



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315536-23

<b>Development</b>	Construction of (4) apartment building
<b>Location</b>	St. Luke's Villas, Alexandra Road, St. Lukes, Cork City
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2241487
<b>Applicant(s)</b>	Danny O'Keeffe
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Danny O'Keeffe
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12/12/2023
<b>Inspector</b>	Gillian Kane

## **1.0 Site Location and Description**

- 1.1.1. The subject site is located in St Lukes, a built-up inner suburb, to the north of Cork City. The irregularly shaped site is located to the rear (east) of Cassidy's Avenue and to the front (south) of a terrace of 4 no. dwellings known as Belmont Terrace.
- 1.1.2. The configuration of dwellings in this built-up residential area is not standard. A narrow gated lane runs south from the Old Youghal Road and leads to the front of the 4-terrace dwellings. The area in front of the dwellings has been hard-surfaced. A low wall with railing bounds this informal area from an overgrown grassed site. The two-storey dwellings have small north facing yards (many of which are built on) directly adjoining the rear yards of the single storey dwellings facing north on to the Old Youghal road. The last (west) dwelling of the terrace has fenced off an area of private open space.
- 1.1.3. To the west of the dwellings are 6 no. two-storey dwellings on a narrow lane known as Cassidy's Avenue. A gap between no's 3 and 4 provides vehicular access to the rear of these two dwellings, with the high boundary wall forming part of the western boundary of the subject site.
- 1.1.4. On the date of my site visit, the site was somewhat overgrown, grassed with a large mature trees and much hedgerows / scrub. The site slopes steeply to the south as it runs along the rear boundary of no. 4 Cassidy's Avenue.
- 1.1.5. No's 1 and 2 St Lukes Villas lie to the south of the site, with pedestrian access from Cassidy's Avenue and vehicular access from Cahill Ville.

## **2.0 Proposed Development**

- 2.1. On the 18<sup>th</sup> October planning permission was sought for the construction of a two-storey block (254.8sq.m.) with 4 no. apartments on a site of 0.4ha.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. On the 12th of December 2022, the planning authority issued a notification of their intention to refuse permission for the following two reasons.
- 1 Having regard to the pattern and character of development in the area, the extent of the landholding, the planning history on the land holding, the restricted nature of the subject site and its impact on access to the residential units proposed, it is considered that the proposed development, which is located on a back land site is piecemeal and haphazard in nature. The development would therefore be contrary to the proper planning and sustainable development of the area.
  - 2 The applicant has not demonstrated to the satisfaction of the Planning Authority that the proposed development by reason of its height, design and location will not have an undue impact upon the visual amenity of the area. Further, the applicant has not demonstrated compliance with the requirements of the Sustainable Urban Housing Design Standards for New Apartments as regards the number of two-bedroom, three person units, apartment and room sizes and the provision of communal amenity space. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

#### 3.2. Planning Authority Reports

- 3.2.1. **Environment Report:** Further Information required on waste.
- 3.2.2. **Urban Roads & Street Design:** Further Information required regarding access for cyclists.
- 3.2.3. **Parks Report:** objection subject to conditions.
- 3.2.4. **Planning Report:** Raises a concern that the development utilises only the northern part of the site, thereby providing access via a stairs only. Difficulties with buggies, bikes, mobility impaired. Previous permission utilised the southern part of the landholding and provided vehicular access. proposed development is piecemeal and haphazard, allowing the most inaccessible part of the site to be developed in isolation. Unit mix not acceptable. Some errors in application noted, no schedule of

accommodation provided, no communal open space proposed. Recommendation to refuse permission.

- 3.2.5. **Senior Planner:** Concurs with the recommendation to refuse permission.

### 3.3. **Prescribed Bodies**

- 3.3.1. **Inland Fisheries Ireland:** City Council should satisfy themselves that there is sufficient capacity in existence to dispose of effluent from the development to the public sewer, so that the development does not hydraulically or organically overload existing treatment facilities, result in polluting matters entering waters or cause or contribute to non-compliance with existing legislative requirements.

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

- 3.4.1. One objection to the proposed development raises issues of structural stability, noise pollution, light and damage to an untouched natural habitat.

## 4.0 **Planning History**

- 4.1.1. Planning Authority reg. **Ref. 07/31809:** Permission granted for the (a) the demolition of existing storage shed and the construction of 2 no. two-storey two-bed dwelling houses (b) the partial demolition to existing extension to, refurbishment and extension of No. 2 St. Lukes Villas (c) the construction of a two-storey apartment building with roof gardens comprising 4 no. two-bed units to the front of St. Lukes Villas. In total 6 no. new dwelling units are proposed. the development also includes on site car parking with controlled vehicular access, bin store and associated site works. Condition no. 2 omitted the apartment block element of the development.
- 4.1.2. Planning Authority reg. **ref. 08/33147:** Permission granted for amendments to previous permission to include and extension to the side and alterations to the first floor of unit 1.

## 5.0 **Policy Context**

### 5.1. **Project Ireland 2040: National Planning Framework**

- 5.1.1. This national policy seeks to support the future growth and success of Dublin as Irelands leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city. Enabling

significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.

5.1.2. 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 sprawl of urban development, is a top priority.

5.1.3. Of relevance to the subject application are the following:

- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- **National Policy Objective 5:** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
- **National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.
- **National Policy Objective 27:** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- **National Policy Objective 33:** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

## 5.2. Sustainable Residential Development and Compact Settlement Guidelines 2024

- 5.2.1. The guidelines expand on the higher-level policies of the National Planning Framework (NPF) in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlement.
- 5.2.2. In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).
- 5.2.3. Of relevance to the subject application are the following:
- Residential densities of 50-250dhp for city-urban neighbourhoods in Dublin and Cork with typical density range for low rise apartments – c.100-150 dph,
  - **SPPR1** – separation distances
  - **SPPR2** - Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). All residential developments are required to make provision for a reasonable quantum of public open space.
  - **SPPR3**: In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.
  - **SPPR4**: It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents

and visitors. The following requirements for cycle parking and storage are recommended: (i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/ enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers. (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

### **5.3. Sustainable Urban Housing: Design Standards for New Apartments**

- 5.3.1. The minimum floor area for one-bedroom apartments is 45m<sup>2</sup>, for two-bedroom apartments it is 73m<sup>2</sup> and for three-bedrooms it is 90m<sup>2</sup>. Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m<sup>2</sup> storage for one-bedroom apartments, 6m<sup>2</sup> for two-bedroom apartments and 9m<sup>2</sup> for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

### **5.4. Cork City Development Plan 2022-2028**

- 5.4.1. The site is located on lands subject to zoning objective 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. The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods.

While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

5.4.2. **ZO 1.2** Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.

5.4.3. **ZO 1.3** Primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.

5.4.4. **ZO 1.4** Uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Such uses include but are not limited to: small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units;

5.4.5. Relevant to this application for residential development, the following may apply:

- Chapter 2 Core Strategy – acknowledges that Cork City Council has ambitious housing targets for brownfield sites, as well as seeking to optimise the supply of housing on greenfield sites.
- Chapter 4 Transport and Mobility
- Chapter 10 Key Growth Areas & Neighbourhood Development Sites
- Chapter 11 Placemaking and Managing Development. Section 11.91 sets out qualitative standards for apartments.

## 5.5. **Natural Heritage Designations**

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



## **6.0 The Appeal**

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

6.1.1. An agent for the applicant has submitted an appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:

- Classic infill site with access on three boundaries.
- Short 5 minute walk from St Lukes shops, bars and restaurants. 25-minute walk to McCurtain Street, retail and employment area.
- Modest infill development of 4 no. own door apartments, in an area where housing is needed.
- The proposed development complies with the National Planning Framework, which recommends concentrated growth in urban areas. The proposed development in an existing built-up area will provide A-rated apartments, will achieve minimum standards for homes, provide a high-quality life with good accessibility to services. It is submitted that this compliance with national policy has been disregarded.
- The Planning Authority report does not address policies in the City Development Plan.
- The proposed development complies with all of the goals of Objective 11.1 sustainable residential development, being designed around an active street, within 15 minutes walking distance of local amenities, permeable with large landscaped public area, own door access, private amenity space, efficient use of land, minimises transport requirements, sufficient mix and enhances the built and natural heritage.
- The proposed infill-site development previously had planning permission for a large two-storey dwelling on a similar footprint. The proposed development complies with Objective 10.2 Living in the City and Dereliction.
- The scale of the carefully designed scheme reflects and compliments the surroundings, has a green roof to reduce dominance and complies with Objective 10.3 City Centre Infill Development.

- The proposed development does not need to comply with the mix of units required by the Sustainable Urban Housing Design Standards as Objective 11.2 of the City Development Plan requires compliance for schemes of 10 or more no. houses. It is noted that the planner refers to the two-bed apartments as three-person units, whereas only one of the apartments is two-bed, three person and this unit exceeds the minimum floor area of 63sq.m. by 10sq.m.
- The proposed development consists of:
  - Apt 1: 2-bed, 4-person, 83.1sq.m. (required 73sq.m.)
  - Apt 2: 2-bed, 3-person, 73.9sq.m. (required 63sq.m.)
  - Apt 3: one bed, 49.5sq.m. (required 45sq.m.)
  - Apt 4: one bed, 48.3sq.m. (required 45sq.m.)
- It is submitted that the proposed development exceeds the minimum overall required floor areas for apartments, for bedrooms, living rooms, storage space and private amenity space. Each unit is own-door and dual aspect.
- The proposed density is 100dph, an infill site within walking distance of the city and is in accordance with Objectives 11.71 and 11.72 of the development plan. At two-storey, the development meets the requirements of table 11.2 of the development plan.
- The proposed development meets the standards for habitable rooms in Objective 11.89 of the development plan.
- The proposed dual aspect, south facing units do not create overlooking or overshadowing and so, comply with Objective 11.4.
- The site within Zone 1 proposes no car parking, in accordance with Objective 11.234.
- 6 no. covered bicycle spaces are proposed, in accordance with Objective 11.245.

#### **Reason no. 1**

- It is submitted that the Planning Authority failed to consider the site in context. It is not a backland site as it is not to the rear of a property or building line. The proposed development forms a building line, fronting an established street. Permission was previously granted for a two-storey dwelling with vehicular

access from Alexandra Road. It is submitted that the proposed development is in keeping with the proper planning and sustainable development of the area and is in accordance with the City Development Plan.

## **Reason no. 2**

- The lower part of the site is being sold. A wayleave is being established which will provide access through the lower site for the purposes of services and resident access.
- The access stairs to the north will be Document M compliant and will be the subject of a Disability Access Certificate.
- 25% (one apartment) of the development is a two-bed, three-person unit which exceeds the minimum size by 10sq.m. and provides 67.6sq.m. of private amenity space.
- The room marked “meters” on the plans is to store meters and services associated with utilities.
- The proposed landscaped and cobble-lock hardstanding exceeds the 22sq.m requirement for communal amenity space.
- The Planning Authority found that the proposed development would have no undue impact on the visual amenity of the area, therefore the concerns regarding noise and light pollution are unfounded.
- The concerns of the third party regarding structural stability were addressed satisfactorily by the Planning Authority.
- Schedule of accommodation provided, with the conclusion that each apartment exceeds the requirements of the DoHLGH Guidelines.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority has carried out its duties in accordance with the provisions of the Act and the Regulations and the decision to refuse permission is in accordance with the provisions of the Cork City Development Plan 2022-2028 and the proper planning and sustainable development of the area.

- 6.2.2. The Board is requested to note that, in addition to the matters raised in the planners report, in the appeal documentation the development extends past the redline site boundary and into lands outside the control of the applicant.

6.3. **Observations**

- 6.3.1. None on file

7.0 **Assessment**

- 7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Access
- Residential Amenity
- Appropriate Assessment

7.2. **Principle of Development**

- 7.2.1. The subject site is zoned for residential development. Given its proximity to the city centre, retail and employment centre and the relatively high density of development in the immediate surrounds, the current use is not an efficient use of zoned serviced land. Subject to other planning considerations, the development of the site for residential development is appropriate and in keeping with the zoning objective for the site.

7.3. **Access**

- 7.3.1. The Planning Authority's first reason for refusal refers to the restricted nature of the site. The Appellant refutes this classification, stating that the site is not 'backland', rather it is an infill site'. The appellant states that the site forms a building line, fronting an established street.
- 7.3.2. The glossary of the City development plan defines 'infill housing' as "Housing which fills gaps in an otherwise continuous built-up frontage, such as side gardens or

vacant sites”. Using this definition, the subject site cannot be considered infill, as it does not form part of a continuous built-up frontage. The site sits alone, with no reference to the surrounding built-environment. The site, which is to the rear of the dwellings along Cassidy’s Avenue, Belmont Terrace and St Lukes is landlocked – with no independent access. It is, by any lay persons understanding of the word, backland. The fact that the front of the dwellings on Belmont Terrace face into the site does not change the fact that one must go behind numerous dwellings to reach the site.

- 7.3.3. Access to the site is one of the key issues at play, in my opinion. On the date of my site visit, a locked vehicular gate and the very narrow laneway leading from Youghal Road meant access to the site was possible by foot only. It was not clear to me on the date of my site visit, or from the drawings, whether the area between the front façade of the Belmont dwellings and the subject site is public or private land. The fact that the western most dwelling has cordoned off their portion of this land to provide a private garden, gives the impression that this area is private land associated with the 4 no. dwellings. The area, being surrounded on all sides by dwellings does not feel like public space, nor does it function as public space.
- 7.3.4. I note that one of the two gated access points to the site is within this cordoned off ‘garden’ of no. 2 Belmont Terrace. I question whether the access point would be available to the development site.
- 7.3.5. This also brings us to the larger question of whether it is appropriate to develop a site with only pedestrian access via a flight of stairs. Leaving aside the question of how the site would be accessed by construction traffic, accessibility for the mobility impaired, people with disabilities, wheelchair users, young families with prams, scooters etc. would be severely comprised. The appellant states that the access stairs shall be fully compliant with the requirements of Part M and that should permission be forthcoming, it will be necessary to clearly demonstrate that sufficient suitable access shall be provided.
- 7.3.6. Part M of the Building Regulations requires that adequate provision be made for people to access and use a building, its facilities and its environs. Whether such a site should be developed in the interest of the proper planning and sustainable development of the area remains a planning concern. Universal design is the design

and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people, regardless of their age, size, ability or disability. All new housing should be reasonably accessible for older people, the very young and people with disabilities. It is a fundamental consideration of good design and therefore a planning consideration.

- 7.3.7. I note that the applicant proposed in the appeal submission to provide a 3m right of way through the lower portion of the site that is for sale. This may or may not provide a safe and sufficient access to the site, but while the ROW is outside the boundary of the site, it would be reckless to rely on its implementation for the development of the subject site.
- 7.3.8. On this matter, I concur with the finding of the Planning Authority. The subject site, in its current formation is a piecemeal backland development that does not respond satisfactorily to its surroundings. I consider this to be a substantive reason for refusal.

#### **7.4. Residential Amenity**

- 7.4.1. The Planning Authority's second reason for refusal referred to two elements – visual amenity and compliance with the requirements of the Sustainable Urban Housing Design Standards for New Apartments regarding unit mix, apartment and room sizes and the provision of communal amenity space.
- 7.4.2. In terms of visual amenity, I am satisfied that the overall height of 6m can be satisfactorily absorbed into the wider area. The change in ground level is such that only the upper floor of the proposed block will be visible to the surrounding dwellings. I am satisfied that no undue visual impact will arise.
- 7.4.3. Addressing the second part of the reason for refusal – compliance with the Sustainable Urban Housing Design Standards for New Apartments, the appellant submits each of the proposed units exceeds the minimum floor areas for the overall apartment and each room within.

#### **Floor areas and standards**

- 7.4.4. A schedule of accommodation is included with the appeal submission, addressing the comment of the Planning Authority that none had been provided with the application.

- 7.4.5. The Planning Authority, in their planning report noted that the floor areas on the plans did not match the details on the legend. I concur with the Planning Authority, that some of the details provided do not match. For example, the schedule of accommodation provided to the Board (section 4.2, page 15 of the appeal) refers to apartment 1 as being 2-bed, 4-person. None of the proposed units are 2-bed, 4-person units. Drawing no. ABP-5 received by the Board with the appeal on the 13<sup>th</sup> Jan, shows apartment 1 on the first floor as being 2-bed,3-person. The same drawing shows a living room with an illegible figure and a kitchen of 40sq.m., neither of which match the schedule of accommodation listing of 37.1sq.m. Nor does the amenity area of 7.8sq.m. listed on the schedule, match the 2.8sq.m. balcony shown on the drawing. Similar issues arise with each of the other apartments. These details while minor in isolation, lead to questioning of the veracity of the overall proposal. Other examples of a lack of scrutiny in the proposal include the development encroaching over the redline boundary.
- 7.4.6. While I concur with the Planning Authority that it is difficult to accurately and definitively determine the floor areas of the apartments, they appear to meet or even exceed the minimum floor areas. Only the proposed storage areas appear to be significantly below the required standards. This in itself is not a fatal flaw, but supports the questioning of the residential amenity provided to the future residents.

### **Housing / Unit Mix**

- 7.4.7. The appellant requests that the Board note that the Planning Authority “incorrectly referred to all of the 2-bed apartments being two-bedroom three person units”. The appellants submission states that *only one* of the units is two-bedroom, three person. I have read the Planning Authority planning report and it refers (page 12 of 16, under the heading Unit Mix) to the proposal being “2 no. 1-bed apartments (50%) and 2 bed (3 person) apartments”. It is possible a second “two” is missing from the planners statement, as the proposal actually provides two 1-bed apartments and *two* 2-bed apartments. So, the appellants statement that *only one* of the units proposed is two-bed, three-person, is incorrect. As per the drawings submitted to the Board on the 13<sup>th</sup> January 2023, the proposed development comprises:

<b>Ground floor</b>	<b>Apartment 2:</b> Two-bed, three-person	<b>Apartment 4:</b> One-bed, two-person
<b>First Floor</b>	<b>Apartment 1:</b> Two-bed, three-person	<b>Apartment 3:</b> One-bed, two-person

- 7.4.8. SPPR 2 of the Apartment Guidelines provides that for schemes up to 9 no. units (such as the subject proposal), “there shall be no restriction on dwelling mix, provided no more than 50% of the development comprises studio-type units”. The proposed development of two ‘types’ of apartment (neither of which are studio) in a scheme of only 4 no., is acceptable and in accordance with SPPR 2.

### **Open Space**

- 7.4.9. The two ground floor units are provided with generous private amenity areas of 67.6sq.m. and 21.6sq.m. The upper floor units (apartments 1 and 3) have east-facing balconies of 5.2sq.m. (apartment 3) and 7.3sq.m. (apartment 1). The 5.2sq.m. balcony off the living room of apartment 3 is problematic as it encroaches into the site to the east, beyond the redline boundary of the site.
- 7.4.10. A courtyard of 63.4sq.m. is shown on drawing ABP-4, off which is the covered bicycle stand and a space I have presumed is to be used for bin storage along the south-western boundary wall. It is unclear if this space is to function as communal open space.

### **7.5. Appropriate Assessment**

- 7.5.1. 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.

### **7.6. Conclusion**

- 7.6.1. The subject site is zoned for residential development and is in close proximity to an urban centre. Notwithstanding its topography it is suitable for residential



development of some form. The proposed development, with no vehicular access and limited pedestrian access would not provide an appropriate response to this restricted site, within the confines of a tightly built-up urban area. Providing access by stairs only with the possibility of future access through a third-party site is not optimum. The lack of car parking is acceptable, given the location of the site. I concur with the finding of the Planning Authority that the proposed development is a piecemeal, haphazard form of development on site that is isolated from its surroundings.

## **8.0 Recommendation**

8.1. I recommend permission be REFUSED for the following reasons and considerations:

- 1 The proposed development of a backland site, to which access is limited to a steep stair, does not comply with the principles of universal design, which seeks to compose an environment that can be accessed, understood and used to the greatest extent possible by all people, regardless of their age, size, ability or disability. The proposed development, with no vehicular access and limited pedestrian access would not provide an appropriate response to this restricted site, within the confines of a tightly built-up urban area. 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.

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Gillian Kane  
Senior Planning Inspector

02 February 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	4 no. apartments in two-storey block		
<b>Development Address</b>	St Lukes, Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>		X	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		<b>Conclusion</b>	
<b>No</b>		X	No EIAR or Preliminary Examination required
<b>Yes</b>		n/a	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	n/a	<b>Preliminary Examination required</b>
<b>Yes</b>	n/a	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_**Date:** 02/02/2024