



An
Bord
Pleanála

Inspector's Report

ABP-319766-24

Development

Partial change of use from commercial to residential, demolition of the former garage and the preservation of the existing 20th century structure on the site for use as a food store, construction of a residential development consisting of 30 apartment units and all associated site works.

Location

Site formerly known as Dennehy's Cross Garage, Dennehy's Cross, Model Farm Road, Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2341980

Applicant(s)

Dennehy's Cross Construction Ltd.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Donal O'Keeffe

Kate Nagle

Observer(s)

Church of the Descent of the Holy Spirit

Michael Darcy

Dennehy's Cross Action Group

Alan Costello

Date of Site Inspection

22/01/2025

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1 The site, which has a stated area of just less than 0.2 hectares, is located at Dennehy's Cross to the west of Cork city centre. Dennehy's Cross is formed by the junction of the R608 (Model Farm Road to the west and Magazine Road to the east) and the R641 (Wilton Road to the south and Victoria Cross to the north). It is a suburban area with a mix of uses evident, particularly around Dennehy's Cross and Victoria Cross.
- 1.2 The site was formerly occupied by a car sales garage and a retail store/post office.
- 1.3 Immediately to the west and south are lands associated with the Church of the Descent of the Holy Spirit, which is a large and imposing church building and is designated as a Protected Structure in the operative City Development Plan. A two-storey dwelling 'Dennehy's Cross House' is located to the immediate east. The properties on the opposite side and further to the west along Model Farm Road are generally two-storey suburban houses (with some commercial uses noted including dental surgery), as are the properties to the south along Wilton Road. The north-eastern corner of Dennehy's Cross has been developed with a mixed-use development comprising commercial units with apartments overhead- five-storeys in height. There are student housing developments to the north along Victoria Cross.

2.0 Proposed Development

- 2.1 The proposal comprises the (i) partial change of use from commercial to residential (ii) demolition of the former garage and the preservation of the existing 20th century structure on the site for use as a food store (iii) the construction of a residential development consisting of 30 apartment units and (iv) all associated site works.
- 2.2 The following table sets out some key parameters of the proposal:

Table 1:

Site Area	0.1968 hectares
Breakdown of Apartments	<u>30 units</u> <u>Initially proposed</u> 9 x one-bed 21 x two-bed <u>Permitted</u> 7 x one-bed (23%) 23 x two-bed (77%)
Other Uses	Partial change of use from commercial to residential Demolition of former garage structure Preservation of existing C20 th structure (former butchers) for use as artisan market food store Café/restaurant at Gf level (179m ² proposed; 153m ² permitted)
Height	4 storeys- initially proposed Part 3/Part 5 storeys permitted
Density	152 units/ha (unchanged)
Part V	4 units (3 x 1bed & 1 x 2 bed units)

Parking	<p>No vehicular parking (unchanged)</p> <p>49 no. bicycle spaces proposed (71 no. spaces permitted)</p>
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- 2.3 The proposal was amended by means of a request for Further Information by the planning authority. The main alterations related to changes to the scale and massing including change in height from 4 storeys to part 3/part 5 storeys; change in mix of units; decrease in floor area of café/restaurant; increase in bicycle parking and redesign/relocation of building footprint including entrance relocated onto Model Farm Road and removal of electrical/services from street frontage.

3.0 Planning Authority Decision

3.1 Decision

Permission GRANTED, subject to 44 no. conditions

Further Information was requested by the planning authority in relation to (i) urban design/architectural issues/building height (ii) conservation (iii) visual impact (iv) land uses (v) impact on residential amenities (vi) infrastructure matters (vii) urban roads and streets design (viii) traffic (ix) mobility management (x) drainage (xi) waste storage/management (xii) legal matters (xiii) errors in documentation (xiv) apartment standards.

The Further Information response was deemed significant by the planning authority and revised public notices were submitted.

3.2 Planning Authority Reports

3.2.1 Planning Reports

- Case Planner- Reflects decision of planning authority; recommends grant of permission with conditions

3.2.2 Other Technical Reports

Infrastructure Development Section- No objection, subject to conditions (29/04/2024)

Traffic: Regulations and Safety Section: No objection, subject to conditions (25/04/2024)

Environment Section- No objection, subject to conditions (22/04/2024)

Drainage Section- No objection, subject to conditions (10/04/2024)

Urban Roads & Street Design (Planning) Report- No objections, subject to conditions (25/04/2024)

Housing Officer- No objection, subject to conditions (19/04/2024)

Conservation Section- No objection, subject to conditions (25/04/2024)

Community, Culture & Placemaking (Architects Section)- No objections, subject to conditions (30/04/2024)

Community, Culture & Placemaking (Contributions Report)- No objections, subject to conditions (26/04/2024)

3.3 Prescribed Bodies

Uisce Eireann: No objections, subject to conditions. Confirmation of Feasibility has issued. A connection is feasible in respect of water and wastewater without upgrade by Uisce Eireann (dated 13/06/2023)

Inland Fisheries Ireland: Requests that Uisce Eireann signify that there is sufficient capacity in the system so as not to overload either hydraulically or organically existing treatment facilities or result in polluting matters entering waters (07/06/2023)

Cork Airport: No comment (29/05/2023)

Transport Infrastructure Ireland: No observations to make (01/06/2023)

National Transport Authority: Highlights matters in relation to CMATS- location of proposed development is expected to benefit from an improved level of public transport on the basis of BusConnects and Cork Light Rail. Proposed development would be directly served on Model Farm Road by Routes 1 and 2 of BusConnects, and within walking distance of Route 14. Indicative Cork Light Rail route is in close

proximity to subject site. A number of cycle routes are located in vicinity of site. No objections, subject to conditions

3.4 Third Party Observations

The planning authority received a number of observations which raised issues similar to those contained in the third-party appeals/observations.

4.0 Planning History

The most recent relevant history is as follows:

ABP-308404-20 (20/39416)

Permission REFUSED for the demolition of an existing garage and construction of 45 no. apartments associated site works. (Decision Date: 17/02/2021). The reasons for refusal related to height, scale and massing of proposal and impacts on nearby Protected Structure.

PL28.220376 (06/31142)

Permission GRANTED on appeal for demolition of existing garage and construction of 31 residential units and a commercial showroom ranging in height from 3 to 4 storeys with basement parking (Decision Date: 2008).

5.0 Policy Context

5.1 National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets

- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan 2025, as supported by Climate Action Plan 2024

Other policy documents of note:

- National Planning Framework, First Revision April 2025
- Regional Spatial & Economic Strategy for the Southern Region
- Cork Metropolitan Area Transport Strategy (CMATS) 2040
- National Biodiversity Action Plan

5.2 Local Planning Policy

Development Plan

The Cork City Development Plan 2022-2028 applies.

- Zoning- Objective ZO 08 'Neighbourhood and Local Centres' which seeks 'to protect and provide for or improve local facilities'.
- Site is located just within 'Inner Urban Suburbs' (part of South-West Corridor)
- Density and Building Height Strategy- Table 11.1 Cork Building Height Standards. Prevailing heights for this location range from 2-3 storeys with target heights between 3-4 storeys
- Table 11.2 Densities- prevailing dwellings/hectare for this area have a lower target of 50 units/ha and an upper target of 100 units/ha.
- There are a number of policies and objectives which support compact growth, neighbourhood design/placemaking, residential development and protection of built heritage.
- Protected Structures- Church of the Descent of the Holy Spirit (RPS Ref: PS958). Listed on the National Inventory of Architectural Heritage (NIAH) as being of 'regional' significance (Ref. 20865058)
- Parking- Variation No 1 (Revised Parking Standards on a City Wide basis) of the Cork City Development Plan 2022 - 2028 was made on 08.05.2023. As per the

Variation the site lies within Parking Zone 2 which has been revised as follows:
'Parking Zone 2 reflects areas that are or will be accessible to mass transit alongside public transportation corridors.

Proposed Public Transport

- BusConnects Cork- Route STC E Ballincollig to City Centre and Route STC F- Bishopstown to City Centre (both pass Dennehy's Cross)
- Site located adjacent to East-West Public Transport Corridor - Emerging preferred Route for LUAS Cork. Will involve a Light Rail System from Mahon Point to Ballincollig via the city centre. It would pass Denney's Cross. In support of this, it is intended to support its delivery by providing a high frequency bus service and to develop high priority bus priority measures along the route.

5.3 Natural Heritage Designation

The nearest designated sites- Cork Harbour SPA (Site Code:004030) is located approximately 10km to the east while Great Island Channel SAC (001058) lies approx. 12km to the east.

5.4 EIA Screening

See Appendix 1 and 2 below.

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.)

The proposed development is for 30 dwelling units on a site just less than 0.2 ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended). Accordingly, it does not attract the need for a

mandatory EIA. The site is located within a designated development area of Cork city, on lands zoned for neighbourhood and local centre uses. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

5.5 Appropriate Assessment Screening

5.5.1 See Appendix 3 below.

5.5.2 I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 10km from the Cork Harbour SPA (Site Code:004030), the nearest designated site.

5.5.3 The proposed development comprises the demolition of an existing garage on site; preservation of an existing 20th century structure, construction of 30 no. apartments, together with ancillary site development works. There are no open watercourses on, or adjacent to the site. The habitat on site is not suitable for feeding by Qualifying Interest birds. The site is not located within a flood zone.

5.5.4 Concerns regarding impacts on integrity of Cork Harbour SPA and Great Island Channel SAC were raised in one of the observations received.

5.5.5 An AA Screening Report was not submitted with the application. The planning authority state that the relevant European Sites are the Cork Harbour SPA (Site Code: 004030) and the Great Island Channel cSAC (Site Code:001058) and that having regard to the location of the proposed development site relative to these European Sites and related watercourses and to the nature and scale of the proposed development, it is considered that the proposed development would not affect the integrity of the European Sites referred to above. The planning authority considered that appropriate assessment was not required.

5.5.6 Having considered the nature, scale and location of the project, I am satisfied that the above designated site can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and mixed-use nature of the development

- Location-distance from nearest European site and lack of connections
- The hydrological distance of indirect pathways to these European Sites where any likely pollutant in surface waters would be sufficiently diluted and or dispersed
- Taking into account screening report by the PA

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

5.5.4 I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

6.0 The Appeal

6.1 Grounds of Appeal

Two third-party appeal submissions were received, which may be broadly summarised as follows:

- Planning history and question as to whether proposal has overcome previous reasons for refusal
- Design- lack of assessment against Design Checklist contained within Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Density and compliance with operative Development Plan; contends that factors set out in Compact Settlements Guidelines have not been adequately considered to PA assessment; little regard to prevailing densities of existing adjacent residential developments

- Height, scale and massing- impacts on light to dental surgery, overshadowing; overriding of Development Plan target height for area;
- Residential Amenity- seriously injure residential amenities; visual overbearance; noise issues; open space provision/inadequate level of amenity proposed
- Visual impacts/Built Heritage- adverse impacts on setting of Protected Structure (Church); suggests reduction in height; proposal dominates the built context in which the site sits; result in loss of Protected Views and Prospects and local views of significance
- Transport- lack of reference to capacity of public transport in documentation; lack of parking provision with no justification provided for same; questions enforceable nature of tenants' agreements that will prevent overspill parking; limited extent of on-street parking/no fee parking in vicinity; absence of details regarding use of proposed shop/cafe and traffic generated by same; compliance with SPPR3
- Other Matters- procedural matters relating to request for FI by planning authority

6.2 Applicant Response

A response to each appeal was received on behalf of the applicant, which may be broadly summarised as follows:

- Refutes grounds of appeal
- In relation to previous refusal on site, notes that this current proposal is significantly revised downwards (reduction of 15 units) in both scale and massing; refutes claim that only differences between two schemes relates to external cladding and fenestration; has been redesigned to respect setting of Protected Structure
- One of appeals is mistakenly referring to application as lodged, as opposed to that permitted- many comments relate to scheme as originally lodged as opposed to that permitted

- Optimising density is a core responsibility of planning system, as per Development Plan. Notes Density Strategy and strategic location of proposed development; site is stated to be one of best connected in Cork city with over 200+ buses passing per day
- All information required to show compliance SPPR3 is contained in Planning Statement. Improvements to network as a result of BusConnects will serve to further improve public transport links; adjacent to two 24-hour bus services. Located on Kent Station-UCC-CIT cycle infrastructure path; entire scheme designed around respecting the setting of adjoining Church; full LVA has been prepared
- Medium sized redevelopment which makes a positive contribution to place-making by creating new public spaces and creating visual interest in streetscape. Impact on adjoining/nearby units has been a key consideration in design
- Clear justification provided in relation to parking; one of most highly connected sites in city; notes s.28 guidelines with regard to parking
- Sufficient open space provided, orientation and best landscape practice have been incorporated into proposal
- Daylight and Sunlight analysis and model interrogation shows that current situation is not exacerbated if proposed scheme is permitted.
- Key brownfield site within established area of city within walking distance to schools and other amenities. Concerted effort to densify this low-density part of the city on an underutilised corner that can absorb a development of the scale proposed; thus providing a distinct urban edge. No scope to further reduce the number of units without making the scheme undevelopable. Height, scale and density consistent with permitted developments in the area

6.3 Planning Authority Response

None

6.4 Observations

Four observations were received, including one from Dennehy's Cross Action Group, which raises issues similar to those contained in the appeal submissions. Additional matters raised, not included in the appeal submissions include:

- Previous reasons for refusal on site not overcome
- Concern regarding balconies facing Church of the Descent of the Holy Spirit and possible use of these balconies
- Pressure on Church grounds from overspill parking; traffic and parking concerns
- Residential impact concerns- overlooking, overshadowing; impacts on character of area; loss of views; impacts on privacy; impact on surrounding property values; amenity for future occupiers
- Concerns regarding accuracy/adequacy of information
- Preference for step-down housing for elderly or terraced houses; no high-rise apartments
- Concerns regarding impacts on integrity of Cork Harbour SPA and Great Island Channel SAC and impacts on WFD objectives
- Other Matters- legal concerns; lack of notification of significant further information; concerns regarding impacts on site area from BusConnects; Outer Suburbs location; applications in vicinity of site (2342499); use of complex for student accommodation; concerns regarding issues to be dealt with by condition

6.5 Further Responses

A further response was received from Kate Nagle (appellant), which states their support of all points contained in the submission from Donal O'Keeffe (observer). No new material issues raised.

7.0 Assessment

7.1 The proposed development comprises the demolition of a former garage, the preservation of the existing 20th century structure (former butcher shop) for use as a food store, together with the construction of 30 apartments with associated site development works.

7.2 Having examined the application details and all other documentation on file, including the reports of the planning authority and prescribed bodies, all appeal documentation and observations received, together with having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of proposed development/design rationale/building height/density
- Architectural Heritage/Visual Amenity
- Transport Matters including Parking Provision
- Residential Amenity
- Other Matters

Principle of proposed development/design rationale

Principle of Proposed Development

7.3 The subject site is located within the settlement boundary of Cork city. I do not concur with the assertion contained in some of third-party submissions received, that the site is located within an 'Outer Suburb' of the city. The site is located within the 'Inner Urban Suburbs' of the 'South-Western Suburbs' as set out in Map 08 of Chapter B of Volume 2 of operative City Development Plan. The planning authority notes that it is located just within the 'Inner Urban Suburbs'. The site is currently an underutilised brownfield site, within an established urban area close to good services and facilities, and, in my opinion, would benefit from appropriate regeneration.

7.4 I note that there are numerous policies and objectives within the operative City Plan which support residential development within existing settlement boundaries on infill sites. The subject site is zoned for Objective ZO 08 'Neighbourhood and Local Centres' which seeks 'to protect and provide for or improve local facilities'. The uses proposed are considered to comply with this zoning objective. The principle of

residential development has been previously established on the site by An Bord Pleanála (PL28.220376 (06/31142)) for a similarly sized development. There is a recognised need for additional residential units within the existing footprint of Cork city, with a 4.7% population increase anticipated within the South-West suburbs during the life of the current Plan.

7.5 Some of the submissions received reference the most recent decision on the site, namely ABP-308404-20 (20/39416) whereby permission was refused for the demolition of an existing garage and construction of 45 no. apartments associated site works (decision date: 17/02/2021). The reasons for refusal related to scale, massing and impacts on the adjoining Protected Structure. Third parties contend that the previous reasons for refusal remain applicable and have not been overcome in this current application. I would disagree with this assertion. The proposed development is for 30 units, part 3/part 5 storeys in height, while that previously refused was for 45 units up to 6 storeys in height. The scale of development cannot be considered comparable. In addition, this current proposal addresses concerns raised by the Inspector in the previous appeal relating to lack of commercial uses/active uses at ground floor level. In any event, each application is assessed on its own merits and I also note the adoption of a new City Development Plan and the Compact Settlements Guidelines in the interim period.

7.6 I am satisfied that the principle of a mixed-use development is acceptable on this site, located within an established neighbourhood with excellent accessibility to local services, the city centre, employment, UCC and public transport facilities. I consider that the proposal would aid in achieving targets for residential development within the settlement, while also fulfilling a local retail function at an appropriate scale. The proposal would also aid in improving the visual amenity of this underutilised site within the built-up, urban area with improvements to the public realm proposed. I am generally satisfied with regards the principle of the proposed development.

Design Rationale

7.7 I am also satisfied with the design rationale permitted by the planning authority. One of the submissions received contends that the planning authority did not give due regard to Appendix D: Design Checklist of the Sustainable and Compact Settlements, Guidelines for Planning Authorities (2024). I have no information

before to believe that the planning authority did not undertake a comprehensive assessment of the proposal and I also note that this Checklist was referenced in the Planner's Report. The subject Design Checklist was developed to assist in the application of Section 4.3- Key Indicators of Quality Urban Design and Placemaking in these forementioned Guidelines. Having examined the Design Checklist, I note that in terms of *Sustainable and Efficient Movement*, the open space area along Model Farm Road will provide an attractive space for locals to gather. The proposal has had regard to BusConnects in its layout. Car parking has been minimised. In terms of *Mix of Land Uses*, the mix and intensity of land uses is considered appropriate to the site and its location. The ground floor retail/café use will enliven the street as will the relocation of the apartment entrance. The mix of uses proposed will add to the vibrancy of the area and the preservation/refurbishment of the existing 20th century structure will enhance the built heritage of the area. The proposal will reduce vacancy on this brownfield, infill site with a development of an appropriate scale for this location. In terms of *Green and Blue Infrastructure*, the proposal has responded positively to the environment in which it is located. Vistas of the landmark Church (a Protected Structure) are being protected. Open space is universally accessible. SuDS measures are proposed. In terms of *Responsive Built Form*, the layout, orientation and scale of development supports the formation of a coherent and legible urban structure. The proposal appropriately addresses the street with clearly defined spaces. The proposal integrates well with its context and provides appropriate transitions in scale. The provision of the setback along the Model Farm Road will provide a pleasant area of public open space. To conclude, the design rationale is such that the proposed development will provide a quality development at this location, will aid in the mix of uses provided, will enhance the built heritage and will provide additional residential units without detracting from the architectural heritage or residential amenities of the area. I am generally satisfied in this regard.

Building Height

- 7.8 The matter of building height has been raised in almost all the third-party submissions received. Further Information was requested by the planning authority in relation to a number of matters including the height of the proposed development. The planning authority acknowledge that the site is difficult to redevelop given its

immediate location, which has a more domestic/suburban/low rise character than that along Victoria Cross, together with its proximity to the landmark Protected Structure, Church of the Descent of the Holy Spirit (RPS Ref: PS958). A revised design proposal was submitted as part of the FI response and the planning authority were generally satisfied with the response received. They are of the opinion that given the increased setback from Model Farm Road, the design changes, proximity of the site to the junction of Dennehy's Cross and public transport nodes, the scale and height of landmark structure of the Church, the findings of the Daylight Study and controlling conditions regarding glazing/balconies, that the height of the revised structure is acceptable in this instance. The planning authority, including the City Architect, considers that in general the scale, massing and form of the building, as amended in the Further Information response, is satisfactory. The three-storey element allows for improved visibility of the Church Cupola and the revised apartment entrance to the street side will increase activity and reduce dead frontage on this elevation. The planning authority are generally satisfied with the heights proposed.

7.9 The planning authority also note that at five storeys, the proposal is higher than the target height indicated for Area 6 (South West Corridor), in which the site lies, however it does fall within the range of 3-5 storeys indicated for the Inner Urban Suburbs (within which the South West Corridor is located) as outlined in Tables 11.1 and 11.2 of the Cork City Development Plan. The height is therefore considered acceptable to the planning authority in principle and they consider that it would not materially contravene the Plan in this regard. The first party state that this is a key brownfield site within an established area of city, within walking distance to schools and other amenities and that the height, scale and density consistent with permitted developments in the area.

7.10 The proposal was initially four-storeys in height, but on foot of a Further Information request from the planning authority, its height was altered to part 3/part 5 storeys. The rear element was lowered to three storeys while that fronting the street was increased to five storeys. The main rationale for this change was to reduce impacts on the setting of the adjacent Protected Structure, the Church of the Descent of the

Holy Spirit (RPS Ref: PS958), and to improve visibility of the Church Copula. I shall deal with the matter of architectural heritage separately below. There was no change in unit numbers as a result of this alteration to height.

7.11 I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework, First Revision which fully support and reinforce the need for urban infill residential development such as that proposed on sites within existing urban areas. I consider this to be one such site. The NPF, First Revision anticipates approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) in the Southern region i.e. a population of just over 2 million (Objective 3). Table 4.1 Ireland 2040: Targeted Pattern of City Population Growth of the NPF, First Revision notes that for Cork City and Suburbs, there is an anticipated 40% population growth to 2040 and highlights policy towards securing more compact and sustainable urban development. A significant and sustained increase in housing output and apartment type development is necessary. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal including at the scale of relevant city/town, at the scale of district/neighbourhood/street, at the scale of the site/building, together with specific assessments. The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) recognise that in order to achieve compact growth we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport. I note RPO 10 in relation to compact growth in metropolitan areas of the Southern Region Assembly- Regional Spatial and Economic Strategy 2020. This is a previously developed, infill site that is well served by existing facilities and public transport. In addition to the provision of residential

units, the subject application also seeks to re-use an existing building on site for retail/commercial use.

7.12 I have assessed all of the information before me in relation to the suitability of this proposed structure at this location, including its overall height. I acknowledge the concerns expressed by the third parties. I acknowledge that at five storeys, the proposal is higher than the target height indicated for Area 6 (South West Corridor) in which the site lies. The target height indicated for Area 6 (South West Corridor) is 3 (lower target) to 4 (upper target) storeys. However, I concur with the opinion of the planning authority that it does fall within the range of 3-5 storeys, as indicated for the Inner Urban Suburbs (within which the South West Corridor is located) as outlined in Tables 11.1 and 11.2 of the Cork City Development Plan. The Plan could be considered to be confusing in this regard, giving differing targets for the same area. Notwithstanding this, I note the use of the word 'target' in this regard. The definition of 'target' in the Oxford Dictionary is 'a result that you try to achieve'. It is therefore not something that must be achieved, the word 'shall' is not being utilised. I consider the term 'target' as expressed in Table 11.1 to constitute a recommended range as opposed to a definitive limitation, which SPPR 1 of the Urban Development and Building Height Guidelines prohibits development plans from providing for. In addition, I note that SPPR 3 of the Urban Development and Building Height Guidelines states that if the Board concurs with an applicant's case and is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan may indicate otherwise. The Board may consider the proposal to represent an unidentified material contravention of the operative City Development Plan in relation to height, given that the upper target height indicated for Area 6 (South West Corridor) is 4 storeys. The planning authority have not stated that they consider it to be a material contravention of their Plan. I do not consider it to be a material contravention of the Plan given that the site does fall within the range of 3-5 storeys, as indicated for the Inner Urban Suburbs (within which the South West Corridor is located). In this regard, I note a relatively recent decision of An Bord Pleanála (ABP-319482-24) for a site within Blackrock Road, Cork city also located within an Inner Urban Suburbs area. The Board considered in that case that while Table 11.1 of the

Development Plan sets target building heights for these areas, it does not prohibit buildings of six storeys in the Inner Suburbs Area and in that case that the omission of one storey from the six-storey apartment block was therefore not warranted or necessary. In the interests of clarity, the maximum proposed in this current appeal is 5 storeys. The Board, in that appeal, did not consider the proposal to be a material contravention of the City Development Plan.

7.13 One of the submissions received states that they do not want high-rise development within the area. At three/five storeys in height, I do not consider the proposal to represent high-rise development. Traditional residential development in the immediate vicinity is acknowledged as being primarily two-storey in height, however I note that taller buildings are evident in the immediate vicinity including the five-storey mixed use development on the opposing corner of Dennehy's Cross (Orchard Gardens Bramley). As one moves along the R641 towards Victoria Cross, I note that taller buildings are evident. The height of the Church, a landmark on the skyline in the area, is also noted. In addition, I highlight to the Board that in ABP-319190-24 (refused permission in June 2024), which had a maximum height of five storeys, the Board did not refuse permission in relation to height nor did they consider the height to be a material contravention of the operative City Development Plan. I consider given the nearer proximity of this current site to the landmark Church building, the Orchard Gardens Bramley development opposite and the higher scale development along Wilton Road, that the height of maximum five storeys is acceptable in this instance. I am satisfied that if permitted as proposed, the development before me would make a positive contribution to the streetscape at this location comprising a quality development that provides adequate levels of amenity for all. The Board may wish to reduce the height of the five-storey element by one storey- however I am of the opinion that in terms of urban design and an appropriate level of development at this location, that the proposal as put forward is a superior option.

Density

7.14 I highlight to the Board that this was raised as an issue in many of the third-party submissions received. The density of development proposed is 152 units/hectare reduced from 225 units/hectare in the previous appeal on this site (ABP-308404-20).

Table 11.2 of the operative City Plan 'Cork City Density and Building Height Standards' notes that the prevailing density is in the range of 20-40dph, with a lower target of 50dph and an upper target of 100dph. The planning authority note the publication of Guidelines for Planning Authorities, Sustainable Residential Development and Compact Settlements (Jan 2024), which states that densities in the range of 50dph to 250dph (net) shall be open for consideration in such locations (which are defined in Table 3.8 of said Guidelines). The planning authority have not raised concerns in this regard and are of the opinion that the density proposed is acceptable having regard to the revised density guidelines referenced above. They do not consider the density to be a material contravention of the operative City Development Plan. I note section 1.16 of the operative City Development Plan notes that 'The Plan must also comply with Ministerial Guidelines issued under section 28 of the Planning and Development Act and any Specific Planning Policy Requirements ('SPPRs') included within'. It further notes under section 3.58 that the implementation of the policy objectives for the City Development Plan are informed by the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) and its companion document; 'Urban Design Manual– A Best Practice Guide' (2009) and any updated versions that may be published over the lifetime of the Development Plan.

7.15 I highlight to the Board that the proposed density may be considered to be an unidentified material contravention of the operative City Development Plan, given that an upper target of 100dph applies to this area, as per Table 11.2 of the operative City Development Plan, while the density proposed is 152 dph. The Board may consider section 37(2)(a) of the Planning and Development Act, 2000, as amended, relevant in this instance. I have had regard to The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), with particular reference to Table 3.1, which sets out density ranges for Dublin and Cork City and Suburbs. Given the locational context of the site, I consider it to be located within a City-Urban Neighbourhood, at a High Capacity Public Transport Node or Interchange within 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop as per the aforementioned Guidelines. Core Bus Corridors, as part of BusConnects Cork are proposed along the Model Farm Road (Route STC E Ballincollig to City Centre) and Wilton Road

(Route STC F- Bishopstown to City Centre). The Wilton Road is also indicated as part of the future Light Rail Transit- final route not yet determined. I therefore consider the density proposed to be in accordance with Policy and Objective 3.1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. I also have had regard to the policies and objectives of the operative City Development Plan in relation to compact growth within existing established settlements. I also note Objective 3.5 in relation to residential density, in particular (b) which seeks to 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 and the Cork City Urban Density, Building Height and Tall Building Study and consider the proposal to be in compliance with same. Additionally, as stated above, I note the use of the word 'target' as applied in Table 11.2 of the operative City Development Plan. The definition of 'target' in the Oxford Dictionary is 'a result that you try to achieve'. It is therefore not something that must be achieved, the word 'shall' is not being utilised. I consider the term 'target' as expressed in Table 11.2 to constitute a recommended range as opposed to a definitive limitation.

- 7.16 Given the locational context of the site within an 'Inner Suburb' in the immediate vicinity of existing and planned high-capacity public transport corridor, close to the urban core, within walking distance of a number of established services and facilities and in proximity to good cycle infrastructure, I am satisfied that the proposed density is acceptable. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development is consistent with the requirements of planning policy at national, regional and local level. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

Architectural Heritage/Visual Amenity

Architectural Heritage

7.17 I highlight to the Board that this is an issue raised within many of the third-party submissions received, primarily impacts of the proposal on the adjoining Church of the Descent of the Holy Spirit (RPS Ref: PS958) and concerns regarding adverse impacts on the setting of the Protected Structure. The first party state that the subject scheme has been designed around respecting the setting of adjoining Church and that a full VIA has been prepared. The planning authority requested Further Information in relation to this matter, specifically they recommended that the massing/height be revised to reduce the impacts on the Church and to enable more of the brick base of the cupola to be visible. It is on foot of this request that the proposal was amended in order to address these concerns of the planning authority. The height was altered to part 3/5 storey, thus reducing the impacts of the proposal on the landmark Protected Structure. In addition, the layout was amended as such to provide a 'forecourt' to the north to allow the 20th century structure to be read as a separate structure and also allow for the reinstatement of an east facing window. On foot of the submission of the FI, the Conservation Officer states that the revised massing and design provide meaningful views of the Church and have significantly reduced the impact on the setting of the Protected Structure. This is enforced by improvements to design and materials. The Conservation Officer now has no objections to the proposal, subject to conditions.

7.18 The subject site is located to the north-east of the Church, which was constructed circa 1960 and is designated as a Protected Structure in the operative City Development Plan (RPS Ref: PS958). I also note that this structure is listed on the National Inventory of Architectural Heritage (NIAH) as being of 'regional' significance (Ref. 20865058) for its architectural, artistic, historical, social and technical interest. The Church is also noted as being a 'local landmark building' in the operative Cork City Development Plan. I am of the opinion that the 20th century structure, which while not having any special designations, also adds to the character and historic fabric of the area. There are many policies and objectives within the operative City

Development Plan which seek to protect the historic built heritage of the city. I have also had regard to the Architectural Heritage Protection, Guidelines for Planning Authorities (2011) in assessing this application.

7.19 A revised Architectural Design and Heritage Statement was submitted as part of the Further Information response, together with revised visualisations. Having regard to all of the information before me, I am generally satisfied that the proposal would not detract from the setting or character of the Protected Structure to such a degree, as to warrant a refusal of permission. A balance needs to be achieved between protecting the character and setting of our historic structures whilst at the same time permitting sensitive development that meets the current demands of society. I am satisfied that this balance is being achieved in this instance. It is commonplace to see historic buildings sit side by side with new interventions, without detracting from each other as a city evolves and develops. Without this evolution, a city becomes stagnant. The proposal has been redesigned to ensure that there will be meaningful views of the Church, including its copula, from the surrounding areas and it will retain its status as a landmark within the area. I am generally satisfied in this regard.

Visual Amenity

7.20 Third party submissions raise concerns regarding visual overbearance of the proposed development, impacts on the character of area and loss of protected views and prospects. The first party refute these claims and highlight that a full LVA was prepared and that the proposal was designed to create visual interest in the streetscape. The planning authority addressed the matter of visual impact in their Further Information request, were satisfied with the revised design submitted and considered that it addressed their previous concerns in relation to this matter. They were further of the opinion that the proposal, as amended, would not seriously injure the visual amenities of the area. They notified, inter alia, An Taisce, Heritage Council and the Department of Housing, Local Government and Heritage with no response received.

7.21 The matter of visual amenity is tied in with impacts on architectural heritage and I have dealt with that matter above. I highlight to the Board that a Landscape and Visual Impact Assessment was submitted to the planning authority, in response to the Further Information request, with 10 viewpoints examined. I refer the Board to same. It concludes by stating that the proposal will result in a Significant-Moderate landscape effect but given its context and conversion from neglected brownfield site to active streetscape, it was considered to produce a Positive landscape effect. There are no protected, Strategic Views within the Dennehy's Cross area. As stated previously, the Church of the Descent of the Holy Spirit is designated as a 'Local Landmark Building' (see Map 05 of operative City Development Plan). It is acknowledged in the Plan that these buildings are important within the City's neighbourhoods due to their local visual prominence. I consider that the appropriate redevelopment of this site would significantly improve the visual amenity and streetscape at this location. In its current state, the site adds little to the visual amenity of the area. I acknowledge that the Church, and particularly its dome, are an attractive addition to the skyline of the area. Contrary to third-party submissions received, there are no protected views or prospects in the vicinity of the site. The planning authority consider that the proposal will allow for the maintenance of meaningful views and that the Church will remain the dominant landmark structure visible within the area. I would concur with this assertion. I would also concur with the opinion expressed in the submitted LVIA that this area is undergoing a level of change and that the proposed site occupies a threshold between the traditionally low-rise residential neighbourhoods of Model Farm Road and Wilton Road, versus the evolving height of nearby developments at Victoria Cross and Magazine Road. The proposed development, as permitted, provides for a part three/part five storey block of mixed use. I am satisfied, based on the information before me including for a visit of the site and its environs, that the proposal will be an attractive addition to the streetscape at this location. A sensitive design has been put forward that respects the locational context of the site. This preservation of the 20th century structure and its appropriate re-use will also add the protection of built heritage and visual amenity of the area. The recessed plaza with street seating, urban furniture and tree planting will add to the urban realm at this location. I am satisfied that the proposed development, located within an inner suburb of Cork city, can be

adequately accommodated on this site without impact to the visual amenities of the area; would integrate well with the existing pattern of development in the vicinity and would lead to the rejuvenation of an underutilised, brownfield site. I am satisfied that any impacts on visual amenity would not be so great as to warrant a refusal of permission.

Transport Matters including Parking Provision

7.22 The issue of car parking provision was raised in all third-party submissions received namely the perceived lack of parking provided and impacts on adjoining areas from overspill parking. Matters raised in relation to parking associated with previously permitted developments in the vicinity are outside the remit of this appeal. Matters of illegal parking are a matter of enforcement for the relevant authorities, outside the remit of this appeal. I note the concerns raised in the observation from the Church regarding overspill parking onto their property. I consider that appropriate parking management measures would negate any such issues.

7.23 The subject site is located within Car Parking Zone 2, namely areas accessible to mass transit alongside public transportation corridors, as set out in the operative City Development Plan (Table 4.6). The creation of zones aims to ensure adequate residential parking/car storage and control of destination car parking (non-residential uses), whilst also allowing greater flexibility in car parking standards. Chapter 11 of the Plan deals with Transport and Mobility. The Plan states that all new development proposals will be subject to maximum car parking standards to achieve greater modal shift and promote sustainable transport patterns and aims to set out car-free or low car standards in development areas within an 800m walking catchment area of Cork city centre and/or of quality public transport. In locations where there is existing and/ or planned high frequency public transport accessibility (as per CMATS and Bus Connects Cork) and where the receiving road/ street network currently experiences congestion, Cork City Council will require a reduction in parking provision below the maximum standards as presented in Table 11.13.

7.24 The maximum standards for Zone 2, as set out in Table 11.13, are 1 space for 1-2 bed residential units; 1 space per 100m² café and 1 space per 50m² retail. This would result in a maximum of 30 car parking spaces for the apartments, 1 space for the retail unit and 2 spaces for the café unit (total 33 spaces). The planning authority in assessing this element of the proposal notes national guidance in relation to parking standards (the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2022) in the initial Planner's Report). The planning authority notes that standards set in the operative City Development Plan are maximum standards. An Outline Mobility Management Plan was submitted with the Further Information response. In total, 71 no. bicycle spaces are proposed. The planning authority are satisfied with the proposal put forward in terms of zero parking provision and do not consider it to be a material contravention of the Plan.

7.25 Section 11.73 of the Plan states that no parking/support car club is applicable for sites with densities in excess of 100 dph. Density proposed is 152 dph and therefore no parking could be considered applicable in this instance, as per the aforementioned section 11.73 of the operative Plan. I note SPPR 3 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) which states that it is a specific planning policy requirement of these Guidelines that (i) in city centres and urban neighbourhoods of the five cities...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.

7.26 Having regard to the locational context of the site, I am generally satisfied with the proposal before me in this regard. As stated above, I consider the site to fall within the category City- Urban Neighbourhood, located at a High Capacity Public Transport Node or Interchange within 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop. The NTA notes, in their report to the planning authority, that land use priorities of CMATS involves the integration of new development at appropriate densities with high capacity public transport infrastructure in conjunction with more attractive walking and cycling networks

associated public realm improvements. They further note that in terms of BusConnects that part of the site fronting Model Farm Road is located adjacent to and is bounded by proposed Corridor E (Ballincollig to City Centre) as indicated in the drawings prepared for the emerging preferred route. Route F (Bishopstown to City) also runs in close proximity to the site, on the Wilton Road with the two routes intersecting at Dennehy's Cross. They note that the new network will increase benefits such as an increase in over one third in bus services in Cork, shorter wait times, more direct routes and additional services at weekends. They note that the proposed location would be directly served by Route 1 on the Model Farm Road with 10-minute weekday midday frequency and by Route 2 with 8 min weekday midday frequency. Route 14 is also within walking distance, with 15 min weekday midday service frequency. In addition, CMATS proposes the provision of a light rail line connecting a number of key locations along its indicative route. The Emerging Preferred Route for the scheme is currently being finalised but the indicative route, as presented in CMATS is located on Wilton Road, in close proximity to the subject site.

- 7.27 I am of the opinion that the proposal accords with local and national guidance in relation to parking provision at such locations and the recognised need for a change in modal split. I have no information before me to believe that public safety would be compromised in any way as a result of the proposed parking provision. The planning authority have not raised concern in this regard.
- 7.28 In terms of the demands of future residents for parking, it is assumed that any prospective resident of the proposed scheme would be aware of the parking status of the development, prior to occupation, and would make their decision to reside there or otherwise, equipped with this information.
- 7.29 Concerns were expressed in the observations received regarding impacts on site area/boundary from alterations required to implement BusConnects and impacts on BusConnects road layout from the proposed development. The matter was addressed in the FI response to the planning authority. I highlight to the Board that a report was received by the planning authority from the NTA and they expressed no

objections in relation to the proposal, subject to conditions. In addition, the planning authority did not express concerns in this regard, subject to conditions relating to omission of set down area (Condition No. 29) and minimum footpath width (Condition No. 30). I am satisfied in relation to this matter and consider that if the Board is disposed towards a grant of permission, the matter could be adequately dealt with by means of condition.

- 7.30 To conclude, I am satisfied with regards this element of the proposed development. I have no information before me to believe that the proposed development would lead to the obstruction of road users or the creation of a traffic hazard. The proposal is considered to be in compliance with Development Plan policy in this regard, together with national guidance.

Residential Amenity

- 7.31 Concerns regarding impacts on residential amenity have been raised in third- party submissions received including matters of overlooking, overshadowing, impacts on light and noise concerns. The Church of the Descent of the Holy Spirit raise concerns regarding the extent of balconies facing onto the Church grounds and possible future use of these. These concerns are all noted. I highlight that the principle of an apartment development has previously been established on the site. The planning authority are of the opinion that the proposal would not seriously injure the residential amenities of the area.

- 7.32 In terms of impacts on the amenity of existing development in the area, I acknowledge at the outset that there will be a change in outlook as the site moves from its brownfield nature to that accommodating a development such as that proposed. This is not necessarily a negative. In terms of impacts on residential amenity, I am cognisant of the relationship of the proposed development to neighbouring properties. Having examined the proposal, I am of the opinion that separation distances with existing properties typical, or greater, than what would normally be anticipated within such an established, urban area are proposed. In my opinion, any impacts are in line with what might be expected in an area such as this and therefore are considered not

to be excessively overbearing given this context. The design rationale is noted which includes for setbacks from the boundaries and a setback from Model Farm Road, thus increasing separation distances at these points. I note section 11.102 of the operative City Development Plan which states that there are no minimum separation distances for front and street-facing elevations and distances will generally be derived by street typology. Furthermore, section 11.104 states that proposals for apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects. There is an acknowledged housing crisis. This is a serviceable site, on which residential and retail development are permissible uses. The site is located within an established inner suburban area, where there are good public transport links with ample services, facilities and employment in close proximity. I consider the separation distance to be acceptable in this instance.

7.33 Having regard to the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on overlooking of properties in the vicinity of the proposed development. I note Condition No. 3 of the planning authority decision to grant permission stipulates that obscure glazing be provided to all windows on eastern elevation, in the interests of residential amenity of the adjoining property. This condition is considered reasonable for Apartments 7 and 15 up to a height of 1.5m from floor level. If the Board is disposed towards a grant of permission, I recommend that a similarly worded condition be attached to any such grant. The planning authority also considers that the open-ended balconies on eastern elevation be enclosed with glazing on that elevation. This is also considered reasonable for Apartments 10 and 18 and could adequately be addressed by condition. Impacts on privacy would not be so great as to warrant a refusal of permission.

7.34 In terms of open space provision, each residential unit has its own private open space, either in terms of balcony or terrace. The provision meets Development Plan requirements. Public and communal open space also meet Development Plan requirements and are considered acceptable. The planning authority have not raised concerns in this regard. I consider that the public realm area will be a

welcome addition to the streetscape at this location. I am generally satisfied in this regard.

7.35 Concerns regarding impacts on daylight, sunlight and overshadowing were raised in the third-party appeal submissions, including impacts on light to the dental surgery on Model Farm Road opposite the subject site. The first party respond by stating that the daylight and sunlight analysis, together with model interrogation shows that current situation is not exacerbated if the proposed scheme is permitted. A Daylight, Sunlight and Overshadowing Assessment was submitted as part of the application documentation. The planning authority requested Further Information in relation to this matter and a Shadow Analysis Report and a Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance) was submitted, the contents of which appear reasonable and robust. I am satisfied with the conclusions contained therein.

7.36 I have had regard to Objective 11.4 of the operative City Development Plan in the assessment of this appeal. I note that the submitted Shadow Analysis Report and a Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance) has been prepared in accordance BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 3rd Edition 2022. It examines the impact that the proposed development will have on the existing neighbouring properties in terms of sunlight, daylight and shadow. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have carried out a site inspection.

7.37 In designing a new development, it is important to safeguard the daylight to nearby buildings. I have had regard to the guidance documents referred to in the Ministerial Guidelines and the Cork City Development Plan to assist in identifying where potential issues/impacts may arise. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted with flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

7.38 I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.

7.39 In terms of daylight, I note that section 5.3.7 of the Sustainable and Compact Settlements, Guidelines for Planning Authorities acknowledges that the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The planning authority in their report highlights this section of the guidelines, in particular that 'In

drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution’.

7.40 I am of the opinion that the proposed development will lead to the urban regeneration of this underutilised brownfield site and that an effective urban design solution has been put forward which will enhance the streetscape at this location. Paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will not be needed more of the time. A VSC analysis was conducted on the windows of the properties facing the proposed development from Model Farm Road and Wilton Road- 46 points in total. I am satisfied that all relevant points have been considered. The results confirm that access to daylight for existing surrounding dwellings, when compared with their existing baseline experience, will not be compromised as a result of the proposed development as all points assessed meet BRE recommendations. 100% of tested windows comply with BRE guidelines in terms of VSC. I am satisfied in this regard.

7.41 In terms of sunlight, the impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of

25% of total APSH and of 5% of total WPSH has been applied. All windows within 90 degrees of due south, whether they serve a living room or not, were assessed. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. 46 points were analysed. When tested with the proposed development in place, it was found that there would be only negligible impact to the amount of annual and winter sunlight of all analysed windows. 100% of tested windows comply with BRE guidelines in relation to APSH and WPSH. I am satisfied in this regard.

7.42 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. Properties on Model Farm Road were given greatest attention. It is noted that these properties have significant front gardens with properties being setback a substantial distance from the front garden wall. All tested amenity spaces are considered to comply with the requirements of the BRE Guidelines for impact on amenity. I am satisfied that the proposed development would not unduly overshadow surrounding amenity spaces, over and above the current situation.

7.43 To conclude, while there may be some impacts on nearby properties, this level is considered to be acceptable. In my opinion, and based upon the analysis presented, the proposed development does not significantly alter daylight, sunlight or overshadowing impacts from those existing and this is considered acceptable. The proposed development is located on a brownfield site identified for development in a suburban location. The planning authority have not raised concerns in this regard. Having regard to the scale of development permitted or constructed in the wider area and to planning policy for densification of the urban area, I am of the opinion that the impact is consistent with emerging trends for development in the area and that the impact of the proposed development on existing buildings in proximity to the application site may be considered to be consistent with an emerging pattern of development in the wider area. This is considered reasonable. While there will be some impacts, on balance, the associated impacts, both individually and cumulatively are considered to be acceptable.

7.44 Given the nature of the development proposed, I do not anticipate noise levels to be excessive. There may be some noise disruption during the course of construction works. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note that an Outline Construction Traffic Management Plan has been submitted with the application, which deals with the issues of construction traffic management, risk identification and temporary road closures. If the Bord is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the planning authority prior to the commencement of any works on site. A Traffic Management Plan will also be required thus ensuring the appropriate management of traffic to and from the site. As such these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. This is particularly pertinent for the residents of surroundings areas. This can be adequately dealt with by means of condition.

7.45 I am satisfied that a quality development has been put forward that would provide an adequate standard of amenity for future occupiers. A Housing Quality Assessment was submitted as part of the Further Information response to the planning authority. I am satisfied with the information contained therein and that it complies with all relevant standards. The planning authority did not raise issue in this regard. Section 3.2 of the Urban Development and Building Height Guidelines (2018) 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 to proposed units. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála

should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards. As stated previously, I consider that the proposal achieves wider planning objectives including regeneration of the site and the improvement of the streetscape and provision of public realm enhancements.

7.46 As before, I have considered the Sunlight, Daylight & Shadow Assessment (Impact Neighbours and Development Performance), submitted as part of the FI response to the planning authority, which examines the performance of the proposed design. The proposed apartment units contain combined kitchen/living/dining layouts. In examining internal performance, all rooms and all floors were examined. Target Illuminance (E_T Metric) was used as to measure daylight within the proposed units. The majority of units were found to be within the target Lux, although it is noted that a number were marginal/fail. I consider however that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for. A good quality proposal has been put forward in this regard and all units will be well-lit. I am satisfied in this regard. A similar situation pertains to sunlight to living rooms. All proposed communal amenity space meets the requirements of the BRE Guidelines. Compensatory measures have been put forward including that 66% of units are dual aspect. A new streetscape and public amenity space forms part of the proposal. I am satisfied in this regard and consider the proposal would provide an adequate level of residential amenity to any future occupiers.

7.47 I have no information before me to believe that the proposal would lead to the devaluation of property in the vicinity.

7.48 This is a zoned, serviceable site and I consider the proposal appropriate at this location. I consider that the proposal does not represent over-development of the

lands in question. I consider that the proposal is generally in compliance with the provisions set out in Table 11.10: Qualitative design aspects to be addressed in housing developments of the operative City Development Plan. Impacts on the residential amenity of the area would not be so great as to warrant a refusal of permission. I am generally satisfied in this regard.

Other Matters

7.49 A concern has been raised by a third party that the proposal may have impacts on the Water Framework Directive. The subject site is located within the Lee, Cork Harbour and Youghal Bay Catchment (Catchment 19) and WFD Subcatchment Glasheen [Corkcity]_SC_010 (IE_SW_19G040700) for Riverbody. Its status is 'Poor' with modelling assessment technique used. It is considered to be 'At Risk' with nutrients being the significant issue. The environmental objective is to achieve 'Good' status by 2027. The site is located within the Ballincollig Ground waterbody (Code: IE_SW_G_002) with overall groundwater status being 'Good' with WFD Risk cited as being 'Not at Risk'. The proposed development comprises the demolition of the former garage and the preservation of the existing 20th century structure and the construction of a residential development consisting of 30 apartment units and all associated site works. One water deterioration concern was raised by a third party in the planning appeal. Neither the planning authority, Uisce Eireann nor Inland Fisheries Ireland raised concerns in this regard.

7.50 I have assessed the proposal on an inner suburban, brownfield site close to Cork city centre when considering the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface & ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. In having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or ground waterbodies. Uisce Eireann states that water and wastewater connections are feasible without infrastructure upgrade. The reason for this conclusion is as follows:

- Nature of works on serviced brownfield site

- Location-distance from nearest Waterbodies and/or lack of hydrological connections

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

7.51 An issue has been raised by one of the third-party appellants regarding the scope of the planning authority to request revised drawings/amendments, as part of a request for Further Information. I highlight that Article 34 of the Planning and Development Regulations, 2001 (as amended) states that where a planning authority, having considered a planning application, is disposed to grant a permission subject to any modification of the development to which the application relates, it may invite the applicant to submit to it revised plans or other drawings modifying, or other particulars providing for the modification of, the said development and, in case such plans, drawings or particulars are submitted, may decide to grant a permission for the relevant development as modified by all or any such plans, drawings or particulars. Furthermore Article 35(1) sets out the provisions of notice of further information or revised plans, which requires, inter alia, the applicant to publish a notice in an approved newspaper, containing as a heading the name of the planning authority, marked "Further Information" or "Revised Plans", as appropriate, stating that significant further information or revised plans, as appropriate, in relation to the application has or have been furnished to the planning authority. The planning authority deemed the further information response to be significant and requested the applicant to furnish revised public notices, which the applicant duly submitted. These revised public notices, received by the planning authority on the 04/04/2024, clearly set out the key changes to the previously submitted scheme. I do not consider them to be misleading, as has been stated in some of the submissions received. Third parties had further opportunity to make observations on this revised scheme with a number of submissions received. I am satisfied that the planning authority complied with relevant legislation in this regard.

- 7.52 Concerns have been raised that the proposed development will be used for the provision of student accommodation. The proposal has not been described as such. I can only assess the proposal based on the information contained in the public notices, which does not include for the provision of student accommodation.
- 7.53 One of the submissions states that they would have a preference for elderly step-down accommodation on this site. I consider that the scheme as permitted could be suitable for step-down accommodation given the unit mix of one and two-bed units-giving local people the opportunity to move from larger dwellings within the general area yet remain within their community.
- 7.54 Legal matters raised in the submissions are outside the remit of this planning appeal.
- 7.55 It has been alleged that there is inaccuracy in the submitted documentation and inadequate information in relation to same. I highlight to the Board that there is adequate information on file for me to comprehensively assess the proposal before me. In addition, I have undertaken a comprehensive visit of the site and its environs. I am satisfied in this regard.
- 7.56 References to applications/appeals within the wider area are noted. I note, however that each application is assessed on its own merits.
- 7.57 I highlight to the Board that the matter of unit mix was not raised in any of the submissions received and they may consider it a new issue. The unit mix in this current proposal is 23% one-bed and 77% two-bed units. No three-bed units or studios are proposed. The operative City Development Plan states 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. The target ranges for Cork Suburban Areas/Tivoli Docks (Table 11.7) are for max 25% one-bedroom unit and maximum 55% two-bed unit. The proposal complies with the one-bedroom range but is not in compliance with the two-bed range. The Board may consider this to be an unidentified material contravention of the Plan. I note that the planning authority have not addressed the matter of compliance with Development Plan standards in terms of unit mix within their assessment. I consider that the provisions of section 37(2)(a) are open to the Board in relation to this matter. While no specific justification statement for the unit mix proposed has been put forward, I note that the site is located within an area, in which

the residential offering was traditionally two-storey housing. This has begun to change in recent times with developments in the wider area. Given the unit mix within the area, I consider that the proposed one and two-bed unit would offer greater choice to future residents and cater for a greater cohort of the population than is currently the case. The regeneration of this site will be a benefit to the wider community. I am satisfied with the unit mix proposed.

7.58 The planning authority granted permission, subject to 44 no. conditions, as follows:

Table 2:

Condition Number	PA Condition	Recommendation
1	Standard Condition	Standard ABP condition
2	Obscure glazing in centre of all windows on E elevation above GF level. E facing balconies in 3-storey element enclosed on E side with obscure glazing	Only considered necessary for Apts 7 & 15 up to 1.5m from floor level Only considered necessary for Apts 10 & 18
3	Internal access to storage to be used by residents only	Recommend similarly worded condition
4,17,30	Landscaping & clearance of vegetation	Standard ABP condition. Clearance of vegetation not considered necessary given characteristics of site. Very little existing vegetation on site
5, 6, 7	Signage, use, hours of operation respectively for retail unit	Standard ABP condition
8	Materials to be agreed	Standard ABP condition
9	Details relating to Economy Meats building	Recommend similarly worded condition
10	Exempted development	Standard ABP condition
11, 15,16	Obligations under Water Services Act; drainage	Standard ABP condition

12, 14,25	Connection with Uisce Eireann services	Standard ABP condition
13	Comply with provision of s96 of Act	Standard ABP condition
18, 19, 21,22,23	Management of waste, construction noise, construction management	Standard ABP condition in relation to construction management
20	Energy use	Recommend similarly worded condition
24	Noise within development	Not considered necessary given nature of development
26,42	Taking in charge	Standard ABP condition
27, 31,32,33,34,35,36,37,38,39,41,	Roads and lighting matters	Standard ABP condition
28, 29	Removal/relocation of loading bay & provision of 2m wide footpath along Model Fram Road frontage	To be dealt with by condition
40	Submission of Mobility Management Plan	To be dealt with by similarly worded condition
43	Bond	Standard ABP condition
44	Development Contribution	Standard ABP condition

Conclusion

7.59 I am generally satisfied with the remainder of the proposal, subject to compliance with conditions. The proposal will represent an attractive addition to the urban fabric at this location, while protecting and enhancing the character and heritage of the wider area. It will also contribute to the residential mix in the area, in accordance with the zoning objective for the area, and will integrate well with existing and permitted development in the vicinity. Materiality is good and the proposal will provide attractive spaces, with a quality landscaping scheme put forward. Given the height and design of the proposal, I am of the opinion that it would not unduly overbear or overlook adjoining properties and would not seriously injure the amenities of property in the vicinity of the site. There is an acknowledged housing

crisis and this is a serviceable site, in an established urban area, where there are adequate services, facilities and employment in close proximity.

7.60 Overall, the proposed development is located on a site identified for residential development and the Board has previously accepted the principle of residential development on it. Having regard to the layout, height and design solution put forward, I am satisfied that the proposed development is in accordance with the zoning objective of the Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1 I recommend that the decision of the planning authority be UPHeld and that permission be GRANTED, subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and its neighbourhood and local centre zoning under the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would provide a high-quality development on an underutilised site; would not seriously injure the character and heritage of the area or the amenities of property in the vicinity and would provide an adequate standard of residential amenity to future occupiers. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 received by the planning authority on the 04 th day of May 2024, 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
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to commencement of development, the developer shall submit to the planning authority for their written agreement:</p> <p>(a) All windows on the eastern elevation to Apartment No.s 7 and 15 up to a height of 1.5m from floor level shall be permanently comprised of obscure glazing</p> <p>(b) Balconies in Apartments 10 and 18 shall be permanently enclosed on their eastern side with obscure glazing</p> <p>(c) Revised drawings showing internal access to the communal storage area on the ground floor. This area shall be reserved for use by residents of the development only and shall not be used by the commercial unit</p> <p>(d) Maintenance plan for proposed landscaping areas</p> <p>(e) Removal/relocation of the loading bay/set down area along the frontage of the development and details regarding proposals for this area</p> <p>(f) Details outlining the provision of a 2m wide footpath along the entire site frontage of Model Farm Road.</p> <p>(g) Submission of detailed Mobility Management Plan</p> <p>(h) Details drawings, at an appropriate scale, outlining all existing and proposed features, fittings, fixtures and signage of the 20th century building. Details drawings, at an appropriate scale, clearly showing all</p>

	<p>elements proposed for removal</p> <p>(i) Proposals for energy use within the development, which endeavours to use sustainable sources of energy and operate an energy conservation policy on the design and operation of the development</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area</p>
3.	<p>The use of the ground floor retain unit shall be restricted to retail use (use as a shop) as defined within the Planning and Development Regulations 2001, as amended. No part of the premises shall be used as a hot food/fast-food takeaway outlet on foot of this grant of permission</p> <p>Reason: In the interests of protecting the amenity of the area</p>
4.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
6.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning</p>

	<p>Authority for such works and shall be carried out at the developer's expense.</p> <p>(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p> <p>(c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,</p> <p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of traffic safety and convenience.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have</p>

	<p>been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management</p>
9.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
10.	<p>The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity and in the interests of protecting the environment</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Reason: In the interests of amenity and public safety</p>

12.	<p>No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity</p>
13.	<p>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.</p> <p>Reason: In the interest of visual and residential amenity.</p>
14.	<p>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional plant, solar/PV panels, machinery or telecommunications structures shall be erected on the roof of the proposed development. No fans, louvres or ducts shall be installed unless authorised by a further grant of permission.</p> <p>Reason: To protect the visual amenity of the area</p>
15.	<p>Proposals for an estate/street name, house 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 unit 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</p>

	<p>the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
16.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
17.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
18.	<p>(a) 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</p>

	<p>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.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
19.	<p>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.</p> <p>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.</p>

20.	<p>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.</p> <p>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.</p>
21.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
22.	<p>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</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
23.	<p>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.</p> <p>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.</p>

Note: The applicants are advised to note section 34(13) of the Planning and Development Act, 2000 (as amended) which states that a person shall not be entitled solely by reason of a permission to carry out any development.

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.

Lorraine Dockery
Senior Planning Inspector

17th June 2025

Appendix 1 - Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319766-24		
Proposed Development Summary	Partial change of use from commercial to residential, demolition of the former garage and the preservation of the existing 20th century structure on the site for use as a food store, construction of a residential development consisting of 30 apartment units and all associated site works.		
Development Address	Site formerly known as Dennehy's Cross Garage, Dennehy's Cross, Model Farm Road, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	x	Part 2, Schedule 5, section10(iv) 'Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	x	Site area of 0.2 hectares within 'other parts of a built-up area'	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	x		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No x		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Lorraine Dockery **Date:** 17th June 2025

Appendix 2- Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319766-24
Proposed Development Summary	Partial change of use from commercial to residential, demolition of the former garage and the preservation of the existing 20th century structure on the site for use as a food store, construction of a residential development consisting of 30 apartment units and all associated site works.
Development Address	Site formerly known as Dennehy's Cross Garage, Dennehy's Cross, Model Farm Road, Cork
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposed development comprises the demolition of the former garage and the preservation of the existing 20th century structure on the site for use as a food store, construction of a residential development consisting of 30 apartment units and associated site works on site area of 0.2 ha.</p> <p>The development has a modest footprint and comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>

Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	This is a brownfield site within an established urban area. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the City Development Plan. It is considered that the proposed development would not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site.		
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extend of effects, and absence of in- combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act		
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA		Yes
There is no real likelihood of significant effects on the environment.	EIA is not required.		
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.			
There is a real likelihood of significant effects on the environment.			

Inspector: Lorraine Dockery **Date:** 17th June 2025

Appendix 3- Screening the Need for Appropriate Assessment

Screening the need for Appropriate Assessment

Finding of no likely significant effects

Appropriate Assessment: Screening Determination

(Stage 1, Article 6(3) of Habitats Directive)

Concerns regarding impacts on the integrity of Cork Harbour SPA and Great Island Channel SAC were raised in one of the observations received.

I have considered the proposed development at Dennehy's Cross, Co. Cork in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. The planning authority note that the relevant sites are Cork Harbour SPA and the Great Island Channel SAC. They note that having regard to the location of the proposed development relative to these European Sites and related watercourses and the nature and scale of the proposed development, it is considered that the proposed development would not affect the integrity of the European Sites referred to above and accordingly, they consider that appropriate assessment is not required.

A detailed description of the proposed development is presented in Section 2 of my report. In summary, the subject site is located within an established inner suburb of Cork city. It is a brownfield, infill site of stated area of 0.2 hectares. It is located at Dennehy's Cross, close to the junction of Model Farm Road and Wilton Road. The site comprises an existing disused car sales premises and car repair garage. The smaller vacant unit on site is being retained.

The proposed development will be served by public mains connections. SuDS measures are proposed, which are standard measures in all new such developments and are not included to avoid/reduce an effect to a Natura 2000 site. The site is not located within a flood risk area. There is little vegetation on this brownfield site.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The proposed development site is a brownfield, infill site within an established built-up residential area, within the settlement boundary of Cork city.

The boundary of the nearest European Sites to the proposed development are

- **Cork Harbour SPA** (Site Code:4030)
- **Great Island Channel SAC** (Site Code: 001058)

Both located approximately 10-12km of the proposed development site.

I have no information to believe that there is hydrological connectivity between the proposed development site and these designated sites. In view of this and the lack of any evidence that the development site provides a support to any QI habitats or species of these European sites, no likely significant effects will occur as a result of the proposed development during construction or operational phases.

The NPWS have not raised concerns in this regard- no report received. A Confirmation of Feasibility previously issued from Uisce Eireann and they did not raise concerns in this regard. The report of the IFI is noted which requests clarification in relation to capacity in order to avoid overloading of infrastructure.

The Inspector's Report of ABP-308404-20 for development on this site stated that Great Island Channel cSAC (001058) and Cork Harbour SPA (004030) lie approx. 10-12 km to the east. Given the distances involved and that the site is located in an established urban area on serviced lands, they considered that no appropriate assessment issues were likely to arise.

As a highly precautionary measure, I will examine both of the above sites in further detail. However, given the limited scale of the proposal and distances involved, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of **Cork Harbour SPA (Site Code:004030)** and **Great Island Channel (Site Code: 001058)**.

Cork Harbour SPA (Site Code:4030) – 5km distant <u>Cork Harbour SPA National Parks & Wildlife Service (npws.ie)</u> Qualifying Interests	Conservation Objective
Little Grebe	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing. No significant decrease in the range, timing or intensity of use of areas by little grebe, other than that occurring from natural patterns of variation.
Great Crested Grebe	Maintain the favourable conservation condition Attributes- Population trend and distribution Long term population trend stable or increasing.

	No significant decrease in the range, timing or intensity of use of areas by great crested grebe, other than that occurring from natural patterns of variation.
Grey Heron	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by grey heron, other than that occurring from natural patterns of variation.</p>
Cormorant	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by cormorant, other than that occurring from natural patterns of variation.</p>
Shelduck	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by shelduck, other than that occurring from natural patterns of variation.</p>
Wigeon	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p>

	No significant decrease in the range, timing or intensity of use of areas by wigeon, other than that occurring from natural patterns of variation.
Teal	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by teal, other than that occurring from natural patterns of variation.</p>
Pintail	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by pintail, other than that occurring from natural patterns of variation.</p>
Shoveler	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by shoveler, other than that occurring from natural patterns of variation.</p>
Red-breasted Merganser	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p>

	No significant decrease in the range, timing or intensity of use of areas by Red-breasted Merganser, other than that occurring from natural patterns of variation.
Oystercatcher	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by oystercatcher, other than that occurring from natural patterns of variation.</p>
Golden Plover	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by golden plover, other than that occurring from natural patterns of variation.</p>
Grey Plover	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by grey plover, other than that occurring from natural patterns of variation.</p>
Lapwing	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p>

	<p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by lapwing, other than that occurring from natural patterns of variation.</p>
Dunlin	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by dunlin, other than that occurring from natural patterns of variation.</p>
Black-tailed Godwit	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by black-tailed godwit, other than that occurring from natural patterns of variation.</p>
Bar-tailed Godwit	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by bar-tailed godwit, other than that occurring from natural patterns of variation.</p>
Curlew	<p>Maintain the favourable conservation condition</p>

	<p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by curlew, other than that occurring from natural patterns of variation.</p>
Redshank	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by redshank, other than that occurring from natural patterns of variation.</p>
Black-headed Gull	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by black-headed gull, other than that occurring from natural patterns of variation.</p>
Common Gull	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by common gull, other than that occurring from natural patterns of variation.</p>

Lesser Black-backed Gull	<p>Maintain the favourable conservation condition</p> <p>Attributes- Population trend and distribution</p> <p>Long term population trend stable or increasing.</p> <p>No significant decrease in the range, timing or intensity of use of areas by lesser black-backed gull, other than that occurring from natural patterns of variation.</p>
Common Tern	<p>Maintain the favourable conservation condition</p> <p>Attributes- breeding population abundance, Productivity rate, distribution, Prey biomass available, Barriers to connectivity, Disturbance at the breeding site</p> <p>No significant decline in breeding population abundance, productivity rate, distribution, prey biomass availability. No significant increase in barriers to connectivity. Human activities should occur at levels that do not adversely affect the breeding common tern population.</p>
Wetland and Waterbirds	<p>Maintain the favourable conservation condition</p> <p>Attribute- Habitat area</p> <p>The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares, other than that occurring from natural patterns of variation</p>
<p>Great Island Channel SAC (Site Code: 001058)- – 11km distant</p> <p><u>Great Island Channel SAC National Parks & Wildlife Service</u></p> <p>Qualifying Interests</p>	

<p>Mudflats and sandflats not covered by seawater at low tide</p>	<p>Maintain the favourable conservation condition</p> <p>Attributes- Habitat area and community distribution.</p> <p>The permanent habitat area is stable or increasing, subject to natural processes.</p> <p>Conserve the following community type in a natural condition: Mixed sediment to sandy mud with polychaetes and oligochaetes community complex</p>	
<p>Atlantic salt meadows</p>	<p>Restore the favourable conservation condition</p> <p>Attributes- Habitat area and distribution; physical structure vegetation structure; vegetation composition.</p> <p>Area stable or increasing, subject to natural processes, including erosion and succession.</p> <p>No decline or change in habitat distribution, subject to natural processes</p> <p>Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions</p> <p>Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession</p> <p>Maintain natural tidal regime</p> <p>Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession</p> <p>Maintain structural variation within sward</p> <p>Maintain more than 90% area outside creeks vegetated</p>	

	<p>Maintain range of sub-communities with typical species listed in SMP</p> <p>No significant expansion of common cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1% where it is known to occur</p>
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Likely impacts of the project (alone or in combination)

Due to the enclosed nature of the development site, the limited scale of development and the presence of a significant distance between this existing site and the Cork Harbour SPA and Great Island Channel SAC, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. There are no spatial overlaps with any Natura 2000 site.

During site clearance and construction of the proposed development, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. However, the contained nature of the site (serviced, defined site boundaries) and distance from receiving features connected to Cork Harbour SPA and Great Island Channel SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the above two designated sites. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. SuDs measures are proposed (standard construction practices); the site is not located within a flood zone and neither the planning authority nor NPWS have raised issue in this regard.

I have examined the Natura 2000 data forms as relevant and the conservation objectives supporting documents for these sites, available through the NPWS website (www.npws.ie). During this examination and assessment, I noted that there are two additional species of bird listed as qualifying interests in Schedule 3 of SI 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021. The two additional species are Mallard (*Anas platyrhynchos*) and Greenshank (*Tringa nebularia*). I am satisfied that the potential significant effects from the proposed development are the same for these two bird species as for the other waterbirds listed as qualifying interests. I consider that the conservation objectives for both the Mallard and the Greenshank would be 'to maintain the favourable conservation condition of' both species.

Given the brownfield nature of the site with limited natural habitats/species, there will be no direct or ex-situ effects from disturbance on mobile species, including ex-situ foraging and

roosting habitat during construction or operation of the proposed development due to the location of the development site and the absence of suitable habitat.

In combination effects

The proposed development will not result in any effects that could contribute to an effect with other developments in the area.

No mitigation measures are required to come to these conclusions. Mitigation measures put forward in the submitted documentation are considered to be standard measures to prevent ecological impacts and are not a mitigation measure for the purpose of avoiding or preventing impacts to the designated sites.

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, including Cork Harbour SPA and Great Island Channel SAC and is therefore excluded from further consideration. No further assessment is required for the project. Appropriate Assessment is not required.

This determination is based on:

- The scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak connections to the European sites
- Taking into account screening determination by LPA

Inspector: Lorraine Dockery Date: 17th June 2025