



COAKLEY O'NEILL
town planning

CREAMFIELDS

Statement of Material Contravention

Strategic Housing Development at
the former CMP Dairy Site (known as Creamfields)
on Tramore Road/Kinsale Road, Cork City

Prepared in February 2022 on behalf of
Watfore Limited

Coakley O'Neill Town Planning Ltd.

 NSC Campus, Mahon, Cork

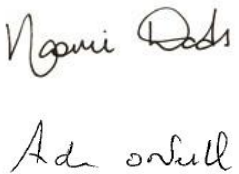
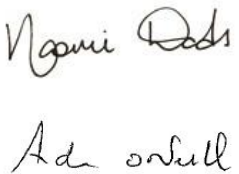
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1.0 INTRODUCTION

- 1.1 We, Coakley O'Neill Town Planning Ltd., NSC Campus, Mahon, Cork, have been instructed by Watfore Limited to prepare this Material Contravention Statement to accompany a planning application for a proposed Strategic Housing Development of 609 no. residential dwellings at the former CMP Dairy site (known as Creamfields) on Tramore Road/Kinsale Road, Cork.
- 1.2 This Statement sets out a justification as to why the Board may grant planning permission for the proposed development in the context of Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended).

2.0 LEGISLATIVE CONTEXT

2.1 Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended)

- 2.1.1 Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended) sets out the following in relation to developments which materially contravene the policies and objectives of a Development Plan:

- (a) 'Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application Planning and Development (Housing) [2016.] and Residential Tenancies Act 2016 under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*
- (b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*
- (c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.'*

- 2.1.2 Section 37(2) of the Planning and Development Act 2000 (as amended) states the following in relation to material contravention:

- (a) 'Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.*
- (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—*
- i. the proposed development is of strategic or national importance,*
 - ii. there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

- iii. *permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- iv. *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

3.0 PROPOSED DEVELOPMENT

3.1 As described in the public notices, the proposed development will consist of a Strategic Housing Development of 609 no. residential dwellings (561no. apartments and 48no. townhouse apartments, to include 189no. 1-bed dwellings; 338no. 2-bed dwellings; 48no. 3-bed dwellings; and 34no. 4-bed dwellings) and ancillary facilities arranged in 12no. buildings (Buildings B, C, E, F, G, H, I, J, L, M, and N and a standalone 100sq.m. coffee kiosk) varying in height from 1 to 15 floors over ground. All of the dwellings proposed in Buildings E and F (257no. dwellings) will consist of Build To Rent apartments, and a 289sqm crèche with ancillary outdoor play area, a 547.5sqm community hub facility, a 550sqm gym, a 218sqm retail unit, and a 272sqm café at ground floor level. The proposed development will also include: 209 no. shared car parking spaces (including EV charging points) provided on surface and within an undercroft carpark; 1,145 no. bicycle parking spaces provided in dedicated external and internal cycle stores/shelters; and 21no. motorcycle spaces. The proposed total gross floor area above ground is 60,833.7sqm. The proposed development will also include the provision of private, communal and public open space, including all balconies and terraces; internal roads and pathways; pedestrian access points; hard and soft landscaping and boundary treatments; waste storage; 5 no. ESB substations and 1no. ESB kiosk; plant, including rooftop solar PV panels; signage; new footpath and cycle lane along Kinsale Road; new access from Kinsale Road; an upgrade of the Kinsale Road/Mick Barry Road junction to facilitate improved pedestrian access to the Black Ash Park and Ride; an upgrade to the existing access from Tramore Road; a cycle lane on Tramore Road; public lighting; all site development works, including the demolition of existing hardstanding areas; and all drainage works, to include a new foul pumping station, and the diversion of the existing combined sewer and manhole, at the c. 3.39ha former CMP Dairies site, known as Creamfields, at Kinsale Road and Tramore Road, Cork.

3.2 As the proposed development involves building height that varies from 1 to 15 storeys over ground, Paragraphs 16.27 and 16.28 of the Cork City Development Plan 2015-2021 apply, which state as follows:

Paragraph 16.27 states:

"Within the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate (including cases where demolition and replacement of existing buildings occurs) except in the following areas:

- *Major development areas identified in this development plan for which a local area plan or Development Brief will be prepared;*

- *Larger development sites – sites of greater than 0.5 hectares (or one residential block) which area capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.”*

Paragraph 16.28 states:

“Buildings of between 3-5 storeys will be considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23 metres (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan.”

- 3.3 The proposed development also involves a tall building. As such, the proposed development falls to be considered in the context of paragraph 16.34 of the Cork City Development Plan 2015 which states that:

“Tall buildings can play a visual role as landmark buildings and can make a positive contribution to the skyline of a city. Due to the visual prominence and strategic significance of tall buildings their design must be of a high standard. There are large areas of the city where tall buildings are unsuitable given the potential conflicts with the character, grain, and the amenity enjoyed by users of adjacent sites. In particular, high buildings should be avoided in the historic areas of the city. The City Council has identified Docklands and South Mahon as areas with the potential to accommodate high buildings. Maps 2, & 7 in Volume 2 specify those locations. All other areas of the city are not considered appropriate for tall buildings. Such development will be resisted in areas of special and/or significant character in the city i.e.:

- *The City Centre (within the 1869 boundary);*
- *The North and South River Lee Channels (west of Docklands);*
- *Architectural Conservation Areas;*
- *Other historic areas of the city of architectural and historic character (including the old city approaches and the villages enveloped by city expansion);*
- *The suburban areas of the city (apart from locations specified in the Plan);*
- *Areas of significant landscape value (including Landscape Preservation Areas and Areas of High Landscape Value)”. [emphasis added]*

- 3.4 The proposed development involves a residential density of 180 units/ha. As such, paragraphs 16.12 and 16.41 from the Cork City Development Plan 2015 apply to the assessment of the proposed development:

Paragraph 16.12 states:

“Density is a measure of the relationship between buildings and their surrounding space. Density is expressed as units per hectare. The attainment of higher densities is not a stand-alone objective; rather higher densities must be delivered in tandem with quality to ensure the creation of good urban places and attractive neighbourhoods. The appropriate density for any site will be determined

by a wide range of factors. In assessing proposals for higher density development proposals the following design safeguards will be relevant:

- Presence or capacity of public transportation system (Chapter 5);
- Vision for urban form;
 - Appropriate response to context
 - Acceptable building heights (Paras. 16.25 - 16.38)
 - Conservation (ACA/ RPS and setting) (Chapter 9)
- Amenity considerations;
 - Overlooking, overshadowing, daylight, sunlight, etc.
 - Provision of adequate external space (16.18 - 16.20 and 16.64 - 16.69)
 - Provision of adequate internal space (16.52 - 16.53)
- Parking (Part G);
- Provision of ancillary facilities;
 - paragraph 16.40 - 16.42 for residential density."

Paragraph 16.41 states:

"Within the city minimum residential density in Suburban areas should be 35-50 dwellings per hectare. Densities of greater than 50 dwellings per hectare will normally require a mix of houses and apartments. Densities higher than this baseline level will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;
- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres)." [emphasis added]

- 3.5 Further, the proposed development involves a dwelling size mix as follows: 1-bed (31%); 2-bed (55%); 3-bed (8%); and 4-bed (6%). As such, paragraphs 16.43, 16.44, Table 16.4, Figure 16.1, paragraph 6.19, and Objective 6.8 of the Cork City Development Plan 2015-2021 apply, which are as follows:

Paragraph 16.43 states:

"Policies setting out the need for a mix of dwelling sizes (in terms of units with different numbers of bedrooms) are set out in paragraph 6.19 and Objective 6.8 Housing Mix as detailed in Chapter 6: Residential Strategy. The provision of a range of housing types and sizes in the city will increase in importance as trends show a decline in family households and an increase in elderly and single person households. Provision of dwellings with 3 / 3+ bedrooms are very important to achieving balanced communities as they are attractive to families, providing they are of a sufficient size and accompanied by high quality amenities and infrastructure. Larger units are also flexible in that they can accommodate a variety of household types." [emphasis added]

Paragraph 16.44 states:

“Within Zone 1 and Zone 2 the predominant development format is likely to be mainly apartment / duplex schemes but houses will be appropriate on sites within historic townscapes. Within Zone 3 all residential developments should comprise a mix of houses and apartments / duplexes to the size and distribution targets. (See Figure 16.1 Car Parking Zones, Map 12 of Volume 2, and Table 16.4 below).”

Table 16.4 “Indicative Targets for Dwelling Size and Distribution” is as follows:

Existing Household mix		Dwelling size distribution targets	
Household size	House size	Zones*	
		Zone 1 and Zone 2 and all Apartment / Duplex schemes	Zone 3 (Suburbs) (mixed house / apartment schemes)
1 Person	1 Bed	Max 15%	Max 20%
2 Person	2 Bed	Max 50%	Min 30%
3 Person	3 / 3+ Bed	Min 35%	Min 50%
4 Person			
5 Person			
Total		100%	100%

** Zones defined in Figure 16.1 and on Map 12 of Volume 2.*

Figure 1. Table 16.4 of the Cork City Development Plan 2016-2021.

Figure 16.1 is as follows:

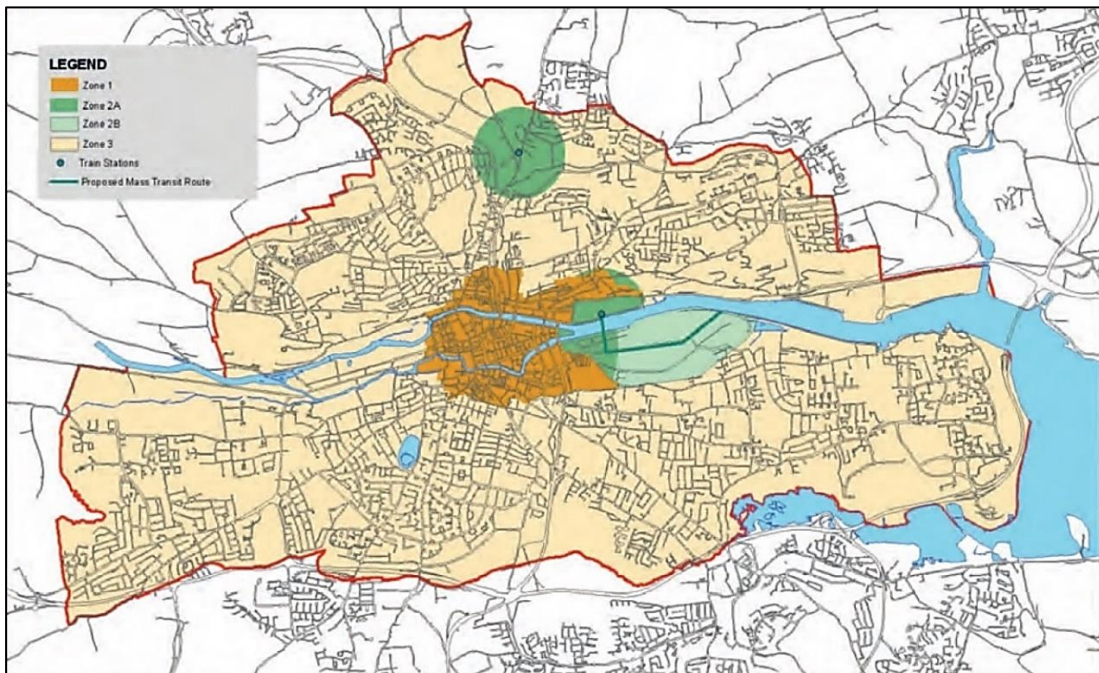


Figure 2. Figure 16.1 of the Cork City Development Plan 2016-2021.

Paragraph 6.19 states:

“Home ownership is encouraged as this provides not only a more stable residential environment but also promotes a sense of community and shared responsibility for the residential area. The private rented sector also has an important role in helping to meet accommodation needs which seem likely to increase in line with modern trends such as greater labour mobility, reducing household size and changing lifestyle preferences.” [emphasis added]

Objective 6.8 “Housing Mix” is as follows:

“To encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided. Planning applications for multiple housing units shall submit a Statement of Housing Mix detailing the proposed mix and why it is considered appropriate. The needs of special groups such as the elderly and disabled shall also be considered as part of this process.” [emphasis added]

3.6 In addition, the Cork City Development Plan review process is currently underway. A new Draft Development Plan was published in July 2021. Should a new Development Plan be adopted while this SHD planning application is under consideration by the Board, the application would be subject to assessment against the new Development Plan.

With regard to height and density, according to Table 11.2 of the Draft Cork City Development Plan 2022-2028, the site of the proposed development is located in an area identified as being suitable for densities of 50-100 units/ha and target heights of 3-4 storeys.

Density and Building Heights Strategy	Density					Heights			
	FAR		Dwellings Per Hectare			No. of Storeys			
	Prevailing	Target	Prevailing	Target*		Prevailing		Target	
				Lower	Upper	Lower	Upper	Lower	Upper
Inner Urban Suburbs	0.2 - 1.5	0.5 - 2.5	10 - 40	45	100	2	4	3	5
1. The Urban North	0.2 - 0.7	0.5 - 1.5	10 - 25	50	100	2	3	3	4
2. Tivoli	0.2 - 0.7	0.5 - 3.5	0 - 10	50	100	2	4	3	5
3. Ballintemple & Blackrock	0.2 - 1.5	0.5 - 1.5	10 - 25	40	80	2	4	3	5
4. Douglas	0.2 - 2.5	0.5 - 3.5	5 - 20	50	100	2	3	3	4
5. South Link Road Corridor	0.2 - 1.5	0.5 - 2.5	15 - 40	50	100	2	3	3	4
6. South West Corridor	0.2 - 1.5	0.5 - 2.5	20 - 40	50	100	2	3	3	4
7. North West	0.2 - 1.5	0.5 - 1.5	10 - 25	40	80	2	2.5	2	4
8. North Blackpool	0.2 - 1.5	0.5 - 1.5	0 - 25	40	100	2	4	3	5
9. Central Ballincollig	0.5 - 3.0	0.7 - 3.5	10 - 25	50	100	2	4	3	5
10. Blarney	0.2 - 1.5	0.5 - 1.5	0 - 25	25	50	1	2	2	3
11. Stoneview	0.2 - 0.7	0.5 - 1.5	0 - 25	40	80	1	2	2	3
Outer Suburbs	0 - 1.5	0.2 - 1.5	0 - 25	35	60	2	3	2	4

* Assuming resi-led scheme.

Figure 3. Excerpt from Table 11.2 of the Draft Cork City Development Plan 2022-2028.

Paragraph 11.44 of the Draft Cork City Development Plan 2022-2028 states that the “Cork City Urban Density, Building Height and Tall Buildings Study 2021” provides the basis for the Draft Development Plan’s tall building strategy, which includes the following:

“The identification of the City Centre Island Tip / City Docks as the strategic area considered to be suitable for tall buildings in Cork City on the basis of its suitability for the highest forms of high density developments and its inherent lack of sensitivities.” [emphasis added]

Paragraph 3.23 of the Draft Cork City Development Plan 2022-2028 states the following:

“The density strategy is based upon the suitability of sites within Cork City to accommodate increased densities. The density strategy is ambitious and establishes density ranges for different kinds of locations based upon their level of suitability for higher urban densities based upon 8 different ‘suitabilities’.

The strategy reflects national planning guidance, a bespoke analysis of Cork City and international best practice in relation to policy and models of development. ‘Suitabilities’ for urban density include:

- *Identification as a major development opportunity;*
- *Being within or close to an urban centre;*
- *Access to high quality public transport proposed in CMATS (the proposed Cork LRT system, high quality bus network and bus network)*
- *Access to local services; and*
- *Access to parks and green space.” [emphasis added]*

The “Cork City Urban Density, Building Height and Tall Building Study 2021” is a constituent part of the Draft Cork City Development Plan 2022-2028. “Methodology for determining sustainable locations for density” in Section 3 of the Study states the following:

“The criteria have been selected and disaggregated to ensure that all criteria considered relevant make a meaningful and visible contribution to the strategy in the knowledge that some informed judgements will also need to be made to reflect on local circumstances when considering suitability for different forms of development and proposed densities on a case by case basis.” (page 28, emphasis added)

Paragraph 11.42 of the Draft Cork City Development Plan 2022-2028 states the following:

“Whilst high density does not imply high rise, tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing to new homes and economic growth, particularly in order to make optimal use of the capacity of sites which are well-connected by public transport and have good access to services and amenities.” [emphasis added]

With regard to dwelling mix, paragraph 2.40 of the Draft Cork City Development Plan 2022-2028 states the following:

“Trends over the last 20 years show an increasingly urbanised global and national population. Cork City has begun to experience this trend more recently, with the population living in the city centre growing by 19% during the last census period (2011-2016). This growth was four times the rate experienced within the wider city (+5%) and occurred during a period of very low new residential development.

Changes in household size have a significant impact on population growth. Ireland recorded an average household size of 2.75 in Census 2016. Cork City recorded a smaller AHS [Average Household Size] of 2.63 with notable differences at neighbourhood level, ranging from 1.74 in St. Luke’s to 3.25 in Frankfield. Figure 2.17 illustrates the range and variety in AHS across the city.” [emphasis added]

Figure 2.17 of the Draft Cork City Development Plan 2022-2028 is as follows:

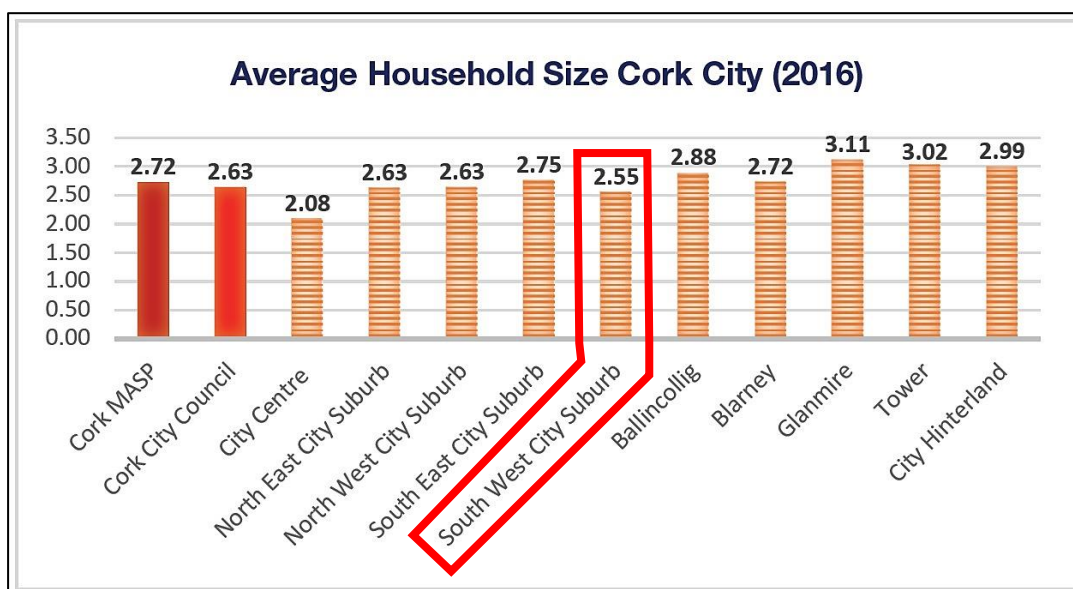


Figure 4. Figure 2.17 of the Draft Cork City Development Plan 2022-2028.

Paragraph 2.41 of the Draft Cork City Development Plan 2022-2028 states the following:

“The Joint Cork Housing Strategy and Housing Need Demand Assessment (HNDA) 2022-2028 has carried out detailed assessment to help predict and plan for changes in future AHS during the plan period and beyond.

The strategy sets out a city-wide average household size target of 2.49 for the Plan period based on a changing average household size from 2022-2028.” [emphasis added]

Paragraph 3.35 of the Draft Cork City Development Plan 2022-2028 states the following:

“Build-to-Rent are apartment complexes with long-term rental and resident support facilities and resident services and amenities (SPPR7). Build-to-Rent schemes will not be subject to dwelling mix requirements and are subject to very specific development standards (SPPR8). They are subject to Part V requirements.” [emphasis added]

Objective 11.2 “Dwelling Size Mix” of the Draft Cork City Development Plan is as follows:

“All planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances.

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.

Purpose-Built Student Accommodation schemes will be exempt from dwelling size mix targets. Where there is a target for student accommodation, and it can be demonstrated that this demand has been provided for within the area, then this demand can be reassigned to other dwelling sizes according to the relative target proportions.

Where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.” [emphasis added]

Table 11.8 “City Suburbs Dwelling Size Mix for Housing Developments” of the Draft Cork City Development Plan 2022-2028 presents the dwelling size mix for housing developments in the city suburbs and is as follows:

	Min	Max	Target
Studios / PBSA (at LRT Stops / Urban Centre / HEI Campus Only)	0%	15%	10%
1 Bedroom	15%	25%	20%
2 Bedroom	25%	40%	34%
3 Bedroom	18%	38%	28%
4 Bedroom / Larger	5%	15%	8%

Figure 5. Table 11.8 of the Draft Cork City Development Plan 2022-2028.

3.7 This statement considers the proposed development in the context of:

- Paragraphs 16.27, 16.28 and 16.34 of the Cork City Development Plan 2015, and Table 11.2, Paragraphs 11.42 and 11.44, and the constituent Cork City Urban Density, Building Height and Tall Building Study 2021 of the Draft Cork City Development Plan 2022-2028 in respect of building height and the locations for tall buildings in the City.

- Paragraphs 16.12 and 16.41 of the Cork City Development Plan 2015, and Table 11.2, Paragraph 3.23, Objective 11.2, and the constituent Cork City Urban Density, Building Height and Tall Building Study 2021 of the Draft Cork City Development Plan 2022-2028 in respect of appropriate locations for higher density residential development in the City.
- Paragraphs 16.43, 16.44, Table 16.4, Figure 16.1, paragraph 6.19, and Objective 6.8 of the Cork City Development Plan 2015, and Paragraphs 2.40, 2.41, and 3.35, Figure 2.17 and Table 11.8 of the Draft Cork City Development Plan 2022-2028 in respect of dwelling size mix in the City.

4.0 MATERIAL CONTRAVENTION

4.1 We set out our case hereunder in respect of Section 37(2)(b) of the Planning and Development Act 2000 (as amended), which states the following in relation to material contravention:

(a) 'Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

- i. the proposed development is of strategic or national importance,*
- ii. there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- iii. permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- iv. permission for the proposed development should be granted having regard to the pattern of development*

4.2 *Section 37(2)(b)(i) - The proposed development is of strategic or national importance*

4.2.1 In the context of a widely acknowledged imbalance between housing supply and demand in the country, reflected in increased house prices and rents and the homelessness crisis, and concerns for the resultant negative impact on Ireland's economic competitiveness, the proposed development constitutes a Strategic Housing Development of 609 no residential dwellings (561no. apartments and 48no. townhouses, to include 1 (189), 2 (338), 3 (48) and 4 (34) bed dwellings, of which 257no. apartments will be Build To Rent) arranged in 12 no. buildings (Buildings B, C, E (Build To Rent), F (Build To Rent), G, H, I, J, L, M, N and a standalone 100m² coffee kiosk), varying in height from 1 to 15 storeys over ground.

4.2.2 The National Planning Framework (NPF) states that *"between 2018 and 2040, an average output of at least 25,000 new homes will need to be provided in Ireland every year to meet people's needs for well-located and affordable housing, **with increasing demand to cater for one- and two-person households**. Within this*

figure, there is a wide range of differing housing needs that will be required to be met". (Section 6.6, page 91, NPF, emphasis added).

- 4.2.3 The proposed strategic housing development will contribute to the densification and compact growth of Cork and will assist in delivering increased population in the City, in line with National Policy Objective 1b, and National Policy Objective 3b of the National Planning Framework, 2018. As illustrated in Table 2.1 of the NPF, of the regional cities outside Dublin, Cork is expected to grow the most, by up to 125,000 people to 2040.
- 4.2.4 To accommodate this anticipated increase and to achieve a compact city, the NPF emphasises the uptake of infill and brownfield development, such as the proposed development site, and targeting the potential of sites in key locations that are accessible by public transport, are serviced, and have access to established community facilities, again, such as the proposed development site.
- 4.2.5 Specifically with respect to Cork, the NPF states that one of the key enablers for the city is to identify infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas, supported by public realm and urban amenity projects. The proposed development:
- is a high-density residential development on an underutilised brownfield site within the existing inner suburban footprint of Cork City that will deliver 609 no. new homes.
 - is on a site that is located along a planned strategic public transport corridor i.e. a priority BusConnects route.
 - is in close proximity to an existing high-frequency public transport service i.e. the Black Ash Park and Ride (Route 213) which is currently underutilised and has capacity to cater for additional passengers.
 - is within 15 minutes' walking distance of five other bus routes that are currently running below capacity.
 - has existing cycling infrastructure running along its eastern boundary with Kinsale Road.
 - will contribute positively to the local public realm i.e. creating a much-enhanced urban street edge addressing Kinsale Road and Tramore Road with improved cycling and walking infrastructure along both, including the provision of improved pedestrian connections between Kinsale Road and the Black Ash Park and Ride.
 - will provide high-quality public open space on site in the form of hard and soft landscaped public and communal residential open spaces.
 - will provide access to a quality childcare facility on site in the form of a creche that will accommodate up to 63 no. children.
 - will be located in close proximity to high-quality public amenities, such as the proposed Greenway which follows the route of the Tramore River and will avail of Cork City Council's proposals (currently at preliminary stage) to facilitate improved connections to Tramore Valley Park.

The proposed development therefore satisfies the requirements of the NPF in seeking to achieve a compact city for Cork.

4.2.6 Paragraph 7.22 of the Cork City Development Plan 2015 states that Cork City Council recognises that social disadvantage is still spatially concentrated in certain parts of the city and that the developing and improving of services in disadvantaged areas is essential to ensure balanced development occurs around the city. The proposed development:

- constitutes an urban regeneration project that will facilitate the delivery of a new, compact, high-density vibrant community on a large, vacant brownfield site within a disadvantaged inner suburban neighbourhood, and will act as a catalyst for the regeneration of the wider area, which has been identified by Cork City Council as being disadvantaged and requiring intervention through the Revitalising Areas through Planning, Investment and Development (RAPID) initiative.
- will provide more footfall along Kinsale Road in particular, which will increase business turnover within the vicinity, thus growing the local economy.
- will provide an increased population in the area which will expedite planned public transport and public realm enhancement projects, such as improved connections to Tramore Valley Park (being investigated as a separate project by Cork City Council), a regional park that serves the entire metropolitan area.

Furthermore, the proposed development includes a tall building of excellent architectural design that will create a unique sense of place locally as well as contributing to the evolving skyline of Cork city, which is symptomatic of Cork becoming a living and working metropolitan city of scale.

The proposed development is therefore of strategic importance for the social, cultural, and economic prosperity of the southern suburbs of Cork city, as well as the wider Cork Metropolitan Area generally.

4.2.7 The need for new housing, particularly in Ireland's five main cities, is urgent and becoming more pressing. It is widely accepted that apartment developments will be central to meeting this demand, while at the same time responding to the goal of the sustainable development of more compact cities. The Apartment Guidelines for Planning Authorities, 2020 highlight that:

Demographic trends indicate that two-thirds of households added to those in Ireland since 1996 comprise 1-2 persons, yet only 21% of dwellings completed in Ireland since then comprise apartments of any type. The 2016 Census also indicates that, if the number of 1-2 person dwellings is compared to the number of 1-2 person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2 person households as there are 1-2 person homes. (Section 2.6, page 7, 2020 Guidelines)

4.2.8 In the context of Cork, apartments represent 19.3% of all household types in Cork City. However, according to Census 2016 data, 97% of all apartments built in Cork City were built before 2010, excluding premises for which the period built was not declared. Over the last three years (mid-2018-present)¹, 11,716 apartments were built in Ireland but just 360 of them were built in Cork City i.e. just over 3% of the total

¹ In 2018, the Central Statistics Office began publishing reports on New Dwelling Completions in Ireland. Detailed breakdowns of dwelling types completed in the jurisdictions of the thirty-one local authorities are available for Quarter 3 2018 – present (Quarter 3 2021) at: <https://www.cso.ie/en/statistics/construction/archive/> [accessed 3rd December 2021].

number of apartments built nationally. Over the same period, 65,230 dwellings were built in Ireland but just 2,362 of them were built in Cork City i.e. 3.6% of the total number of dwellings built nationally. In 2022, with an estimated population of at least 5 million nationally and 235,643 in Cork City², Cork City will be home to at least 4.7% of the national population. It is clear from all of these figures that Cork, Ireland's second city, is seriously underperforming in respect of the delivery of new housing, and specifically apartments, to serve both its existing population and its projected population growth as envisaged under the NPF.

4.2.9 The situation is made all the starker in the context of the NPF target of 50% of the population growth to 2040 to occur in the existing built-up areas of Ireland's five cities, including Cork. This will require a significant increase in the number of dwellings, including apartments, and greater density in Cork City. Section 3 of the Government's new *Housing For All* (2021) action plan states that over 300,000 new homes are needed by 2030 to address pressure on the housing market. This means 33,000 new homes per annum on average to 2030, 50% more new homes annually than were built each year for the last three years. The proposed development fully responds to these challenges.

4.2.10 In relation to the case for the proposed development site, it is noted in the Planning Support Report (prepared by Savills) included with the planning application that:

- The private rented sector in Cork City accounts for 26% of households, a significantly larger proportion than across Ireland as a whole (18%).
- During 2011-2016, the proportion of private renters in Cork increased faster than the national average at 2.1% compared with 1.4%. This increase is creating demand for, and putting pressure on, appropriate housing, primarily in Cork City Centre, with demand for smaller units rather than typical family stock. According to the COS, 62% of existing private rented households in Cork are aged under 35.
- There is clearly a huge opportunity to provide good quality PRS accommodation in Cork, given the increasing levels of demand, existing and new international companies investing in Cork and the planned opening of the new Business College in the City with in the next five years will compound these trends.
- Increasingly apartment sharing has become the cultural norm for many 20 to 30-somethings and therefore, although individual apartments may be the preference, sharing is also prevalent. Further, it is expected that household sizes will fall from 2.7 in Cork City in 2016, to closer to the European average of 2.3 over the coming years. In addition, 61% of the city's population are living within a two-person household or less i.e. 9% above the state average. All of these factors are reflected in the proposed unit mix which emphasises smaller unit typologies.

² Source: *Cork City Draft Development Plan 2022-2028*, page 32.

Build To Rent is not yet available as an accommodation option in Cork City – were the Board to grant planning permission, the proposed development would result in the first of its kind to be constructed in Cork City.

4.2.11 Furthermore, the location of the proposed development is justified by reason of:

- It's important gateway location at the southern approach into Cork City, where a tall building can serve as a landmark and as a local focal point;
- Its proximity to key connector routes to and from the city centre and wider metropolitan area and established and planned sustainable and public transport services and infrastructure including primary cycle routes, the Black Ash Park and Ride (currently running below capacity, as is the case with the five other bus routes within a 15 minute walking distance from the site of the proposed development), and a future BusConnects service;
- The density of employment uses in close proximity and within easy walking/cycling/public transport commutable distance within the city centre, surrounding industrial parks, Cork Airport Business Park to the south, Ballincollig to the west, and Mahon and Little Island to the east.
- National and regional policy which advocates the densification of urban locations such as this vacant brownfield site as the preferred model to achieve sustainable development.

4.2.12 It is, therefore, our considered opinion that the proposed development is of strategic importance in the context of Section 37 (2)(b)(i) of the Planning and Development Act 2000 (as amended).

4.2.13 The Board has always had the power for reasons of strategic or national importance (in accordance with section 37(2)(b)(i) of the 2000 Act) to grant permission even if the development materially contravenes the development plan; but in restating that power specifically within a piece of legislation concerned with a development consent system for large housing/residential development proposals (via section 9(6) of the 2016 Act) the legislature was clearly communicating that, at the level of the individual large housing/residential development, each is capable of being seen in terms of strategic or national importance. An individual proposal - if meeting the scale of accommodation required and if not breaching the zoning provisions of the Plan (as is the case in this instance) - is capable of being regarded by the Board as being of national and strategic importance by virtue of being one of a series of proposals by which the housing supply problem is to be resolved in the limited period for which the 2016 Act is to operate.

4.3 *Section 37(2)(b)(ii) - There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*

4.3.1 It is our submission that there are conflicting objectives or objectives that are not clearly stated in the Cork City Development Plan 2015 insofar as the proposed development is concerned. It is acknowledged in paragraph 16.34 of the Cork City Development Plan (page 240) that tall buildings will be resisted in areas

of special and/or significant character in the city, to include the suburban areas of the city (apart from locations specified in the Plan) and that the proposed development is not in one of those suburban locations specified in the Plan as being suitable for tall buildings. However, it is also noted that paragraph 16.37 of the Plan states that “*tall buildings will normally be appropriate where they are accessible to a high quality public transport system which is in operation or proposed and programmed for implementation*”. In addition, it is further noted that paragraph 16.27 of the Plan states that “[w]ithin the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate (including cases where demolition and replacement of existing buildings occurs) **except in the following areas:..Larger development sites – sites of greater than 0.5 hectares (or one residential block) which are capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.**” [emphasis added].

- 4.3.2 It is also our submission that there are conflicting objectives or objectives that are not clearly stated in the Draft Cork City Development Plan 2022-2028 insofar as the proposed development is concerned. While it is acknowledged that Table 11.2 of the Draft Cork City Development Plan 2022-2028 indicates target heights of 3-4 storeys for the Inner Urban Suburb “South Link Road Corridor”, paragraph 11.44 of the Draft Cork City Development Plan 2022-2028 states that “*[T]he identification of the City Centre Island Tip / City Docks as the strategic area considered to be suitable for tall buildings in Cork City on the basis of its **suitability for the highest forms of high density developments and its inherent lack of sensitivities.***” [emphasis added]. The “suitabilities” for urban density described in paragraph 3.23 of the Draft Cork City Development Plan 2022-2028 and in Section 3 of the Cork City Urban Density, Building Height and Tall Buildings Study 2021 include a major development opportunity, access to high quality public transport proposed in CMATS, access to local services, and access to parks and green space. In addition, paragraph 11.42 of the Draft Cork City Development Plan 2022-2028 states that “**tall buildings can form part of a plan-led approach to facilitating regeneration opportunities and managing future growth, contributing to new homes and economic growth, particularly in order to make optimal use of the capacity of sites which are well-connected by public transport and have good access to services and amenities**” [emphasis added].
- 4.3.3 Tall buildings should always be of high design quality to ensure that they fulfil their role as strategic landmarks. As well as having a positive impact on Cork’s skyline and built environment, tall buildings can have negative impacts also. These impacts need to be assessed in any planning application and can include: relationship to context; the effect on the whole existing environment; the relationship to transport infrastructure; the architectural quality of the building; sustainable design and construction; the credibility of the design; the contribution to public spaces and facilities; the effect on protected views; the effect on the local environment; the contribution made to the permeability of the environment and the provision of a high quality environment.
- 4.3.4 The table below sets out the range of permitted and proposed heights, dwelling mixes and densities in and around the site of the proposed development. With the exception of the South Docklands and One Albert Quay proposals, all of the decisions on the development proposals presented in Table 1 were made since the Cork City Development Plan 2015-2021 was adopted.

NUMBER	LOCATION	DESCRIPTION	HEIGHT, DENSITY	MIX,
1.	Albert Quay	Application Register Reference ABP-304987-19 (Case Reference Number: PL28.304987): On the 25 th of February, 2021, An Bord Pleanála granted permission for an SHD comprising 201no. Build-To-Rent apartments (95no. 1-bed, 102 2-bed, 4 3-bed) in a building that ranges in height from 8, 11 to 24 storeys over ground floor on a city centre site with an area of 0.38Ha. Others uses included shared lounge areas, meeting rooms, co-working space, media room and games room, as well as a gym, café, 1no. commercial unit; office uses and a bar/restaurant in the former Cork, Blackrock and Passage West Railway terminus.	Up to 24 storeys 1-bed = 47% 2-bed = 51% 3-bed = 2% 530 units/ha	
2.	South Docklands	Application Register Reference 08/32919: Cork City Council granted a 10-year permission for a mixed-use development of residential use (564no. apartments to include 112no. 1-bed, 295no. 2-bed, 28no. 2-bed+study, 71no. 3-bed, 12no. 2-bed duplex, and 46no. 3-bed duplex apartments), offices, local services, retail use, and an events centre, including three residential towers of 10, 20 and 27 storeys.	Up to 27 storeys 1-bed = 20% 2-bed = 59% 3-bed = 21%	
3.	Crows Nest, Victoria Cross	Application Register Reference ABP-300325-17 (Case Reference Number: PL28.300325): On the 6 th of March 2018 An Bord Pleanála granted permission for an SHD comprising 66no. student apartments (1no. 2-bed, 7no. 3-bed, 58no. 4-bed) with 265no. bed spaces in 4no. apartment buildings ranging in height from 8 to 10 storeys over ground floor at the site of the former Crow's Nest, at the junction of the Carrigrohane Road and Victoria Cross Road, Cork. Of note is that the Inspector's Report, which recommended a grant of permission, states that, 'there is a rhythm created by the change in height along the Carrigrohane frontage from 8 storeys (Building A) increasing to 9-storeys (Building B) and culminating in 10-storeys (Building C), the focal building at the junction of Victoria Cross and Carrigrohane Road'.	Up to 10 storeys 2-bed = 1.5% 3-bed = 10.5% 4-bed = 88% 220 units/ha	
4.	Custom House Quay	Application Register Reference 19/38589: Permission was granted on the 13 th of October 2020 for the redevelopment of the Custom House site at North Custom House Quay and South Custom House Quay, Custom House Street, Cork City to provide a 240-bedroom, 34-storey tower hotel, 25no. hotel serviced suites, and a range of commercial uses including retail, office, food and beverage, distillery, tourism and leisure. The redevelopment will have a gross floor area of approximately 31,604m ² . The proposed development consists of the carrying out of works to Protected Structures PS060, PS818 and PS163. This decision was appealed by third	Up to 34 storeys	

		<p>parties to An Bord Pleanála (Case reference: PL28.308596), and permission was granted on 22nd of March 2021.</p> <p>Cork City Council's submission regarding the appeal states the following:</p> <p><i>In terms of compliance with policy objectives set out in Chapters 8, 10 and 13 of the City Development Plan, the Planning Authority accepts that the proposed tower structure is a significant alteration of visual approach into the city and the setting of the city centre. However, the proposed development is part of the city's evolving skyline.</i></p> <p>In addition, Cork City Council submit that, in making their decision, they were required to have regard to the <i>Urban Development and Building Height Guidelines (2018)</i> as a tool to deliver high density development to meet objectives as set out in the National Planning Framework. In justifying their decision to grant the proposed development permission, Cork City Council further submit that:</p> <p><i>While specific building height guidance is set out in Chapter 16 of the City Development Plan, SPRR 3 of the guidelines requires that a Planning Authority must assess a proposal for a building of height against development management criteria and other specific assessments set out in the guidelines.</i></p> <p>Cork City Council further submit that, regarding the urban design of the proposed development:</p> <p><i>In Classical Architecture or Ancient Architecture, the use of a vertical structure whether a column or obelisk acts as an entrance or landmark giving an identity or sense of place to an area.</i></p> <p>Furthermore, Cork City Council state in their submission that:</p> <p><i>The ambitions of the NPF and RSES and the SPRRs of the Urban Development and Building Height Guidelines (2018) have altered the planning landscape and projects of scale are integral elements to achieving these ambitions.</i></p>	
5.	Horgans Quay	<p>Application Register Reference ABP-305278-19 (Case Reference Number: PL28.305278): On the 13th of November 2019 An Bord Pleanála granted permission for an SHD comprising 302no. Built-To-Rent apartments (108no. 1-</p>	<p>Up to 10 storeys</p> <p>1-bed = 36%</p> <p>2-bed = 64%</p>

		bed, 194no. 2-bed) in a single apartment building ranging in height from 8 to 10 storeys over ground floor. This application was an alteration of a scheme previously permitted for 216no. Build-To-Rent units in 4no. apartment buildings ranging in height from 7 to 10 storeys on the same site under application register reference 17/37563.	495 units/ha
6.	Jacob's Island	<p>Application Register Reference ABP-301991-18: An Bord Pleanála granted permission for an SHD development comprising 413no. apartments (comprising 25no. studio units, 70no. 1-bed, 298no. 2-bed, and 20no. 3-bed) in 6no. buildings ranging in height from 6 to 25 storeys. The Inspector's Report states that:</p> <p><i>the proposed development before the Board has been designed to maximise the efficient use of land and provide a significant quantum of residential units... My own view is that waterfront locations provide an ideal context for tall buildings and in this case the strategic gateway location to Mahon and Cork City beyond is opportune.... I am satisfied that the scale, massing and most importantly height is acceptable. In addition, given the proportions of the ancillary nine storey building to the south of the tower, I would advise against any attempts to reduce the overall height. Any reduction in height, would in my opinion, injure the architectural integrity of the composition and result in a sub-standard tower building.</i></p>	<p>Up to 25 storeys</p> <p>Studio = 6.1% 1-bed = 16.9% 2-bed = 72.2% 3-bed = 4.8%</p> <p>137 units/ha</p>
7.	Navigation House	<p>Application Register Reference 19/38429: Permission was granted for the construction of 1 no. office building, Building C, 4 storeys over ground floor with setbacks of the top floors including provision for a roof terrace. The proposed development included the change of use from office to café/restaurant on the ground floor and general offices and/or business & technology uses and/or office based industry uses on all floors above ground floor to accommodate a single user or multiple users. The proposed development also included the provision for a commemoration plaque, ancillary services and ancillary site works.</p>	4 storeys
		<p>Application Register Reference 16/36773: Permission granted for a multi storey office development bounded by Albert Quay East, fronting onto Victoria Road, Albert Road and Albert Street. The proposed development includes 4 no. office buildings ranging from three to six storeys over ground floor with set back of the top floors and roof terraces. The proposal also allows for the demolition of existing structures</p>	Up to 6 storeys

		including the part demolition of Navigation House and part of the former Cork, Blackrock, Passage Railway structure.	
8.	One Albert Quay	Application Register Reference 14/36015: Permission was granted for the demolition of existing buildings to allow for the construction of a mixed-use development consisting of office development on six floors over ground floor to provide for business and technology based industry uses.	6 storeys
9.	Orchard Road, Victoria Cross	<p>Application Register Reference ABP-307441-20 (Case Reference Number: PL28.307441): On the 19th of October 2020 An Bord Pleanála granted permission for an SHD comprising 30no. student apartments (1no. 4-bed, 10no. 6-bed, 19no. 8-bed) with 216no. bed spaces in 3.no apartment buildings ranging in height from 1 to 5 storeys at San Paula, Orchard Road, Cork. The proposed development also includes a study/meeting room, lounge, cinema/media presentation room, reception area, management offices and storage.</p> <p>On the 17th December 2020, the High Court granted leave to a local residents' organisation to bring a judicial review case against An Bord Pleanála, the Minister for Housing, Local Government and Heritage, and Ireland and the Attorney General in respect of An Bord Pleanála's decision to grant permission for this SHD.</p>	<p>Up to 5 storeys</p> <p>4-bed = 3.3%</p> <p>6-bed = 33.3%</p> <p>8-bed = 63.3%</p> <p>73 units/ha</p>
10.	Penrose Dock	Application Register Reference 19/38338: Application for permission for the demolition of all buildings and structures; the construction of a two building office development, consisting of a six storey over ground floor building to Penrose Quay (Building 01), with part rooftop terrace, rooftop photovoltaic solar panel array, and rooftop plant; a seven storey over ground floor building to Alfred Street plus rooftop photovoltaic solar panel array, and rooftop plant, including a café at ground floor level fronting onto Alfred Street (Building 02). This application was granted permission on 9 th of October, 2019, as 2no. six storey office buildings and 1no. basement car park.	6 storeys
		Application Register Reference 19/38216: Permission was granted for development which will consist of the construction of a roof top terrace on part of the roof of Building B of the Penrose Dock office development (as permitted under Cork City Council planning reference 18/37909 and under construction). The proposed development includes a penthouse enclosed amenity space; and external terrace; and all associated works, including raised walkways; raised atrium rooflight and lift overrun. A notification of decision to grant was issued on the 21 st of March 2019. It is noted that the Planner's Report on this application referred to the Urban Development and Building	8 storeys

		Heights Guidelines (2018), where it was noted that generic maximum building heights in development plans if inflexibly or unreasonably applied can undermine development and hinder innovation in urban design and architecture. The Senior Executive Planner states that it is not considered that the proposed increase in height in this instance would be unreasonable and would not have a detrimental impact on the residential amenity of adjacent dwellings.	
		Application Register Reference 18/37909: Permission for the demolition of buildings bounded by Railway Street, Alfred Street and Penrose Quay, to the rear of Penrose House, a protected structure (Ref. PS281) and the construction of 2no. office buildings including a six-storey over ground floor building to Penrose Quay and Railway Street (Building A) and an eight storey over ground building to Alfred Street and Railway Street (Building B).	Up to 8 storeys
11.	Prism, Clontarf Street	<p>Application Register Reference ABP-302923-18 (Case Reference Number: PL28 .302923; 18/37894): An Bord Pleanála granted permission after a third party appeal for a 15-storey office development plus rooftop terrace on Clontarf Street/Deane Street/Oliver Plunkett Street Lower.</p> <p>The Board determined that it would secure the redevelopment of underutilised urban land in a prime city centre location strategically positioned close to a major transport node; would be consistent with national and local policy measures and guidance which seeks to secure more compact and higher density development in city centre areas; would integrate satisfactorily with the surrounding existing development and with the established character of the sensitive historic city centre, would enhance the skyline of the area; would make a positive contribution to the urban character of the area; would not seriously injure the amenities of development in the area and the character and appearance of Protected Structures in the area; would not have a significant and detrimental impact on any important views and vistas within the city, and would be acceptable in terms of public and private transport and pedestrian safety and convenience.</p>	Up to 15 storeys
12.	Railway Gardens, South Link Road	Application Register Reference ABP-305173-19 (Case Reference Number: PL28.305173): On the 28 th of November 2019 An Bord Pleanála granted permission for an SHD comprising 118no. Build-To-Rent apartments consisting of 29no. studio apartments, 42no. 1 bedroom units, 37no. 2 bedroom units, 5no. 2 bedroom duplex units and 5no. 3 bedroom duplex units in 2no. buildings ranging in height from 3 to 17 storeys on a brownfield site adjacent to the South Link Road, Cork. The Inspector's Report stated that:	<p>Up to 17 storeys</p> <p>Studio = 24.6%</p> <p>1-bed = 35.6%</p> <p>2-bed = 35.6%</p> <p>3-bed = 4.2%</p> <p>454 units/ha</p>

		<p><i>I am of the opinion that this is a zoned, serviceable site within an established urban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a certain cohort of the population. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.</i></p>	
13.	St. Kevin's, Shanakiel	<p>Application Register Reference ABP-308923-20 (Case Reference Number: PL28.308923): On the 15th April 2021 permission was granted in respect of an SHD comprising 266no. residential units (specifically, 46no. houses and 220no. apartments – 37no. 1-bed, 129no. 2-bed, 68no. 3-bed, 32no. 4-bed), a creche and an enterprise office centre in 21 buildings (in addition to the former hospital building itself) ranging from 2 to 4 storeys on a site with an area of c. 5.1Ha and at the former St. Kevin's Hospital Grounds, with St. Kevin's Hospital building being a recorded protected structure ('Our Lady's Hospital', RPS Ref. PS620).</p>	<p>Up to 4 storeys</p> <p>1-bed = 14% 2-bed = 48.5% 3-bed = 25.5% 4-bed = 12%</p> <p>52 units/ha</p>
14.	The Former Ford Distribution Site, South Docklands	<p>Application Register Reference ABP-309059-20 (Case Reference Number: PL28.309059): On the 20th April 2021 permission was granted in respect of an SHD comprising 1,002no. apartments (38no. studio, 312no. 1-bed, 503no. 2-bed, 149no. 3-bed) and 5no. retail units, a Montessori school, a creche, a medical centre, bar, café, venue/performance area, and 2 no. community resource spaces in 12no. buildings ranging in height from 4 to 14 storeys on a site with an area of 5.97Ha at the Former Ford Distribution Site, fronting on to Centre Park Road, Marquee Road and Monahan's Road.</p>	<p>Up to 14 storeys</p> <p>Studio = 3.8% 1-bed = 31.1% 2-bed = 50.2% 3-bed = 14.9%</p> <p>247 units/ha</p>
15.	Victoria Cross	<p>Application Register Reference ABP-310105-21: Permission was granted on the 18th of August 2021 for the demolition of existing structures and the construction of 243 no. student bed spaces (40no. student apartments comprising 3no. studio apartments, 6no. 3-bed apartments, 6no. 4-bed apartments, 1. no. 6-bedroom apartment, and 24 no. 8-bedroom apartments) in 1no. building of 5 to 10 storeys, and associated site works at the site of Kellehers Auto Centre, Wilton Road, Victoria Cross.</p>	<p>Up to 10 storeys</p> <p>Studio = 7.5% 3-bed = 15% 4-bed = 15% 6-bed = 2.5% 8-bed = 60%</p> <p>182 units/ha</p>
16.	Victoria Road	<p>Application Register Reference 18/38012: Permission was granted on the 8th of January 2019 for a mixed use residential and commercial development on the site No. 5 Victoria Road, Cork City a recorded protected structure (RPS Ref. PS1139). The development will consist of 19 no. residential units (6no.</p>	<p>Up to 10 storeys</p> <p>1-bed = 31.6% 2-bed = 52.6% 3-bed = 15.8%</p>

		1-bed, 10no. 2-bed, 3no. 3-bed) with ground floor café, restaurant, service and amenity space. The building ranges from 6 to 10 storeys with ground floor café, amenity space, service uses and ancillary restaurant use.	238 units/ha
17.	Manhattan Bar, Lower Friars Walk	Application Register Reference ABP-312609-22 (21/40066): A third party appeal was lodged on 31 st January 2022 in respect of Cork City Council's decision to grant permission for the demolition of the existing commercial premises and the construction of a 4-storey apartment block with 26 no. units. Following a request for further information, the height of the granted apartment block was reduced to 3 storeys and the number of apartments to 24 no. The site area is 0.131ha and the revised scheme represents a density of 183 units/ha. The case is due to be decided by 7 th June 2022.	3 storeys 1-bed = 50% 2-bed (3 p) = 25% 2-bed (4 p) = 25% 183 units/ha

Table 1. Permitted/proposed height and dwelling mixes in the vicinity of the proposed development.

- 4.3.5 In addition, the 17-storey mixed use primarily residential Elysian complex is located 1.8km north-east of the proposed development site. With existing and permitted heights of 34 storeys (Custom House Quay), 25 storeys (Jacob's Island), 24 storeys (Albert Quay), 17 storeys (Elysian; Railway Gardens), 15 storeys (Prism), 14 storeys (the Former Ford Distribution Site), and several developments comprising 10 storeys as well as the previously permitted 27 storey mixed use development (eastern end of Docklands), it is clear that decisions regarding applications that include tall buildings frequently rely on an assessment of the site- and development-specific merits of individual proposals as opposed to the conflicting current City Development Plan objectives regarding height.
- 4.3.6 With regard to density, it is noted that under the heading "Methodology for determining sustainable locations for density" in Section 3 of the Cork City Urban Density, Building Height and Tall Buildings Study 2021, the following caveat is stated regarding locations appropriate for higher density development: "*some informed judgements will also need to be made to reflect on **local circumstances when considering suitability for different forms of development and proposed densities on a case by case basis.***" [emphasis added]).
- 4.3.7 As with height, applications for higher density residential development must be assessed on the site-specific and proposal-specific merits of each proposal. The relevant criteria typically include: relationship to context; the architectural quality and urban design of the scheme; proximity to sustainable transport infrastructure; proximity to amenities, services and facilities; proposed or anticipated provision of amenities, services and facilities. The satisfying of these criteria must also be balanced with the need to densify urban settlements and develop brownfield sites as opposed to greenfield sites, which exacerbate unsustainable urban sprawl.
- 4.3.8 As Table 1 above illustrates, permitted densities in Cork City include, amongst others, 530 units/ha (Albert Quay), 495 units/ha (Horgan's Quay), 454 units/ha (Railway Gardens), 247 units/ha (The Former Ford Distribution Site), 238 units/ha (Victoria Road), 220 units/ha (Crow's Nest), 183 units/ha (Lower Friar's Walk), and 137 units/ha (Jacob's Island).

- 4.3.9 Residential densities well in excess of 130 units/ha are considered acceptable, not only in Cork City Centre but also in inner and outer suburban locations in Cork. We submit that the density strategy contained in the Draft Cork City Development Plan 2022-2028 contradicts itself and conflicts with the established pattern of development, which includes decisions made during the development plan review process.
- 4.3.10 In terms of dwelling mix, it is acknowledged that paragraph 16.43 of the current Cork City Development Plan 2015-2021 states that policies setting out the need for a mix of dwelling sizes are set out in paragraph 6.19 and Objective 6.8 Housing Mix, with Table 16.4 "Indicative Targets for Dwelling Size and Distribution".
- 4.3.11 However, Goal 1 of the Plan states that "household size has declined in line with national trends", with acknowledgement of this decline being reiterated in para 2.12 of the Plan. Furthermore, it is noted that para 6.18 of the Plan states the following: "*The average number of persons in Cork City households is 2.45 persons. This is down from 2.61 in the 2006 Census. **The demand is for more units accommodating fewer people. The provision of a range of housing types and sizes in the city will increase in importance as trends continue to show a decline in family housing and an increase in elderly and single person households. The predominant household size in Cork City is 2-person households which accounts for 32% of all household types, followed by 1-person households (29%) (Census 2011).***" [emphasis added].
- 4.3.12 The Cork City Development Plan 2015-2021 acknowledges the percentage of 1 and 2 person households in Cork City (based on Census 2011 data) and that the trend is for household size to continue to decline yet the Plan assigns maximum targets for 1-person dwellings and targets for 2-person dwellings that do not reflect these demographic realities.
- 4.3.13 In addition, it is acknowledged that Objective 11.2 of the Draft Cork City Development Plan 2022-2028 requires all planning applications for proposals greater than 50 units to comply with Table 11.8 setting out the maximum dwelling size mix for the city suburbs as follows: 1-bed (25%); 2-bed (40%); 3-bed (38%); 4-bed/ larger (15%). However, Figure 2.17 of the Draft Cork City Development Plan 2022-2028 cites the average household size of the South-West suburbs, where the site of the proposed development is located, as being lower than the national and city average, at 2.55 people per household. In addition, paragraph 2.41 states that the Joint Cork Housing Strategy and Housing Need Demand Assessment strategy, "*sets out **a city-wide average household size target of 2.49** for the Plan period based on a changing average household size from 2022-2028.*" [emphasis added]. It is also of note that paragraph 3.35 of the Draft Cork City Development Plan 2022-2028 states that: "*Build-to-Rent schemes will not be subject to dwelling mix requirements.*"
- 4.3.14 The dwelling size mix of any scheme should respond to contemporary population demographics, which themselves drive market demand. The appropriateness of the proposed dwelling mix of any planning application must be assessed in each instance on its own merits and in response to, amongst other matters: the contemporary demographics of the local population, as well as the projected future demographic trends for that population; market demand in the local area; and trends in lifestyle choices.

4.3.15 The pattern of permitted dwelling mixes in the vicinity of the subject site of the proposed development, as presented below in Table 2, demonstrates that the indicative dwelling mix targets contained in Table 16.4 of the Cork City Development Plan 2015-2021 are very much indicative only.

NUMBER	LOCATION	DWELLING MIX	DEVELOPMENT PLAN DWELLING MIX, ZONES 1 & 2	DEVELOPMENT PLAN DWELLING MIX, ZONE 3
1.	Albert Quay	1-bed = 47% 2-bed = 51% 3-bed = 2%	1 Person 1-bed Max 15% 2 Person 2-bed Max 50% 3 Person 3/3+bed Min 35%	
2.	South Docklands	1-bed = 20% 2-bed = 59% 3-bed = 21%	x	
3.	Crows Nest, Victoria Cross	2-bed = 1.5% 3-bed = 10.5% 4-bed = 88%		1 Person 1-bed Max 20% 2 Person 2-bed Min 30% 3 Person 3/3+bed Min 50%
5.	Horgans Quay	1-bed = 36% 2-bed = 64%	x	
6.	Jacob's Island	Studio = 6.1% 1-bed = 16.9% 2-bed = 72.2% 3-bed = 4.8%		x
9.	Orchard Road, Victoria Cross	4-bed = 3.3% 6-bed = 33.3% 8-bed = 63.3%		x
12.	Railway Gardens, South Link Road	Studio = 24.6% 1-bed = 35.6% 2-bed = 35.6% 3-bed = 4.2%	x	
13.	St. Kevin's, Shanakiel	1-bed = 14% 2-bed = 48.5% 3-bed = 25.5% 4-bed = 12%		x
14.	The Former Ford Distribution Site, South Docklands	Studio = 3.8% 1-bed = 31.1% 2-bed = 50.2% 3-bed = 14.9%	x	
15.	Victoria Cross	Studio = 7.5% 3-bed = 15% 4-bed = 15% 6-bed = 2.5% 8-bed = 60%		x
16.	Victoria Road	1-bed = 31.6% 2-bed = 52.6% 3-bed = 15.8%	x	

17.	Manhattan Bar	1-bed = 50% 2-bed = 50%		x
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Table 2. Permitted/proposed dwelling mixes in the vicinity of the proposed development versus current City Development Plan Indicative Targets for Dwelling Sizes.

- 4.3.16 As is clear from the table above, development proposals for sites in Cork City have been routinely permitted that do not align with the suggested mixes of the current city development plan (or the target mixes of the draft city development plan), with decisions evidently being based on the various other planning merits of the respective proposals, including the demographic trend towards smaller households.
- 4.3.17 For all of the above reasons, it is our opinion that there are conflicting objectives or objectives that are not clearly stated in the Cork City Development Plan 2015 and in the Draft Cork City Development Plan 2022-2028, insofar as the proposed development is concerned, having regard to Section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended).
- 4.4 *Section 37(2)(b)(iii) - Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government*
- 4.4.1 The proposed tall building in an area highlighted for its suburban character/nature can be justified in the context of prevailing national and regional planning policies which actively promote increased heights and densities on those centrally located sites in urban areas which are accessible to high quality public transport, as is the case with the proposed development site. Specifically, the following Section 28 Guidelines are of relevance:
- Project Ireland 2040 – The National Planning Framework (2018)
 - Urban Development and Building Heights Guidelines for Planning Authorities (2018)
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
 - Sustainable Urban Housing: Design Standards for New Apartments (2020), and
 - Regional Spatial and Economic Strategy for the Southern Region, (2020).

These are examined in detail in the Planning Report that accompanies this planning application, and the key aspects are set out below:

National Planning Framework

- 4.4.1.1 Having regard to the National Planning Framework (NPF) 2018, the proposed development will:
- deliver a large-scale mixed-use development on an at present underutilised brownfield site, the regeneration of which is a national enabler for Cork
 - contribute to the target of an additional 340,000-380,000 people in the Southern Region (NPO 1b)
 - deliver future population growth in Cork City (NPO 2a)

- assist in delivering at least 40% of all new homes within the built-up footprint of existing settlements (NPO 3a)
- assist in delivering at least 50% of all new homes within the existing built-up footprint of Cork (NPO 3b)
- assist in creating an attractive, liveable, well-designed, high quality urban place (NPO 4)
- assist in enabling Cork City to compete internationally and to be a driver of national and regional growth (NPO 5)
- regenerate and rejuvenate Cork City with increased residential population and enhanced amenity and design quality (NPO 6)
- encourage more people and generate more activity within Cork City (NPO 11)
- provide a well-designed high-quality development in an urban area without compromising public safety or the environment (NPO 13)
- ensure, by design, the integration of safe and convenient alternatives to the car by prioritising walking and cycling accessibility (NPO 27)
- contribute towards the targeted delivery of 550,000 additional households nationally by 2040 (NPO 32)
- provide new homes at a location that can support sustainable development, that is of an appropriate scale relative to its location (NPO 33),
- increase residential density in Cork City through site-based regeneration and increased building height (NPO 35), and
- in facilitating high levels of use of the existing and public transport in the immediate vicinity, as well encouraging walking and cycling, improve the air quality of Cork City (NPO 64).

As such, the proposed development is fully supported by the NPF.

Urban Development and Building Heights Guidelines

4.4.1.2 The Urban Development and Building Heights Guidelines, 2018 are premised on there being 'a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility' (para 3.1). The Guidelines require Local Authorities in their plans to be 'more proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations.' Specifically, SPPR 3A of the Guidelines state that where:

- *an applicant for planning permission sets out how a development proposal complies with a number of criteria [in relation to design, context, visual impact, wind assessment, daylight/sunlight/overshadowing, etc.], and*
- *the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines, then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.*

4.4.1.3 Therefore, proposals for tall buildings can no longer be ruled out in principle in the built-up footprint of the City, and, instead, are to be assessed against a number of performance criteria. These are assessed in detail in the Planning Report that accompanies this application, a summary of which is as follows:

a) At the scale of the relevant city/town

The site of the proposed development is well served by existing and planned public and sustainable modes of transport. The proposed development includes buildings of a height and massing that are justified in their context, that will have a positive impact on the area, do not interfere with any protected views, and the scheme responds to the significant and unconstrained potential of a large brownfield site that is capable of generating its own character as a new high profile, high quality, predominantly residential neighbourhood hub at a key entrance to Cork City. The proposed development will also improve the public realm in the vicinity of the site, especially with regard to walking and cycling infrastructure as well as connectivity between the site and Black Ash Park and Ride, a high-frequency public bus service that is currently operating below capacity. The site is within 15 minutes' walking distance of five other bus services which also have capacity to cater for additional passengers. In addition to the above, the proposed development will also deliver new public open spaces and services for the benefit of existing and future inner suburban residents, employees and visitors.

The proposed development includes 5no. buildings at 3 storeys high, 1no. building at 4 storeys high, 1no. building at 6 storeys high, 1no. building at 7 storeys high, 1no. building at part 6, part 8 storeys high, 1no. building at 9 storeys high, and 1no. building at part 6-8 storeys high with 1no. 15 storeys high tower. This is considered to be consistent with national and regional planning objectives to achieve compact urban growth through the densification of brownfield sites. The rationale for the height of the proposed development is also derived from the emerging pattern of permitted development in Cork's southern suburbs. In particular, the permitted SHD project at Jacob's Island involves 3no. buildings at 6 storeys high, 1no. building at 7 storeys high, 1no. building at 8 storeys high and 1no. building at 25 storeys high. The proposed development is markedly closer to Cork City centre than the Jacob's Island site, being located in an inner suburb as opposed to an outer one. As a result, a predominance of 6-9 storey buildings is considered appropriate at the location of the proposed development, especially when accompanied by 3 and 4 storey buildings.

In addition, the proposed development will make an overwhelmingly positive contribution to place-making by introducing a new neighbourhood hub with a new street as well as a series of landscaped, interconnected public open spaces that are for use by the future residents of the scheme as well as the surrounding local population and visitors to the site. The development is also linked with Black Ash Park and Ride and has the potential to link with Tramore Valley Park (which is being progressed as a separate project by Cork City Council), facilitating easy and safe pedestrian and cycling connectivity for the entire local population to these facilities and amenities.

b) At the scale of district/ neighbourhood/ street

The proposed development delivers high quality, exemplar modern architectural form at an appropriate scale of development at an elevated, focal gateway location in Cork City, at the junction of Kinsale Road and Tramore Road and along the southern approach into the city. It is intended that the proposed development will set a quality benchmark within Cork, which is experiencing significant development at the moment. With its 15-storey tower in the form of Building E, this building will be a beacon for a city rising in a highly sustainable location, acting as a catalyst for the further regeneration of Tramore Road and the Ballyphehane area. The risk of all types of flooding arising from the proposed development is low. The tallest element of the scheme – Building E – is situated on the brow of a hill on the prominent junction between Kinsale Road and Tramore Road and highlights this important entrance on the southern approach into Cork City as well as emphasising the view looking towards the city from Kinsale Road, especially the protected view of Christ the King Church at Turner's Cross. Building E itself is carefully designed and will provide an elegant and slender addition to the skyline in views from close-by as well as over the city. A tall building on this site with its raised elevation and location is justified and it will positively contribute to and complement the city's evolving skyline and the branding of Cork.

The proposed development is of high architectural quality, presented as a coherent series of 12no. buildings ranging in height from 1-9 storeys and culminating in the landmark 15 storey element of Building E in the most appropriate location on the site. 'Step outs' in the façades of the buildings are provided in a number of apartment units which serve the dual purpose of ensuring the facades of the buildings are visually interesting as well as providing a dual aspect characteristic to most of the units. Brick has been chosen as the preferred, high-quality and low-maintenance façade material, with the majority of the scheme being faced in brick and, with the exception of the 6-storey section of Building E along Tramore Road, the entirety of all outward-facing elevations of the scheme constitutes brick façades.

c) At the scale of the site/building

The proposed development has been designed with floor to ceiling glazing, with adequate ventilation, for all apartments, therefore maximising views and access to natural daylight as far as possible. 68% of dwellings benefit from having a dual aspect. The design approach has also ensured that there will be minimal overshadowing.

The layout of the proposed development responds to the accessibility of the site and a high degree of permeability in all directions is incorporated into the urban design of the scheme. The town plaza, garden court, and meadow parks with connecting pathways all facilitate easy access within and into the scheme. The massing of the scheme along Kinsale Road is broken up and has visual clues as to the character areas within, with 5 no. clearly defined access points from Kinsale Road and Tramore Road.

The proposed development includes a town square plaza, a creche, gym, café, retail unit and coffee kiosk and thus offers facilities for a wide range of different ages. In addition, the landscaped, residential street edge of the proposed development along Kinsale Road will be a pleasant space for passers-by to pass through, while the tree planting and wide paving along Tramore Road which lead into the town square plaza will be inviting to passers-by.

The mix of uses (especially the retail, café, creche, coffee kiosk and gym uses) will complement the prevailing commercial uses in the immediate vicinity of the site. The various neighbouring uses of a sports ground, fast food restaurant, newsagents at the filling station north-east of the subject site, convenience retail store south of the subject site, and café to the north-east are all highly compatible with the primarily residential use of the proposed development.

In addition, the neighbouring dwelling choices are primarily traditional three-bedroom semi-detached houses to the north-east, north, north-west and west. The proposed development comprises 31% one-bedroom units and 55% two-bedroom units in a range of apartment and townhouse types. This greatly adds to the choice of dwelling size and type available in the area.

It is for all of the above reasons that the proposed development can be considered as being fully in compliance with the Urban Development and Building Heights Guidelines.

Sustainable Residential Development in Urban Areas

4.4.1.4 The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 note that, in general, increased densities should be encouraged on residentially zoned lands and particularly in the following locations:

- (a) City and Town Centres
- (b) Brownfield Sites (within City and Town Centres)
- (c) Public Transport Corridors
- (d) Inner Suburban/ Infill Sites
- (e) Institutional Lands
- (f) Outer Suburban/ Greenfield Sites.

Of these, the proposed development site falls to be considered under items (b) and (c) for increased density and height. Although the Guidelines caveat the criteria of (b) Brownfield sites as being located within city or town centres, the definition the guidelines then offer is "*any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces*" and offers redundant industrial lands as one of the primary examples of what constitutes brownfield land. Therefore, notwithstanding that the subject site is not located in the city centre, it is appropriate to consider the site as a brownfield site for the purposes of assessing the site against the criteria of the Guidelines.

Paragraph 5.7 states that in the case of brownfield sites, and particularly those located close to existing or future public transport corridors, the opportunity for their re-development to higher densities is subject to the following safeguards:

- *Compliance with public and private open space standards:* the proposed development provides 0.7865ha (23%) of public space at ground level, including landscaped, interconnected semi-public open spaces in the form of the meadow parks and a garden court, as well as 2 no. rooftop gardens, a public town square plaza and upgraded public realm along Kinsale Road

and Tramore Road and at the junction between Kinsale Road and Mick Barry Road. In addition, the proposed development meets all the necessary minimum standards regarding private open space provision.

- *Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours:* the proposed development will not have an adverse impact on the amenities of existing or future adjoining neighbours.
- *Good internal space standards of development:* the proposed development provides internal spaces that meet or exceed the requirements of the Guidelines.
- *Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing:* the proposed development is located in the Ballyphehane inner suburb of Cork City which has been identified as being a disadvantaged area in need of regeneration and urban renewal. In addition, the site was the subject of the rezoning that constituted Variation No. 6 of the Cork City Development Plan 2015-2021, where the zoning of the subject site itself was changed from "Light Industry and Related Uses" to "Residential, Local Services, and Institutional Uses". This variation of the Plan has established that a mixed use, primarily residential development is permissible in principle on this site. Under the Urban Development and Building Heights Guidelines for Planning Authorities, 2018 proposals for tall buildings cannot be ruled out in principle and must be assessed under the principles set out in those Guidelines. Compliance of the proposed development with those Guidelines has already been outlined above in section 4.4.1.3 of this statement. In addition, the vision for the locality is articulated in Section 10.336 of the Draft Cork City Development Plan 2022-2028, where it is acknowledged that: "[t]he mixed industrial / commercial area centred on the Tramore Road and Kinsale Road has regeneration potential with higher density development, linked to the development of high quality public transport."
- *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character of an Architectural Conservation Area:* there are no protected structures on or within close proximity to the subject site and the site is not located in or near an Architectural Conservation Area.
- *Compliance with plot ratio and site coverage standards adopted in development plans:* The proposed development equates to a plot ratio of 1:1.8, site coverage of 26%, and a residential density of 180 units/ha. An indicative plot ratio of 1.0-1.75 is set out in the Development Plan. The plot ratio of the proposed development is generally consistent with this indicative measure. Densities in suburban areas will normally be a minimum of 75 units/ha along bus routes with higher densities appropriate on larger development sites (>0.5 hectares in size) capable of generating and accommodating their own character. There are no standards regarding site coverage. Owing to the size, character and context of the subject site, the nature and scale of the development, and the urgent national policy agenda to densify our urban settlements and counterbalance the disproportionate growth of the Greater Dublin Area,

proposing a plot ratio that is marginally higher than the indicative one contained in the Development Plan can be considered appropriate.

In relation to (b) and (c) of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, the proposed development site is brownfield, is located along an existing and a planned public bus route and is within 10 minutes walk of two other bus routes. The Guidelines state that the opportunity for the redevelopment of such sites to higher densities, subject to the above safeguards, should be promoted.

Apartment Guidelines

- 4.4.1.5 The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines 2020 also endorse the need to consolidate urban development within the five existing cities, and a move away from prescribed height restrictions in favour of performance criteria. Section 1.21 of the Guidelines states that Specific Planning Policy Requirements (SPPRs) contained in the Guidelines take precedence over any conflicting policies and objectives of development plans.

Section 2.4 of the Guidelines identifies central and/or accessible urban locations as being generally suitable for small-to-large scale and higher density development. The proposed development site, which is located in close proximity to the existing public bus route no. 213 (that serves the Black Ash Park and Ride facility) which operates at a high frequency during peak times (i.e. every 10 minutes) and on a proposed public bus route that will operate at a minimum frequency of every 15 minutes, and is within 15 minutes-walk from five other public bus routes, can be classified as an accessible urban area.

The proposed development includes 48 no. townhouses, 304 no. standard apartments, and 257 no. Build-To-Rent apartments. Having regard to the Guidelines, the proposed development complies with the following SPPRs:

- SPPR 1:
31% of the apartments are one-bedroom units. This is under the maximum upper limit of 50%.
- SPPR 3:
All 1-bedroom apartments meet the minimum required floor area of 45m².
All 2-bedroom apartments meet the minimum required floor area of 73m².
All 3-bedroom apartments meet the minimum required floor area of 90m².
- SPPR 4:
68% of the proposed dwellings are dual aspect. This exceeds the minimum requirement of 50% in suburban locations.
- SPPR 5:
All ground level apartment floor to ceiling heights are a minimum of 2.7m.

- SPPR 6:
All buildings comply with the maximum limit of 12 apartments per floor per lift/stair core.
- SPPR 7:
Resident support facilities will be provided (concierge and management; parcel/post area; waste management).
Resident services and amenities will be provided (community lounge/town hall events space, co-working lounge/business centre, cinema/media presentation room at ground level), and rooftop terraces on Levels 7 of both Building E and Building F.
- SPPR 8:
Unit floor areas accord with the Guidelines per each unit type.
Noting there are no restrictions on dwelling mix or no. of units per core for Build-To-Rent apartments, 78 no. 1 bed units; 142 no. 2 bed units and 37 no. 3 bed units are proposed in Buildings E and F, of which 82% are dual aspect in Building E and 52% are dual aspect in Building F. No studios are proposed.
The proposed development will ensure overall quality, with a good provision of storage and private amenity space per apartment as well as communal amenity space, balanced with the provision of compensatory communal support facilities.
Floor to ceiling heights are proposed at 2.7m, and there are no more than 6 units per core in Building E and no more than 9.5 units per core in Building F.

Almost 72% of the proposed units (excluding those in Buildings E and F) exceed the minimum internal floor area standards by 10% and all of the minimum floor areas for private amenity space for the various types of dwellings are met or exceeded. In addition, 19% of the Build-To-Rent apartments in Buildings E and F exceed the minimum internal floor area standards by 10%.

In addition to all of the above, minimal car parking is provided for the entire scheme (209 no. shared spaces), whereas 1,145 no. cycle spaces are proposed. 122 no. units are proposed to be leased for Part V purposes. 3 no. children's equipped neighbourhood play areas are also proposed: in the garden court and in the meadow parks. In the context of high quality sustainable and public transport connectivity, the development will be able to offer residents the balance of city living with suburban amenities, both within the development and within the immediate environs.

Regional Policy

4.4.1.6 In regional planning policy terms, and having regard to the Regional Spatial and Economic Strategy for the Southern Region (RSES), the proposed development:

- will contribute towards achieving regional parity in the country (RPO 6);
- will support high levels of sustainable and public transport use and will provide access to quality childcare on site (RPO 7);
- will contribute to the achievement of significantly accelerated and urban-focused compact growth (RPO8);

- will involve considerable upgrade of the public realm along Kinsale Road and Tramore Road via a new landscaped buffer zone, that includes footpaths and cycle paths, improved connectivity between Kinsale Road and Black Ash Park and Ride (a currently underutilised, high frequency public bus service), and a town square open space for use by the general public (RPO 9);
- will contribute towards compact urban growth in the Cork Metropolitan Area (RPO 10);
- will make the most efficient use of urban brownfield land, is a high-quality design outcome and complements 11 of the guiding principles of the Sustainable Place Framework (RPO31);

4.4.1.7 The Cork Metropolitan Area Strategic Plan (MASP) is a constituent part of the RSES and aligns with current national planning policy and objectives, including those contained in the NPF. The Cork MASP specifically identifies Tramore Road as being an “Example Regeneration Area” within Cork city. A core aim of the Cork MASP is for Cork city’s suburbs to be compact – the density of the proposed development will fully support this objective for the southern suburbs of Cork city. Another central aim of the Cork MASP is to support the delivery of NPF population targets for the Cork Metropolitan Area, which are significant and unprecedented – the proposed development contributes towards this aim in that it will provide 609 new quality homes in the metropolitan area.

The proposed development supports the following strategic goals of the Cork MASP:

- Goal 1: Sustainable Place Framework
- Goal 2: Excellent Connectivity and Sustainable Mobility
- Goal 4: High Quality Environment and Quality of Life

Cork MASP Policy Objective 2 seeks the delivery of 11 key points. The proposed development will contribute to the delivery of 5 of these key points. These 5 key points are:

- c. Seek investment to achieve regeneration and consolidation in the city suburbs and high quality architectural and urban design responses to enhance the uses of this waterfront and all urban quarters.*
- f. Seek to achieve High Quality Design to reflect a high-quality architectural building stock in all urban quarters.*
- g. Seek delivery of a network of large city parks and smaller green areas throughout the metropolitan area and inner-city areas.*
- h. Strengthen Social and Community Development*
- i. Support active regeneration initiatives that are ongoing, especially driven through the Local Economic Community Plan, Local Community Development Committee and RAPID initiatives.*

In addition to being consistent with all of the Southern Regional Assembly’s MASP Regional Planning Objectives, complementing Cork MASP Strategic Goals 1, 2 and 4 and Cork MASP Policy Objective 2, the proposed development also supports 11 of the 14 guiding principles of the Cork MASP. This is detailed in Table 11 of the Planning Report which accompanies this planning application.

Local Policy

4.4.1.8 In relation to the Cork City Development Plan 2015, and as detailed in the Planning Report and Statement of Consistency that accompanies this planning application, as well as Chapter 6 of the EIAR, the proposed development:

- Will comply with the Z0 4 Residential, Local Services and Institutional Uses zoning objective for the site (see Figure 16 above), which supports the protection and provision of residential uses, local services, institutional uses, and civic uses, having regard to the Plan's employment policies.
- Will result in an increased population that will contribute to the realisation of a compact, sustainable city (Goal 1) and will assist in meeting the target 30,770 population for Cork (Table 2.1 of the Plan).
- Will result in a distinctive, landmark development that signals itself and Cork City as being an attractive, high-quality place to live and visit (Goal 2).
- Will deliver a new high-density, primarily residential neighbourhood hub along an existing as well as planned high-frequency public transport corridor that encourages, through its design and facility provision, cycling, walking and public transport use as the preferred modal choices (Goal 4).
- Will provide sustainability best practice in terms of design and construction to create spaces that deliver net positive impacts environmentally, socially and economically, including the use of SUDS, the planting of 505 no. new trees including native woodland species, and other planting throughout the scheme of native and high value non-native species in line with the All-Ireland Pollinator Plan to support biodiversity on site (Goal 6).
- Will contribute to the achievement of Objective 5.1 of the Plan, in particular:
 - 5.1b, which seeks to reduce the percentage of persons who drive to work;
 - 5.1d, which seeks to encourage and facilitate cycling and walking for short/local trips by providing appropriate infrastructure, promoting "soft-measures" that influence change in transport behaviour, and by encouraging proximate, compact land uses, and;
 - 5.1i which seeks to provide new local roads, streets, upgraded streets, and pathways where required to increase connectivity. A Traffic and Transport Assessment and Mobility Management Plan has been prepared (copies of which accompany the planning application) in line with Objective 5.2, and ensures that electric vehicles are catered for, in line with Objective 5.21, as well as disabled and motorcycle parking facilities, in line with Table 16 of the Plan which details the Plan's car parking standards.
- Is consistent with Objective 5.16 of the Plan in that the proposed development complies with DMURS (as is detailed in the DMURS Compliance Statement which accompanies the planning application).

- Is consistent with Objectives 5.2 and 5.21 of the Plan in that its design is informed by a Traffic and Transportation Assessment and Mobility Management Plan, and EV charging equipped parking has been included in the design.
- Is consistent with Objective 6.1 of the Plan, as it will: encourage the development of sustainable residential neighbourhoods; encourage the use of derelict and underused land and buildings for regeneration purposes; will deliver high standards of design, energy efficiency, layout and landscaping; and will protect and enhance the amenities and the environment of existing residential areas.
- Responds to the demand for more residential units accommodating fewer people (paragraph 6.18 of the Plan) and provides a mix of apartment types in a high-density development, in accordance with Objectives 6.8 and 6.9 of the Plan.
- Will deliver additional private rented accommodation with a mix of typologies and sizes and at an appropriate density in line with Objectives 6.4, 6.7, 6.8 and 6.9 of the Plan.
- Will deliver a sustainable neighbourhood in an area identified as having potential for intensification of development and will thus contribute to the developing of a vision for the future of the area, consistent with Objectives 7.2, 14.5 and 16.9 of the Plan.
- Will deliver an inclusive neighbourhood that has accessible, appropriately sized accommodation with facilities, supports, amenities and recreational public open space on site in a development that has passive surveillance and permeability designed into it, consistent with Objectives 7.1, 7.7, 7.15, 7.18, 11.1, 11.5 and 11.7 of the Plan.
- Will support the urban regeneration of the Tramore Road/Kinsale Road area, consistent with Objectives 7.4 and 14.5 of the Plan.
- Will enhance the landscape assets of this gateway location in a key area along a key approach road (see Figure 17 below) by delivering a landmark tall building as part of a high-quality, distinctive development, consistent with Objectives 10.1, 10.2 and 10.3 of the Plan.
- Incorporates SUDS measures in accordance with Objective 12.3 of the Plan.
- Responds to Objective 12.19 of the Plan and details of the external lighting scheme and associated proposed mitigation measures have been prepared by EDC and submitted as part of the planning application.
- The proposed development has been subject to an Architectural Design Statement, which incorporates an Urban Design Statement, and a Landscape and Visual Impact Assessment (please refer to Chapter 12 of the accompanying EIAR) in accordance with Objectives 16.1, 16.2 and 16.3

of the Plan. The statements and the drawings that accompany this application demonstrate how the proposed development has been designed in accordance with Objective 16.4 of the Plan.

The proposed development has been subject to an Architectural Design Statement (prepared by Reddy Architecture and Urbanism and included as part of the planning application), which incorporates an Urban Design Statement. The proposed development is also subject to a Landscape and Visual Impact Assessment (please refer to Chapter 12 of the accompanying EIAR) in accordance with Objectives 16.1, 16.2 and 16.3 of the Plan. The statements and the drawings that accompany this application demonstrate how the proposed development has been designed in accordance with Objective 16.4 of the Plan.

4.4.1.9 As detailed in the Planning Report and Statement of Consistency that accompanies this planning application, the proposed development will also align with the objectives of the Draft Cork City Development Plan 2022-2028 in the following ways:

- Will comply with the Z0 2 New Residential Neighbourhoods zoning objective for the site.
- Will contribute towards achieving NPF population growth targets and the objective of compact growth.
- Will deliver much needed new homes in Cork City, that will strengthen, expand and diversify the existing community in the area.
- Will support a high degree of sustainable transport use.
- Will support national and local climate action objectives regarding renewable energy generation, passive solar heating and a high standard of build quality including insulation.
- Will provide excellent open space with active recreational infrastructure for all age groups, while at the same time enhancing biodiversity on site through the use of SUDS and through the planting of new native and high value non-native trees and other plant species in line with the All-Ireland Pollinator Plan. An Invasive Species Management Plan has also been prepared in respect of the proposed development by DixonBrosnan and is included in Appendix B of the Construction Environmental Management Plan prepared by Arup, copies of which accompany the planning application.
- Will exhibit an example of best-in-class placemaking, with high-quality urban design and the inclusion of a landmark tall building.
- Will support the objectives of the Cork MASP.
- Aligns with the objectives of CMATS, particularly in terms of BusConnects and walking and cycling routes and infrastructure.

- Will support the realisation of a 15-minute neighbourhood in the Kinsale Road/Tramore Road area that is walkable and permeable, with a high degree of passive surveillance designed into the scheme.
- Will provide a mix of uses, facilities and amenities which will complement the residential use proposed.
- Through its design, will ensure a high quality of life for those living on site and nearby.
- Will provide a good choice of dwelling types and sizes. This, combined with the high-quality urban design will support a sense of inclusive, diverse community forming on site.
- Has the potential to instigate the wider regeneration of the Kinsale Road/Tramore Road area.
- Will bring back into use a large, underutilised, brownfield site.
- Provides for EV parking and will facilitate a high degree of cycling.
- Is supported by a Daylight and Sunlight and Overshadowing assessment which demonstrates that the proposed development will ensure high levels of access to daylight and sunlight for future residents, without excessively overshadowing neighbouring properties.

4.4.1.10 As noted above, it is acknowledged in paragraph 16.34 of the Cork City Development Plan 201-2021 (page 240) that tall buildings will be resisted in the suburban areas of the city (apart from locations specified in the Plan) and that the proposed development is not in one of those suburban locations specified in the Plan as being suitable for tall buildings. However, it is also noted that paragraph 16.37 of the Plan states that *"tall buildings will normally be appropriate where they are accessible to a high-quality public transport system which is in operation or proposed and programmed for implementation."*

4.4.1.11 In addition, it is noted that the Draft Cork City Development Plan 2022-2028 bases its density and height strategy on its constituent Cork City Urban Density, Building Height and Tall Building Study 2021, which lists the following criteria as being suitable locations for higher densities and height, acknowledging that the densities of development proposals will sometimes be required to be assessed on a case-by-case basis. The criteria the Study sets out are: access to services; proximity to community facilities; proximity to green and blue infrastructure; identified opportunity areas; proximity to railway stations; proximity to high frequency bus services; proximity to "normal" bus services; proximity to the planned Light Rail Transit (LRT). The proposed development has good access to services, community facilities, and green infrastructure and will also enhance the offering of these in the area. The proposed development is also a major opportunity site for encouraging the regeneration of the surrounding area and is located along existing and planned high frequency public bus services.

4.4.1.12 The Cork Metropolitan Area Transport Strategy (CMATS) published in 2020 seeks to; *"deliver an accessible, integrated transport network that enables the sustainable growth of the Cork Metropolitan Area as a*

dynamic, connected, and internationally competitive European city region as envisaged by the National Planning Framework 2040”.

To achieve the above vision, CMATS is based on six guiding principles as follows:

- 1. To support the future growth of the CMA through the provision of an efficient and safe transport network.*
- 2. To prioritise sustainable and active travel and reduce car dependency within the CMA.*
- 3. To provide a high level of public transport connectivity to key destinations within high demand corridors.*
- 4. To identify and protect key strategic routes for the movement of freight and services including the provision of a high level of freight access to the Port of Cork.*
- 5. To enhance the public realm through traffic management and transport interventions.*
- 6. To increase public transport capacity and frequencies where needed to achieve the strategy outcomes.*

4.4.1.13 To ensure the success of CMATS it is noted that Cork City and County Councils must look to target higher density development in areas where opportunities exist for sustainable transport provision, and in a manner that better aligns the provision of transport with demand. CMATS identifies increased density as a land use priority with a focus on Public Transport Orientated Development - consolidated development that provides higher density, a balanced mix of land uses and compact settlements that reduce trip distances and are of a magnitude that supports the viability of high-capacity public transport.

4.4.1.14 CMATS proposes the enhancement of the provision of park and ride facilities in the Cork Metropolitan Area as one solution to car parking demand in Cork City. The strategy notes that the Black Ash Park and Ride facility, located in the vicinity of the subject site, currently operates below capacity. The proposed development, in providing enhanced connectivity between Kinsale Road and the Black Ash Park and Ride, will support the increased patronage of this underutilised public transport service and justifies the reduced level of car parking proposed on the subject site.

4.4.1.15 In addition, the proposed development will also increase the population living along one of the priority BusConnects radial routes, which may expedite the delivery of this strategic metropolitan public transport service, and a new primary cycle route is also proposed to run along the eastern boundary of the subject site at Kinsale Road.

4.4.1.16 The appraisal for the proposed development site cannot but acknowledge its underutilised nature, and significant redevelopment potential, as well as the potential of the proposed development to contribute to the wider regeneration of the Ballyphehane area, the supply of housing and support of local and regional targeted population growth, the efficient use of brownfield land, and the potential of the development to support high levels of public and active travel.

4.4.1.17 In these respects, the proposed development should be granted permission having regard to *Section 37(2)(b)(iii)*, as it is fully supported by the regional planning guidelines for the area, guidelines under section

28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government

- 4.5 *Section 37(2)(b)(iv) - Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*
- 4.5.1 Table 1 above in section 4.3 of this Statement of Material Contravention sets out the range of permitted and proposed heights, dwelling mixes and densities in and around the site of the proposed development.
- 4.5.2 With existing and permitted heights of 34 storeys (Custom House Quay), 25 storeys (Jacob's Island), 24 storeys (Albert Quay), 17 storeys (Elysian; Railway Gardens), 15 storeys (Prism), 14 storeys (the Former Ford Distribution Site), and several developments comprising 10 storeys as well as the previously permitted 27 storey mixed use development (eastern end of Docklands), the proposed development of 12 no. buildings ranging in height from 1-15 storeys will not be out of character with the building typologies of the City, including those in inner suburban areas, and will complement the emerging character of the skyline of Cork City.
- 4.5.3 In addition, permitted densities in Cork City include, amongst others, 530 units/ha (Albert Quay), 495 units/ha (Horgan's Quay), 454 units/ha (Railway Gardens), 247 units/ha (The Former Ford Distribution Site), 238 units/ha (Victoria Road), 220 units/ha (Crow's Nest), 183 units/ha (Lower Friar's Walk), and 137 units/ha (Jacob's Island). Therefore, the proposed development of 180 units/ha will not be out of character with the residential density of the City, including areas in the inner and outer suburbs, as well as locations in the city centre.
- 4.5.4 Supporting documents submitted as part of this planning application set out compelling evidence as to why the proposed development is of an appropriate scale and height at this location, and in its urban context.
- 4.5.5 Furthermore, the pattern of permitted dwelling mixes in the vicinity of the subject site of the proposed development, as presented above in Table 2 of section 4.3 of this Statement of Material Contravention, demonstrates that the indicative dwelling mix targets contained in Table 16.4 of the Cork City Development Plan 2015-2021 are very much indicative only.
- 4.5.6 Development proposals have been routinely permitted that do not align with these suggested mixes, with decisions being based on the various other planning merits of the respective proposals. Therefore, the proposed dwelling mix of 31% 1-bed, 55% 2-bed, 8% 3-bed, and 6% 4-bed will not be out of character with the dwelling mixes in the local area and will complement the prevailing larger typologies in existence. The proposed dwelling mix will also reflect the demographic trend towards smaller households.
- 4.5.7 Having regard to Section 37(2)(iv) of the Planning and Development Act 2000 (as amended), it is our submission that the proposed development should be granted on the basis of the pattern of development, and permissions granted, in the area since the making of the Cork City Development Plan 2015-2021 and during the current development plan review process.

5.0 CONCLUSION

5.1 In conclusion, as demonstrated in this statement and the plans and particulars that accompany this planning application, the proposed Strategic Housing Development of 609 no. residential dwellings on the former CMP Dairy site (known as Creamfields) on Tramore Road/Kinsale Road, Cork can be considered as being in accordance with paragraphs 16.12, 16.27, 16.28, and 16.41 of the Cork City Development Plan 2015-2021, and with paragraphs 3.23, 3.35, and 11.42 of the Draft Cork City Development Plan 20-22-2028, as well as with Section 3 of the Draft Development Plan's constituent part, the Cork City Urban Density, Building Height and Tall Buildings Study 2021.

5.2 Notwithstanding the provisions of paragraphs 6.19, 16.34, 16.43, 16.44, Objective 6.8, Figure 16.1 and Table 16.4 of the Cork City Development Plan 2015-2021, and notwithstanding the provisions of paragraph 11.44, Tables 11.2 and 11.8, and Objective 11.2 of the Draft Cork City Development Plan 2022-2028:

- the proposed development is of strategic importance, as it will contribute to an increased supply of residential accommodation in the context of a chronic housing shortage and thus support national and regional policy objectives to deliver more homes within the existing footprint of cities and in cities other than Dublin to achieve regional parity in the country.
- there are conflicting objectives or objectives not clearly stated in the development plan, insofar as they apply to the preferred locations for tall buildings in Cork,
- permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, and
- permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan, including recent decisions of An Bord Pleanála.

5.3 In this context, it is our submission that the Board can grant planning permission for the proposed development in accordance with Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended), and Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).