



An
Bord
Pleanála

Inspector's Report

ABP-314029-22

Development

Permission for the following (1) Demolish existing single storey disused former fuel filling station structure, (2) Decommissioning and removal of existing disused underground fuel storage tanks, (3) Construction of a 4 storey mixed residential building, (4) connection to existing services and all ancillary site works.

Location

82A Lower Glanmire Road , Cork City.

Planning Authority

Cork City Council.

Planning Authority Reg. Ref.

2140434.

Applicant(s)

Fabiolo Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party.

Appellant(s)

Fabiolo Ltd.

Observer(s)

Richard Fennelly.

Date of Site Inspection

13 April 2022.

Inspector

Stephen Rhys Thomas.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.3. Natural Heritage Designations	10
5.4. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	11
6.3. Observations	11
7.0 Assessment	13
8.0 Recommendation.....	21
9.0 Reasons and Considerations.....	21

1.0 Site Location and Description

- 1.1. The appeal site is located along the Lower Glanmire Road, east of Cork City centre, opposite the northern entrance to Kent Railway Station.
- 1.2. The site comprises a former petrol filling station and is not in use as such at present. The site is in use as a car detailing and valeting facility. A single storey commercial building occupies the site and a wide forecourt is found adjacent to the public road. To the rear of the site, there is a level section of ground at an upper level, the route of a former railway long since taken up. A sheer wall abuts this level section of the site and forms the boundary with property to the north at a much higher level. The rear of the site is overgrown with vegetation and the building on site is in moderate repair.

2.0 Proposed Development

- 2.1. Permission is sought for the following development:
 - (1) Demolish the existing single storey disused former fuel filling station structure,
 - (2) Decommission and removal of the existing disused underground fuel storage tanks,
 - (3) Construction of a four storey residential apartment building,
 - (4) Connection to existing services and all ancillary site works.

The development proposal was amended by further information submissions, the overall quantum, height and design of the scheme remains largely unchanged.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a notification to refuse permission for the following reason:

1. Having regard to the pattern and character of development in the area and the restricted nature of the site it is considered that the applicant has not demonstrated, to the satisfaction of the planning authority, that the proposed

development, by reason of its height, design, materiality, prominent location and contextual relationship to the adjoining properties, would not: seriously injure the visual amenities of the area; result in overlooking to adjoining private open space; provide adequate privacy for all future residents, and; provide adequate mitigation measures to reduce noise impacts upon future residents. The proposed development would be contrary to the requirements of Objective 16.9 of the Cork City Development Plan 2015 - 20 21 that states that residential developments should: “be sustainable and create high quality places and spaces which deliver a quality of life which residents and visitors entitled to expect in terms of amenity, safety and convenience”. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Site and development description outlined together with a planning history. The land use zoning is highlighted, zoned ZO 3 inner city residential neighbourhood. 184 units per hectare, plot ratio 1:57.
- A single submission was received from a neighbouring property, issues concern overlooking, overshadowing, massing and scale, and the construction period.
- An EIAR, NIS and FRA are all not required.
- In general, the application is poorly detailed making it difficult to fully assess adequately nearly all aspects of the proposal. Height is appropriate, but position on site is poor. Brick finish is not appropriate at this location. Most aspects of residential amenity are met, but many are not or difficult to assess due to lack of information. Open space provision is acceptable. Impacts upon neighbouring property are difficult to assess, further information required.

As per the Planner's recommendation further information was requested with regard to the following: drawings and plans at various scales, site survey, landscape plans, site sections, layout, building finishes, schedule of areas, compliance with guidelines, management, impact upon neighbours, public realm, traffic, environment and drainage.

Second Report

- Further information received and in some ways was acceptable, however, the majority of the material submitted still failed to detail the development adequately.

The Planner's recommendation to refuse the development was followed.

3.2.2. Other Technical Reports

Urban Roads and Street Planning – further information required; conditions recommended.

Traffic, Regulation and Safety - further information required, conditions recommended.

City Architect – verbal report only.

Environment - further information required.

Drainage - further information required, conditions recommended.

3.3. Prescribed Bodies

Irish Water – no objections.

Transport Infrastructure Ireland - no objections.

Inland Fisheries Ireland - no objections.

3.4. Third Party Observations

- 3.4.1. A single submission was received from a neighbouring property, issues concern overlooking, overshadowing, massing and scale, and the construction period.

4.0 Planning History

Subject Site:

PA ref 0428775 – Permission refused for a four storey apartment building with ground floor retail units.

5.0 Policy Context

5.1. Development Plan

The Cork City Development Plan 2022-2028 is the operative plan for the area. The site is located on lands subject to zoning objective ZO 1.

ZO 1- Sustainable Residential Neighbourhoods, the objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Relevant to this application for residential development, the following chapters and sections of the Development Plan may apply:

Chapter 2 Core Strategy

Chapter 3 Delivering Homes and Communities

Objective 3.5 Residential Density

Cork City Council will seek to:

- a. Promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives; and
- b. Ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, ensure a balance between the protection of the established character of the surrounding area and existing residential amenities;
- c. Ensure that urban density is closely linked to creating successful neighbourhoods and ensuring that neighbourhoods are integrated and

permeable to ensure short trips are possible to urban centres, local services and amenities;

d. Ensuring high-quality architectural, urban and public realm design. Guidance is set out in Chapter 11: Placemaking and Managing Development.

Chapter 4 Transport and Mobility

Chapter 10 Key Growth Areas & Neighbourhood Development Sites

Chapter 11 Placemaking and Managing Development

Section 11.9 Apartment Design

Objective 11.4 - Daylight Sunlight and Overshadowing (DSO)

All habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation. Planning applications should be supported by a daylight and sunlight design strategy that sets out design objectives for the scheme itself and its context that should be included in the Design Statement.

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. Cumulative impacts of committed schemes will also need to be assessed.

Daylight, Sunlight and Overshadowing (DSO) assessment, utilising best practice tools, should be scoped and agreed with the Planning Authority prior to application and should take into account the amenities of the proposed development, its relevant context, planning commitments, and in major development areas the likely impact on adjacent sites.

5.2. National Policy

5.2.1. National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than urban sprawl is a top priority. A preferred approach would be compact development focussed on reusing previously developed, 'brownfield' land.

Objective 2a targets half of future population growth in the existing five Cities and their suburbs.

Objective 3a seeks to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements, while Objective 3b further seeks to deliver at least half (50%) of all new homes targeted in the five Cities and suburbs, within their existing built-up footprints.

Objective 8 sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. It emphasises compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building formats.

Objective 13 is that planning and related standards including building height and car parking in urban areas, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 seeks to increase residential density in settlements, through measures including infill development schemes, area or site-based regeneration and increased building height.

5.2.2. **Housing for All - a New Housing Plan for Ireland** (September 2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

5.2.3. **Rebuilding Ireland: Action Plan for Housing and Homelessness**

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

The key action is to double housing output over the Plan period aided by measures including infrastructural funding through the Local Infrastructure Housing Activation Fund (LIHAF).

5.2.4. Section 28 Ministerial Guidelines

Having considered the nature of the appeal, the receiving environment, the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or directly adjacent to any Natura 2000 sites. There is a designed site located 4 km to the east, Cork Harbour SPA (site code 004030).

5.4. EIA Screening

- 5.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First-Party Appeal was submitted to An Bord Pleanála on the 8th July 2022 by the Applicant opposing the Local Authority's decision, the grounds of appeal can be summarised as follows:
- Due to staffing errors incorrect drawings were submitted with the initial application, corrected drawings are enclosed with the appeal.

- Visual amenity will not be impacted upon as the proposed development will be up to four storeys in height, similar to the Arcadia student accommodation to the east, a render finish is now proposed.
- In terms of overlooking of adjoining property and impacts upon amenity, the design and use of the bed and breakfast business to the west militates against any impact from the proposed development. Screenshots of the permitted development (1737559) illustrate the layout of the site and it is not clear if amenity use is private or communal. In any case it is not unusual for the amenity areas of urban development to be overlooked. In this case sufficient distance has been maintained to ensure no undue overlooking of neighbouring property.
- The privacy of future residents has been improved to include the removal of recessed areas at ground floor street level and greater setback of balconies to the rear to ensure privacy to internal spaces.
- External noise associated with road and rail traffic can be addressed by required noise insulation.

The grounds of appeal are accompanied by a set of drawings that illustrate the items listed above.

6.2. Planning Authority Response

None on file.

6.3. Observations

An observation has been received from Richard Fennelly of Lab 82, the neighbouring property to the west and can be summarised as follows:

- The application claims to be in accordance with the Development Plan, but permission was refused on the basis that it is not.
- The development will overlook private amenity space to the rear of the property. The drawings submitted with the application do not show the relationship between buildings and this is not satisfactory. However, overshadowing drawings do show how amenity space will be overshadowed.

- External corridors will provide the opportunity to overlook my property.
- A detailed construction management document has not been submitted.
- Development of the site is welcomed but not in the manner proposed.

7.0 Assessment

7.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Building Height
- Design and materials
- Location and context
- Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The Cork City Development Plan 2022-2028 is the relevant statutory plan for the area. The zoning objectives for the area are set out in the City Development Plan. The site is zoned 'Z 01' Sustainable Residential Neighbourhoods, with the objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. The development plan states that residential is one of the primary uses at these locations and goes on to state that proposals should generally respect the character and scale of the neighbourhood in which it is situated.

7.2.2. The planning authority acknowledge that the residential use proposed by the applicant is acceptable but that there are a number of other aspects to do with the development that render it unacceptable, and permission was refused. In terms of the principle of residential development at this location, I note that the development plan supports residential uses and in this respect the development of the type proposed would be acceptable. Specifically, Objective 3.5 supports higher residential densities, subject to high-quality architectural, urban and public realm design. In this regard, I note that the residential density proposed on this site of 0.0601 ha, is 183 units per hectare, a significantly high density proposal. Consequently, there are a

number of issues that formed the basis of the reason for refusal and these are addressed in the following sections of my report.

7.3. Building Height

- 7.3.1. The planning authority are concerned that the height of the development as proposed on a restricted and prominent site would injure the visual amenities of the area and impact upon residential amenities for existing and future residents. The appellant outlines a description of the site and surrounds and states that the improvement of the plot will be beneficial and that the four storeys proposed will match up with other development in the vicinity and references the 'Arcadia' student residences to the east.
- 7.3.2. The site comprises a former service station in a gap between two existing buildings in very good repair, these buildings are between two and half and three storeys in height. The streetscape along the Lower Glanmire Road is characterised by a mix of older two and three storey terraced buildings in painted render. The Arcadia Hall student residences occupies a large plot and rises to four storeys executed in a modern design and located 40 metres to the east. The nineteenth century railway station building, set well back in surrounding car parking is located across from the site.
- 7.3.3. In terms of building height standards, the current development plan sets out mapped objectives, the site is located in an area designated as a 'City and Central Area', map 1,2,3 and table 11.1 refers. The Development Plan states that in view of the heritage assets and potential impact of new development on local character, infill and redevelopment opportunities should continue to make the best use of land with new development expected to generally range from 4 to 6 storeys. I note that an Architectural Conservation Area (Lower Glanmire Road ACA) is located 150 metres to the east and comprises attractive terraces of two and three storeys. The Wellington Road / St. Luke's ACA is located over 100 metres to the north, behind a number of large houses and at much high level than the subject site.
- 7.3.4. The building height strategy set out in the development plan, is based upon work prepared as part of the Cork City Urban Density, Building Height and Tall Building Study 2021. The study was prepared in response to the requirement for all local planning authorities to update their policy framework in relation to tall buildings,

building height and density of development as set out in the Urban Development and Building Heights Guidelines for Planning Authorities. I am satisfied that the building height strategy as set out in the development plan is in accordance with the advice contained in the Building Height Guidelines. I note that the planning authority are not overly concerned about the building height proposed but find that it is the execution of the design at this location that is problematic. I take the same view, the standard of design employed in the overall response to this site is sparse. I note that the appellant is apologetic with reference to the drawings that were submitted at further information stage. The appellant has therefore included corrected drawings as part of the grounds of appeal. As far as I can tell, the only correction of note is a rear elevation that shows the external corridor not aligned with the floor plans, and more detail about finishes. I am satisfied that there are no other significant differences, I shall reference the relevant drawings where necessary.

- 7.3.5. A building of up to four storeys would not be out of place at this location. However, in line with the demands of the development plan, it is a location that requires sensitivity of design in order to respond to the locational challenge of the site. The challenges include, prominence, a sloped site, neighbouring residential amenity and generally the need for good contemporary design. I am satisfied that the proposed height of four storeys is workable at this location and not a reason on its own to refuse the development. However, there are other issues to address in terms of design and residential amenity as a consequence of the height proposed, and I assess those in the following sections of my report.

7.4. Design and materials

- 7.4.1. The planning authority have cited the overall design and selection of materials as an issue that form the basis to refuse the development as proposed and amended by further information. In this regard, the applicant initially selected a brick finish and this was subsequently changed to a render finish. Other minor details and information were also submitted to inform the overall design, but the planning authority held the opinion that permission should be refused.
- 7.4.2. I can see that the planning authority sought a lot of information and documentation to assist with the assessment of the planning application. Ultimately, in the opinion of

the planning authority the level of detail and the overall design of the development was left wanting and permission was refused.

7.4.3. Firstly, this is an important opportunity site to be developed. At present, it performs the role of a car valeting business, though well maintained this is a poor use of an accessible and serviced urban site. The planning authority are correct to require as much detail as possible in order to determine the planning application and this was not forthcoming from the applicant. In my experience, sites such as this require a very careful design approach, as a new and highly visible piece of streetscape will be created. In this regard I note that the current development plan calls for the production of a Design Statement for development in sensitive areas and should detail how a proposed development is a suitable response to the site and its setting. The applicant prepared such a report, but I am not confident that it fully tackles all of the challenges of the site in terms of the design approach.

7.4.4. In terms of the Design Statement and the drawings submitted, the level of detail and specific design response to the site is generic and not particularly site specific. Arguably, some of these details could be specified as being required and agreed in writing with the planning authority prior to the commencement of development. However, at that point the overall design is locked in and only minor details around the edges can be changed. I am convinced that this site requires a higher level of design that is lacking in the current proposal, and I concur with the planning authority's decision to refuse the development based upon design and the selection of materials. That is not to say that a modern and contemporary approach to the site should not be pursued, it is however, the level of detail and greater devotion to the creation of good streetscape and preservation of residential amenity that is needed here.

7.5. Location and context

7.5.1. In terms of the prominent location and contextual relationship to the adjoining properties, the planning authority are not convinced that the proposed scheme is appropriate. The current Development Plan sets out objectives for residential development and Objective 3.5 seeks to ensure a balance between the protection of the established character of the surrounding area and existing residential amenities. In my mind the application lacks a clear design philosophy for the site in terms of the

buildings either side. I note that the applicant has described the site and its environs, recognised the different styles and heights of buildings in the vicinity and acknowledged that a contemporary design approach is appropriate. I agree that a modern and contemporary approach to this site is the right decision. However, I am concerned at the level of detail that is lacking from some drawings.

7.5.2. Given the thoroughfare nature of the Lower Glanmire Road, large volumes of traffic pass by. It is therefore important to carefully consider the threshold to each residential unit as accessed from the street and how such a design would add to the character of the area. The drawings do not provide sufficient detail to understand this relationship at street level, for example is a stepped or sloped interface with the public footpath proposed. I am not satisfied that a coherent relationship between the buildings either side of the appeal site have been properly considered in terms of streetscape integration.

7.5.3. Given that the site sits at the bottom of a steeply sloped site, I would have expected more detail on how that interface is to be tackled, a full suite of cross sections would have achieved this. A detailed building specifications and materiality statement is absent and would have informed how this building would perform from a maintenance perspective in to the future. It is the lack of suitably detailed and illustrated material that makes it difficult to understand whether the proposal responds to its overall built environment and makes a positive contribution to the urban neighbourhood and streetscape. That being so, I am not satisfied that the proposed development responds fully to its location, given the prominent position on the street and the high quality of neighbouring historic buildings.

7.6. Residential Amenity

7.6.1. The planning authority had some significant concerns about the residential amenities offered by the proposed development for future residents and the impact on neighbouring property. Observations from the neighbouring property to the west are also worried about the impact that a four storey building will have on their privacy.

7.6.2. Specifically, the reason for refusal highlights three areas of residential amenity that will be unacceptably impacted upon; overlooking to adjoining amenity space, a lack of privacy for future residents and a lack of noise impact mitigation measures. The planning authority conclude that the proposed development would be contrary to

Development Plan objectives that seek the delivery of high quality spaces and places in terms of amenity, safety and convenience.

7.6.3. Neighbouring residential amenity – the proposed development will result in a four storey building of between 12 and 13 metres in overall height (a lift enclosure sits on the roof and brings a point height to over 15 metres). The proposed building will occupy a space currently occupied by a single storey building and a neighbouring property owner is concerned that the privacy of their rear amenity spaces will be adversely impacted upon. In the main, the concern is about the potential for overlooking, though overshadowing of the rear amenity spaces are also highlighted. The planning authority considered the concerns of neighbouring property and refused permission.

7.6.4. The principal area of concern is the potential for overlooking from the rear of apartment units and overshadowing at the western end of the site. The overall building has been arranged around the provision of dual aspect apartments that provide both a view south across the Lower Glanmire Road and a view to the north. The property to the east of the site presents blank gable ends to the appeal site and so there are not overlooking concerns here. However, the property to the west, according to the owner is in private use at upper floor levels and thus the private amenity spaces to the rear will be overlooked. The drawings show that the rear or northern elevation of the apartment block will align with the rear elevation of the property to the west. There is no disagreement about this aspect of the design from the observer or planning authority. The rear elevation of the proposed building will angle very slightly away from the street to the south and so rear windows will have an extremely oblique angle of view north westwards, there are no balconies present on the rear elevation. The potential for direct overlooking to opposing windows either to the east or west from the proposed units will be minimal or not at all. There is, however, an open corridor that runs a portion of the rear elevation at second and third floor level to allow access to units 6-11. There is the potential for opportunities to look across to the rear amenity areas of the property to the west. Likewise the provision of garden allotments at second floor level further to the east of the site could also present the opportunity for overlooking. However, I am satisfied that these open aspects to the design could be addressed by suitably designed screening.

- 7.6.5. The larger portion of rear amenity space that occupies a garden terrace at an upper level and located away from the rear elevation of the neighbouring property will be directly overlooked by units 6, 7, 9 and 10. This area of amenity space currently enjoys an open aspect with views, sunlight and privacy, this will all change. The appellant points out that such a degree of overlooking is to be expected in an urban context and permission should be granted. I accept that infill developments can be difficult to design in order to protect the amenities that neighbours currently enjoy. In certain circumstances it is acceptable to erode residential amenities if it means that better use is made of serviced urban land. However, it is rarely acceptable to completely remove the residential amenity of others as is the case in this instance. The appellant argues that their neighbour's amenity space is already overlooked by property to the north. However, I am not convinced that the rear amenity space associated with the property to the west is already overlooked by property from the north, the distances and changes in height are too great.
- 7.6.6. In addition to overlooking, the off set rear amenity space of 82 Lower Glanmire Road will be overshadowed by the proposed development. The applicant prepared a Daylight and Shadow Study in accordance with BRE guidelines and as required by the current City Development Plan, image set 3 and 8 of the study shows the degree of overshadowing that would result from the development at various times on March 21st. The report states that more than 50% of the rear amenity space will receive more than 2 hours of sunshine on the 21st March and this is acceptable. The report does not however, indicate in a tabular format what quantity of area of the rear amenity space would be lost to shadow and this is not useful in accurately determining the resultant loss of sunlight to an amenity area. From the diagrams prepared by the applicant, I conclude that the degree of overshadowing is likely to be noticeable to existing residents.
- 7.6.7. Given, the scale and design of the proposed four storey apartment building, particularly at the interface with 82 Lower Glanmire Road, I am not satisfied that it would be appropriate to significantly alter the residential amenities of neighbouring property to the extent proposed and so permission should be refused.
- 7.6.8. Observations on the appeal and to the application raised issues with regard to the construction impacts if the development were to be permitted. I am satisfied that

appropriate conditions could be attached to manage the construction phase of development to ensure residential amenities are protected.

- 7.6.9. Residential amenity for future occupants – the planning authority have expressed concerns about the residential amenity afforded to future residents and in particular have identified privacy and noise as potential issues. With respect to noise, the applicant prepared an Environmental Noise Assessment that concludes that measures can be put in place to limit the impact of road/rail noise. I find that the measures proposed are of an industry standard and can be conditioned if necessary. There is nothing particularly challenging about this urban location and the noise environment that pertains, fairly standard approaches to construction and window specification would be entirely reasonable.
- 7.6.10. With reference to privacy, I am certain that a lack of privacy from overlooking would be an issue for future residents. The rear elevations of apartments are not directly overlooked by any nearby property in terms of opposing rear windows. The front elevation of the apartment block will present a living /dining room space at street level, but this is not uncommon to many urban situations throughout the city. Balconies to the apartments will be elevated and look out across a street to the railway station concourse some distance to the south, I anticipate no issues of overlooking from this quarter. However, I am conscious that the rear amenity space utilised by 82 Lower Glanmire Road is located immediately adjacent to proposed bedroom windows and this will inevitably lead to an invasive of privacy.
- 7.6.11. In a broader context, other aspects to do with residential amenity that concern future residents and as set down by the Apartment Guidelines and the Development Plan have been assessed by the planning authority. I note that further information was requested in this regard as the initial documentation was lacking in such detail. Most criteria such as, minimum floor areas, dual aspect, unit mix amongst other things have been met. Storage within units appears to remain problematic, however, this could be addressed by condition. With reference to apartment unit access to natural light, I note the daylight and overshadowing report prepared by the applicant adequately demonstrates results. My main area of concern is the ability of ground floor units to receive adequate levels of light. However, given the dual aspect nature of the units proposed it is noted that an acceptable levels of average daylight factor (ADF) is achieved. The first floor rear bedroom associated with unit 5 returns an

unacceptable ADF value. To address this issue the report recommends a smaller room size to provide a better result, I do not recommend this. On the whole, the proposed apartment units return acceptable levels of access to natural light and this is not entirely unsurprising given the dual aspect configuration.

- 7.6.12. Residential amenity conclusion – with reference to the residential amenities that can be expected by future occupants. The privacy of future occupants will be impacted upon because of the location of units so close to rear amenity space of neighbouring property. Issues to do with noise can be easily mitigated by the measures advanced in the Environmental Noise Report. The proposed apartment units meet the criteria outlined in the Apartment Guidelines and this is satisfactory. However, the interaction between upper apartment units and neighbouring rear amenity space causes issues that cannot be easily resolved. I find that because of the position and orientation of units 6, 7, 9 and 10, an unacceptable level of overlooking and overshadowing will result. I do not recommend that these units be omitted as such this would be a significant and material change to the development as proposed, instead permission should be refused.

7.7. Appropriate Assessment

- 7.7.1. The subject site is located approximately 4 kilometres west of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. Having regard to the pattern and character of development in the area and the nature of the site it is considered that the proposed development, by reason of its height, design, materiality, prominent location and contextual relationship to the adjoining properties, would seriously injure the visual amenities of the area and adverse impacts upon residential amenity would result from overlooking to and overshadowing of an adjacent private amenity space; and this results in inadequate levels of privacy for future and existing residents. The proposed development would be contrary to the requirements of Objective 3.5 Residential Density of the Cork City Development Plan 2022-2028, that seeks to ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, that ensure a balance between the protection of the established character of the surrounding area and existing residential amenities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Stephen Rhys Thomas
Senior Planning Inspector

26 April 2023