context of the overall quality of the design and layout of the scheme and the need to ensure an appropriate scale of urban residential development. It states that planning authorities '*should have regard*' to these BRE (BR 209) or BS (8206-2) standards when

quantitative performance approaches are undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.

- 7.7.3. Objective 11.4 of the Development Plan states that all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation. Section 11.96 of the Plan states that development shall be guided by the principles of the BRE Guide (2011) and any updated guidance. A daylight analysis will be required for all proposed developments of more than 50 units and in relation to smaller applications where there are impacts on habitable rooms and the nature of the impact is not clear. The potential impacts of the proposed development on the amenities enjoyed by adjoining properties will need to be assessed in relation to all major schemes and where separation distances are reduced below those stipulated.

#### Information and Assessment

- 7.7.4. While the application includes a 'Sun Study', it does not include an assessment of daylight or sunlight standards in accordance with the relevant BRE / BS standards outlined above. However, having regard to the foregoing policy documents and the limited height/scale of the proposed development, I do not consider that there is a statutory requirement to do so.
- 7.7.5. I note the publication of a new (3<sup>rd</sup>) edition of the BRE Guide in June 2022, and that the updated British Standard (BS EN 17037:2018 'Daylight in Buildings) replaced the 2008 BS in May 2019 (in the UK). However, I am satisfied that BR 209 and BS 8206-2 remain relevant as they are the standards and guidance referred to in the relevant national guidance documents such as the Building Heights Guidelines and the Apartments Guidelines. Therefore, I consider it appropriate to apply these standards in my assessment.
- 7.7.6. I would also highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application, with paragraph 1.6 stating that '*Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*'. It notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient

use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

#### Daylight/Sunlight within the proposed development

- 7.7.7. I note that BRE Guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that designers/developers should strive to achieve.
- 7.7.8. In the absence of an ADF assessment, I have considered the specifics of the design and layout of the development and the factors that effectively influence daylight/sunlight levels, as set out in the Apartments Guidelines. As previously outlined, the scheme includes 20 (or 77%) dual-aspect units, which significantly exceeds the 33% standard as per SPPR 4. Furthermore, section 3.19 allows for a relaxation of the 33% requirement on small urban infill sites such as this, which highlights a particularly high standard of dual-aspect provision in this scheme. None of the single-aspect units are north facing and would benefit from largely unobstructed eastern and western aspects over Old Market Place and the commercial yard to the west.
- 7.7.9. Ceiling heights and glazing are also important factors in daylight/sunlight availability. In this regard, the ground floor ceiling heights (3m) and upper floor heights (2.5m) all exceed the recommended heights as per the Apartments Guidelines (2.7m and 2.4m respectively). Extensive glazing is proposed to serve the individual rooms and I am satisfied that this will make a significant contribution towards maximising daylight/sunlight standards.
- 7.7.10. In considering the site context, I note that there is no obstructive high-rise development in close proximity to the development that would significantly reduce daylight/sunlight standards. Therefore, given that the foregoing factors have been well addressed by the design team, I am satisfied that the proposed development will provide units with an acceptable level of daylight/sunlight and that no further assessment is required in this regard.
- 7.7.11. With regard to external amenity areas, BRE guidance outlines that at least 50% of such areas should receive in excess of 2 hours sunlight on the 21<sup>st</sup> March. In the absence of a detailed assessment, I note that the proposal includes a central plaza as the main amenity space, as well as ancillary rooftop and ‘evening courtyard’

spaces. The central plaza and rooftop spaces are south-facing and would benefit from a largely unobstructed aspect in this direction. The applicant's 'Sun Study' for Spring shows that the vast majority of these two spaces would be in sunlight at 12pm. I accept that this does not demonstrate compliance with BRE standards for these and other amenity spaces within the development. However, I am satisfied it is representative of the availability of good levels of sunlight within the proposed development and, accordingly, I have no objections in this regard.

#### Daylight/Sunlight impacts on surrounding properties

- 7.7.12. The BRE guide acknowledges that, in designing new development, it is important to safeguard the daylight to nearby buildings. As a preliminary test, it states that diffuse daylighting of an existing building may be affected if any part of the new development, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal.
- 7.7.13. The properties to the north of the site (i.e. Nos. 35-37) are at an elevated level. I estimate that the angle of obstruction created by the proposed development in this case would be c. 27°. For the ground floor windows on the east side of Old Market Place, I estimate that the angle of obstruction to the highest 4-storey level would be c. 26°. To the west of the site, I note the east-facing windows on the western side of the Rock Steps access road. However, I estimate the angle of obstruction to the nearest 3<sup>rd</sup> floor level to be c. 18°.
- 7.7.14. To the south of the site are the properties located along Blarney Street. On the southern side of the street, I am satisfied that the proposed development would largely have no impact on daylight to the front (north-facing) windows. This would be because the development (apart from the Blarney Street frontage) would be screened by the existing properties on the northern side of the street. It is acknowledged that the new infill development along Blarney Street would have an impact. However, this would simply fill the existing gap in the streetscape and, therefore, any impacts would be acceptable and consistent in accordance with existing baseline conditions.
- 7.7.15. For the properties on the north side of Blarney Street, it is noted that there are rear (north) windows facing the proposed development. However, it should be noted that

nos. 383 and 384 face towards the central plaza open space, which would not present a significant obstruction to daylight. Further west, the rear of nos. 380 and 381 appear to include (overgrown) single storey rear returns which face the site boundary at a distance of c. 6 metres. They would face a 2-storey element of the development (units 1 and 8), which I estimate to create an angle of obstruction of c. 38°.

- 7.7.16. In conclusion regarding daylight impacts, I acknowledge that the estimated angle of obstruction created for the properties to the north and east of the site would exceed the 25° test as set out in the BRE Guide. However, I consider that the exceedances (i.e. 27° and 26°) are marginal in nature and would not be likely to result in significant daylight impacts. I acknowledge that the estimated obstruction angle for nos. 380 and 381 (i.e. 38°) would be more significant. However, it should be noted that such impacts would be limited to a small number of properties at the southwest corner of the site and Appendix F of the BRE guide outlines the possibility of alternative values (such as an obstruction angle of 40°) in the city centre.
- 7.7.17. Regarding sunlight impacts to surrounding windows, the BRE Guide preliminary test states that there may be adverse effects if a main living room window faces within 90° of due south and any part of the new development, measured in a vertical section perpendicular to the centre of the window, subtends an angle of more than 25° to the horizontal. The properties to the north of the appeal site (i.e. nos. 35-37) are the only surrounding properties with windows facing within 90° of due south. And while the angle of obstruction created by the development may be 27°, I again consider that this only marginally exceeds the 25° test and sunlight impacts are unlikely to be significant.
- 7.7.18. With regard to neighbouring external amenity areas, BRE guidance again outlines that at least 50% of such areas should receive in excess of 2 hours sunlight on the 21<sup>st</sup> March, or at least that the area which can receive 2 hours sunlight on the 21<sup>st</sup> March should be at least 0.8 times its former value. In this case, I consider it is sufficient to consider the rear gardens of the properties to the north (i.e. nos. 35-37) the gardens of the Rock Steps properties further west.
- 7.7.19. In the absence of a detailed study, I again refer to the 'Sun Study' submitted with the application. I consider that the potential for impacts on properties to the north would

be greatest around midday. However, as per the study for 'Spring 12pm', it would appear that any overshadowing of these rear gardens would be caused by the existing boundary wall only, not the proposed development.

- 7.7.20. The potential for impacts on the Rock Steps properties to the west would be highest in the morning hours. The front gardens of these properties are largely used for parking and do not have significant potential for private amenity use. Therefore, I am satisfied that potential impacts would be limited to the rear gardens of nos. 7-10. According to the applicant's study, these gardens would be in shadow during 'Spring 8am', although it would appear that the proposed development may not be contributing to this impact. The gardens would also be in shadow at 'Spring 12pm', but certainly not as any result of the proposed development. The gardens would receive unobstructed sunshine from the west at 'Spring 4pm'. Accordingly, I would conclude that any potential for impact on these gardens is limited to the early morning hours, when such spaces are unlikely to be commonly used. I consider any such impacts to be acceptable in this case.

#### Conclusions on Daylight and Sunlight

- 7.7.21. In conclusion, I would again highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application. Similarly, the principles of the Building Height Guidelines allow for discretion having regard to local factors including specific site constraints and the desirability of achieving wider planning objectives such as comprehensive urban regeneration and / or an effective urban design solution.
- 7.7.22. I have considered the issues raised by 3<sup>rd</sup> parties in carrying out this daylight/sunlight assessment and I have had regard to the information and submissions provided by the applicant. I note that a comprehensive assessment has not been carried out to address BRE / BS guidance, but I am satisfied that there is no mandatory requirement to do so in this case. I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings.
- 7.7.23. Based on the available drawings and information, which I consider to be sufficient in this case, I have estimated the potential daylight and sunlight impacts associated with the proposed development. Within the proposed development, I consider that the design and layout of the proposed scheme would adequately capitalise on the

available daylight and sunlight to ensure acceptable standards of residential amenity for both internal rooms and external amenity spaces.

7.7.24. In terms of impacts on surrounding properties, I have identified the potential for noticeable daylight impacts on the rear windows of adjoining properties to the southwest corner of the site, as well as the potential for minor daylight/sunlight impacts on other surrounding properties. However, having regard to the limited scale and magnitude of the estimated impacts, I consider that the proposals are acceptable having regard to the central location of the site and the need to achieve increased height and density on such sites in accordance local and national policy. Accordingly, I have no objections in this regard.

## 7.8 Other Issues

7.8.1. The appeals raise a number of other issues and concerns, which I intend to address under the following headings.

### The bow-way

7.8.2. It is noted that the ownership/control of the bow-way adjoining No. 381 Blarney Street has been contested. This bow-way was included within the application boundaries as shown on the 'site location map' and 'site plan' but was excluded from the 'Extent of Site' as shown on the ground floor plan drawings. The applicant's further information response did not accept the absence of control over the bow-way but did accede to its removal from the application and that it would not be used pending clarification of ownership.

7.8.3. I note that there are no proposals to alter the existing bow-way in this application and that legal correspondence submitted in response to the appeal contends that part of the ground floor of No. 381 is in the applicant's ownership. I acknowledge that the use of the bow-way would facilitate easier service access for unit no. 26, but this is not considered an essential element of the proposed development. Ultimately, as outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are ultimately matters for resolution in the Courts and the Board should note that, as per section 34(13) of the Planning Act 2000, a person is not entitled solely by reason of a



permission to carry out any development. Accordingly, I am satisfied that the applicant has demonstrated sufficient legal interest for the purposes of the planning application and appeal, and I have no objections in this regard.

#### Site Notice

- 7.8.4. Concerns raised about the Site Notice erection on Blarney Street are related to the bow-way site boundary/ownership issues. It is contended that the erection location was outside the site boundaries and did not correspond with the 'site plan' drawing. It would appear that the notice was erected on the eastern side of the bow-way entrance. As previously stated, this would be within the site boundary as outlined on the 'site location map' and 'site plan' but would be outside the 'Extent of Site' as shown on the ground floor plan drawings. While I acknowledge this boundary inconsistency, it should be noted that the notice was erected immediately adjacent to the boundary as shown on the ground floor plans.
- 7.8.5. Ultimately, I note that the planning authority was satisfied with the Site Notice erection, and I am satisfied that this did not prevent the concerned parties from making representations. This report represents my *de novo* assessment of all planning issues material to the proposed development.

#### Public Consultation / Notification

- 7.8.6. In addition to the site notice issue, concerns have been raised that the applicant did not engage in adequate public consultation and that the further information response was not notified to all relevant parties. I would note that, other than site notice and newspaper notice procedures, there is no requirement for the developer to engage in public consultation. I also note that the further information response was publicly advertised through revised site and newspaper notices in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended). And while all relevant parties may not have been directly notified of the response, I am satisfied that all concerned parties have had the opportunity to make representations as part of the appeal process.

#### Structural impacts

- 7.8.7. Concerns have been raised that the proposed construction works may damage structural elements in the surrounding area, including the boundary walls, adjoining

properties, and drainage infrastructure. In response, the applicant has stated that the project structural engineers will take all aspects of the receiving environment into consideration in the design of foundation system and all subterranean aspects. This will occur following appropriate investigation and soil testing to be determined by the certifying engineers.

7.8.8. I note that the application proposes to retain all existing perimeter boundary walls and there is no evidence to suggest that this would not be achieved. I note that the applicant highlights the need for further site investigations, and I would accept that detailed construction design/methodology could only be finalised at a later stage. At this stage, I am satisfied that the applicant has adequately considered the potential structural impacts on surrounding properties. It will be the developer's responsibility to ensure that suitable monitoring and mitigation measures are implemented and any damage that might occur to adjoining property would be a civil matter for resolution between the relevant parties.

7.8.9. I would accept that almost all urban construction projects have the potential to temporarily impact on the operation and capacity of services and infrastructure. However, neither the Planning Authority nor Irish Water have raised any objection in relation to drainage arrangements. The subject site is of limited size and there is no reasonable evidence to conclude that drainage will be significantly affected. In accordance with conditions of any grant of permission, it will be the responsibility of the developer to ensure that the construction and utility connection processes appropriately protect existing utilities in consultation with the relevant operators.

#### Fire Hazard

7.8.10. Standards in relation to fire safety are covered by the Building Regulations 2006 (Technical Guidance Document B – Fire Safety). Compliance with TGD B will be assessed under a separate legal code. The developer will be required to apply for a Fire Safety Certificate and that process will afford the opportunity to address compliance with TGD B in an appropriate and comprehensive manner. Therefore, I consider that the issue of compliance with Building Regulations need not concern the Board for the purposes of this appeal.

### Loss of green space and wildlife

- 7.8.11. The proposed development does not involve the loss of any public green space. The site is mainly 'brownfield' albeit that it is partially covered with dense overgrowth. However, the site does not contain an area of recognised wildlife/biodiversity importance and I am satisfied that any impacts would be minimal. The proposal does involve substantial demolition/alteration of derelict structures, which has the potential to impact on bats. However, I am satisfied that this matter could be adequately addressed through the inclusion of an appropriate condition.

### Energy Efficiency

- 7.8.12. Although concerns have been raised about inadequate usage of solar panels, I note that the application includes an 'Energy and Climate Adaption Design Statement' and a 'Preliminary Life Cycle Report'. The documents outline comprehensive measures to ensure compliance with sustainability and energy efficiency requirements. These matters will be adequately assessed under the Building Regulations, and this need not concern the Board for the purposes of this appeal.

## **8.0 Appropriate Assessment**

- 8.1. The nearest Natura 2000 site is Cork Harbour SPA, located c. 3.5km to the southeast. The site is not, therefore, located within or adjoining any Natura 2000 Sites, and there are no direct pathways between the site and the Natura 2000 network. The site is a typical inner urban brownfield site which does not contain any suitable habitat that might attract ex-situ impacts.
- 8.2. I am aware that there are potential indirect connections to the Natura 2000 site within Cork Harbour via watercourses, groundwater discharge, and the wider drainage network, including surface water and wastewater discharges. However, the existence of these potential pathways does not necessarily mean that potential significant impacts will arise.
- 8.3. There are no surface watercourses in the immediate vicinity of the site that would provide a pathway to the Natura 2000 network. Foul water and surface water would drain to the existing combined sewer on Old Market Place and neither the planning

authority nor Irish Water have raised any objections in this regard, subject to the application of best practice standards. I am satisfied that there is suitable capacity in the Lough Mahon waters to rapidly mix and assimilate any potential pollutants associated with the surface water and wastewater outfalls. Therefore, having regard to the limited scale of the development and the associated discharges; the dilution capacity of the surrounding water bodies; and the significant distance between the appeal site and Natura 2000 sites; I am satisfied that there is no possibility that the additional loading resulting from the development will result in significant effects on Cork Harbour SPA or any other European sites.

- 8.4. The development is limited in scale, and I am satisfied that any excavation or ground disturbance would not be likely to impact on the quality of groundwater. Furthermore, there is a significant separation distance between the appeal site and the nearest Natura 2000 sites, which would provide significant dilution capacity in the unlikely event of any such impacts on groundwater quality.
- 8.5. No mitigation measures are relied upon for this Appropriate Assessment screening. Having regard to the above preliminary examination, I am satisfied that no Appropriate Assessment issues arise, and I do not consider that the proposed development, either individually or in combination with other plans or projects, would be likely to have a significant effect on a European site. Accordingly, a Stage 2 Appropriate Assessment is not required.

## 9.0 Recommendation

Having regard to the foregoing and the following reasons and considerations, I recommend that permission should be granted subject to conditions as outlined below.

## 10.0 Reasons and Considerations

Having regard to the central and accessible location of the site, the provisions of the Cork City Development Plan 2022-2028, the Urban Development and Building Heights - Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2018, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2020 (including the update of December 2022), and the National Planning Framework, which seeks to direct new residential development in cities into built-up serviced areas, the pattern and character of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and quality of residential development, would not seriously injure the amenities of surrounding properties or detract from the character or visual amenity of the area, would be consistent with the 'ZO 1' Development Plan zoning objective, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10th day of February 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The bin storage area shall be enclosed and shall be provided with suitable access, lighting, and ventilation proposals.

(b) The residual open space area to the west of Unit 2 shall be repurposed to provide additional private amenity space for the adjoining units (i.e. Units 1, 2, and 3).

(c) The residual open space area to the south of Unit 1 shall be repurposed to provide additional private amenity space for Unit 1.

(d) Revised boundary treatment proposals shall enhance privacy and security for the ground floor patios serving units 4 and 7.

(e) The east-facing bedroom windows in units 1 and 8 shall be fitted with privacy screening measures.

(f) The northern side of the balcony serving unit 24 shall be fitted with a solid boundary to a height of 1.8 metres.

(g) The floor plan drawings shall reflect the varied building line of each plot along the eastern elevation onto Old Market Place, as illustrated in the details submitted to the planning authority on the 10<sup>th</sup> day of February 2022.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The following shall apply in relation to No. 21 Old Market Place:

- (a) The 2<sup>nd</sup> floor windows to the front elevation shall be provided with subdivisions / glazing bars.
- (b) The extent of historic fabric on the 1<sup>st</sup> and 2<sup>nd</sup> floor shall be surveyed and documented, along with clarification of the extent of such fabric to be retained.
- (c) Specifications, method statements, and schedules of work for the refurbishment of the building shall be provided.
- (d) The brick chimney shall be retained.

Revised drawings and details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure an appropriate standard of restoration works within the Shandon Architectural Conservation Area.

4. The front elevation of the Blarney Street building shall include tight eaves detail, timber sliding sash windows, natural roof slates, and metal rainwater goods. Revised drawings and details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure an appropriate standard of restoration works within the Shandon Architectural Conservation Area.

5. A footpath shall be provided for the full length of the site frontage along Old Market Place and shall include proposals to retain the existing limestone kerbing at this location. Revised drawings and details showing compliance

with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure an appropriate standard of restoration works within the Shandon Architectural Conservation Area.

6. A dedicated set-down / delivery space shall be provided within the existing parking area on Old Market Place. Revised drawings and details showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and convenience.

7. Any alterations to the public road shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the applicant's expense.

**Reason:** In the interests of clarity, public safety and amenity.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;



(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

9. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

11. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

12. Proposals for a development name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and house numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements

/ marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of surrounding properties and in the interest of clarity.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, management measures for noise, dust and dirt, and construction traffic management proposals.

**Reason:** In the interest of public safety and residential amenity.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan

shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Prior to the occupation of the development, a Mobility Management Plan / Residential Travel Plan shall be submitted to and agreed in writing with the planning authority. This shall provide support and incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The plan shall be prepared and implemented by the management company for all units within the existing and proposed development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists.

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management

company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

19. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

**Reason:** In the interests of public safety.

20. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

21. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual and residential amenities.

22. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

23. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

---

Stephen Ward  
Senior Planning Inspector  
23rd January 2023