

Clifton Convalescent Home

Submission to the Draft Cork City Development Plan
on behalf of Grangefield Developments Ltd.

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1. Introduction

This submission in response to the publication of the Draft Cork City Development Plan has been prepared by McCutcheon Halley, on behalf of Grangefield Developments Ltd. who are the owners of the lands at the former Clifton Convalescent Home, Montenotte which are outlined on Fig 1. These lands are currently zoned for a mix of residential development and landscape preservation in the current City Plan 2015-2021 and in the Draft City Plan 2022-2028



Fig 1 Site Location Map showing site outlined in red.

This submission requests that the zoning objectives for Clifton Convalescent Home be amended to have regard to:

- national and regional planning policy which requires 50% of the projected growth in the housing stock of the Cork Metropolitan Area to be achieved on brownfield land or infill sites within or close to the existing built up area,
- the substantial target for population and housing growth in the North West suburbs of the City
- the declining relevance of the Cork City Landscape Study 2008 in the context of the current strategic objectives for a compact and sustainable city
- the significant extent of the area currently zoned for landscape preservation and the limited contribution made by these areas to sustainable housing development
- the lack of an accurate evidence base to support the current LPZ NE8 designation

- the wording of the zoning objectives for LPZs which has recently been interpreted by An Bord Pleanala as a blanket prohibition for any structures within an LPZ.

In our opinion the considerations outlined above support the removal of the blanket presumption against development that currently exists for areas designated as LPZs in favour of a more flexible approach that facilitates development of an appropriate scale while also protecting the identified landscape assets for each respective site.

We therefor submit that the areas at the former Clifton Convalescent Home which are currently zoned LPZ NE8 be rezoned for residential development subject to the preparation of development brief which would guide future sustainable development and protect any features of landscape or heritage value within the sites.

The submission is set out as follows:

1. Introduction
2. Planning Policy Context
3. Rationale for Submission Request
4. Conclusion

1. Planning Policy Context

1.1 National and Regional Policy

In line with the recommendations set out in Rebuilding Ireland, the Government launched Ireland 2040, which comprises the National Planning Framework (NPF) and National Development Plan (NDP) 2018-2027. The NPF provides a planning policy framework for Ireland up to 2040. A key facet of the plan is to counterbalance the dominance of the Dublin Region by strengthening development across the south, in particular across Cork, Limerick and Waterford. With specific regard to Cork, the NPF recognises that "*Cork is emerging as an international centre of scale and is well placed to complement Dublin but requires significantly accelerated and urban focused growth to more fully achieve this role*".

The growth rate identified for Cork City and surrounding suburban areas is 50-60% up to 2040, which is two to three times higher than the national average. Cork is expected to increase its population by 49,580 by 2028, which will require housing supply to be ramped up to 3000 units per annum during the next City Plan. This must be done in the form of compact growth as there is a specific requirement for at least 50% of growth in Cork to be located within/close to the existing built up area, on brownfield land or infill sites. This will enable the sustainable use of currently under-utilised land, with higher housing and employment densities

The Regional Spatial & Economic Strategy for the Southern Region (RSES) states that in order to support the NPF, the distribution of population and employment growth in the city and surrounding metropolitan area must align with public

transport investment, and focus on regeneration, consolidation and infrastructure led growth. Targeted growth in the urban area would also support the delivery of the key transport infrastructure outlined in the Cork Metropolitan Area Transport Strategy (CMATS).

As part of this radical change in policy, each planning authority must prepare a Housing Need Demand Assessment (HNDA) to inform the housing policies, housing strategies and land use zoning in their development plans. Recent Ministerial Guidelines and Circulars issued to planning authorities provide methods to determine future housing need at local level in a manner that aligns with centrally assessed population and household projections. In addition, the Department of Housing, Local Government and Heritage recently published draft *Development Plans Guidelines for Planning Authorities* to assist planning authorities in the preparation of development plans.

1.2 The Core Strategy

The revised Core Strategy in the Draft City Plan acknowledges that the new national and regional housing targets require a doubling of the annual increase in the housing stock from 1,511 to 3,023 units per annum (see Table 3.2 of the Draft City Plan). As there will be very little peripheral expansion of the built-up area, the achievement of the target will require a dramatic increase in the number of new housing units built on infill and brownfield sites within the City Suburbs.

Table 2.5 of the Draft City Plan identifies the following measures which will be required to deliver the Core Strategy within the City Suburbs:

- *Consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations.*
- *Prioritise walking, cycling and public transport access.*
- *Deliver uses, layouts and densities that enhance existing local character.*
- *Deliver high quality sustainable transport orientated development in combination with high frequency bus routes,*
- *Regenerate underutilised sites in existing neighbourhoods*
- *Action plans for Neighbourhood Development Sites.*

Table 2.2 assumes that the population of the North East Suburbs will increase by 32% from 26,841 to 35,561 during the period 2016 to 2028. In our opinion this will not be achieved if the current restrictive approach to the protection of the urban landscape within the City Suburbs is maintained as substantial areas are currently zoned for landscape preservation in the north east of the city.

1.3 Landscape Preservation

In the 2004 City Plan these substantial areas were removed from the previous residential zones if they were considered to be:

- (A) *Visually important land, including land forming the setting for existing landmark buildings;*
- (B) *Land with amenity value which has potential for development as open space;*
- (C) *Areas with existing woodlands or significant tree groups, or areas with potential for new woodlands; or*

(D) Areas which provide a habitat for wild flora and fauna.

These areas were initially designated as Landscape Protection Zones where there was a general presumption against development, unless it could be demonstrated by means of a landscape assessment and appropriate landscape and building design proposals that any proposal would protect and enhance the overall character of the site and its visual context.

When the policy was reviewed in the 2009 City Plan the objective was changed from protection to preservation:

To preserve and enhance the character and visual amenity of Landscape Preservation Zones through the control of development. Development will be considered only where it safeguards to the value and sensitivity of the particular landscape and achieves the respective site-specific objectives, as set out in Table 10.2. (Objective 10.5)

In the supporting text, LPZs are described as *"areas in need of special protection as their character and amenity value is considered to be highly sensitive to development and as such have limited or no development potential"* (Para 10.20). This character and amenity value typically combine landscape assets such as topography/slope, tree cover, setting of historic structures / other open spaces and landscape assets.

In our opinion the general presumption against development within the LPZs should be reviewed in the context of the change in the national and regional development strategies and particularly the drive for a more compact and sustainable pattern of development focussed on public transport networks. The need for a radical review of the landscape preservation policies appears to be acknowledged in paragraph 6.15 of the Draft City Plan which notes that

"The challenge for Cork City Council is to manage the city's landscape in a manner that facilitates economic growth and development while protecting and enhancing the city's key landscape assets and resources".

Table 6.4: of the Draft City Plan which refers to City Scale Green and Blue Infrastructure Opportunities highlights, under item 12, the need to:

"Update the Cork City Landscape Strategy (2008) to provide a clear evidence base on the character and valued features of the City's landscapes and provide information and guidance to inform the appropriate location, scale and design of new development".

In our opinion this review of the current restrictive landscape preservation policies is urgently required and should be completed before the Amended Draft of the new City Plan is published. As previously noted a significant increase in the housing stock is required to meet the Core Strategy targets for 2022 to 2028. The 64 LPZs which are proposed in the Draft City Plan comprise approximately 184.5 hectares of land which is well within the built footprint of the city and has the potential to provide up to 9,000 dwelling units. Although some of these areas may turn out to have little or no development potential, there are many sites, such as the former Clifton Convalescent Home, which could make a valuable contribution to the Core Strategy without any significant loss of amenity.

2. Rationale for Submission Request

As highlighted previously, the most recent development plans, including the current CCDP 2015, have tended to focus on preserving areas perceived as being of high landscape quality. However, the thrust of national policy, which focuses on compact growth and the realisation of the development potential of currently under-utilised land within our towns and cities, provides scope for broadening the landscape argument for the city. Rather than seeking to preserve all of these areas of aesthetic quality in their current state, we consider that some of the LPZs have the potential to contribute to the sustainable growth and development of the City in a manner that retains any landscape characteristics that are worthy of protection. These issues are addressed in the following sections.

2.1 Lack of Evidential Basis for LPZ NE8 Zoning

Paragraph 10.20 of the CDP states that Landscape Preservation Zones (LPZs) are areas in need of special protection as their character and amenity value is considered to be highly sensitive to development and as such have limited or no development potential. The extent of the development potential of any Landscape Preservation Zone will depend on the landscape assets which are identified for that specific area on Table 10.1 of the current City Plan. In the case of LPZ NE8, the landscape assets identified for Clifton on Table 10.1 are

C Tree Canopy - Areas with existing woodlands or significant tree groups, or areas with potential for new woodlands.

G Landmarks/Natural Features/Cultural Landscape - Land forming the setting to existing landmark buildings and/or protected structures/buildings of significance.

It follows that infill development at Clifton could only be considered to have an adverse impact on LPZ NE8 if it would involve either:

- (a) reduction in the tree canopy across the zone by the removal of existing woodlands or groups of trees; or
- (b) interference with a protected structure or with a landmark building.

It is important to note that the current restrictive policies on landscape protection were first introduced in the 2004 City Plan when any areas deemed to be of landscape value were removed from the residential zone. However, Fig 2 shows that no landscape restrictions were imposed on the Clifton site in the 2004 City Plan and the entire site was zoned for residential development. This means that the Planning Authority had failed to identify any tree canopy or landmark building which was worthy of preservation at that time.

When the current LPZ zoning was first imposed in 2009, the Chief Executive's Report sought to justify the removal of Clifton Convalescent Home from the residential zone on the grounds that the area to the front of the property:

- formed the setting to a landmark or protected structure
- had a significant tree canopy on it and
- was part of a cluster of three landscape zones which were strategically significant on the ridge.

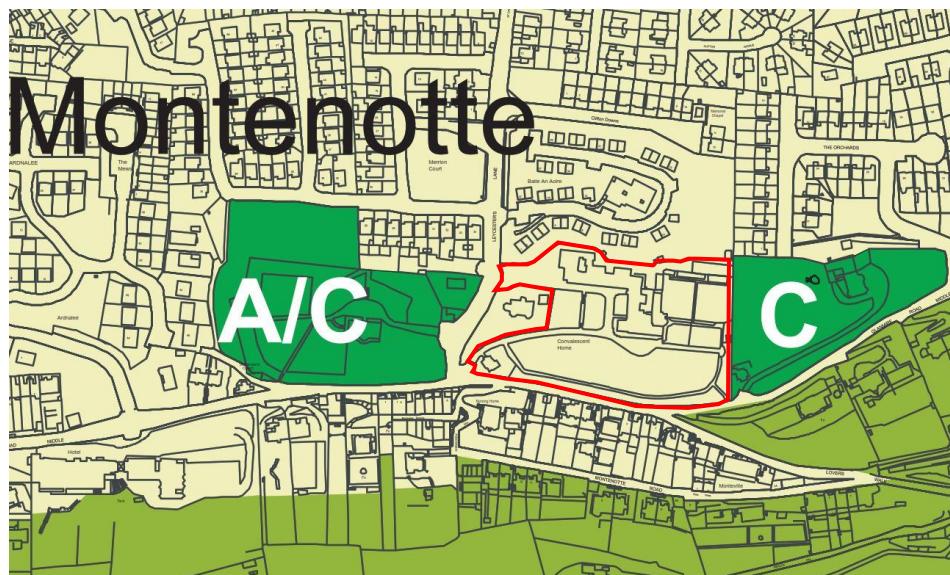


Fig 2 Copy of zoning map from the 2004 City Plan showing site outlined in red

In our opinion there was no adequate evidence to support that justification for the following reasons:

- (a) As Clifton House is not a landmark building and has never been designated as a protected structure it must be assumed that the report was referring to the setting of the 4-storey convalescent home for which permission to demolish was subsequently granted under 18/37931
- (b) The only trees to the front of Clifton are widely spaced yew trees which are only 5m tall and do not form a canopy. The historic maps of the area show that the tree canopy on the original Clifton demesne was located on the site of the dwelling which was constructed under 00/24524.
- (c) The Cork City Landscape Study 2008 did not recommend the rezoning of Clifton as a Landscape Preservation Zone or identify the property as part of a cluster of strategically important landscape assets on the Montenotte Ridge.

2.2 The Proposed Review of the Cork City Landscape Study 2008

As previously noted, Table 6.4 of the Draft City Plan acknowledges the need for a review of the Cork City Landscape Study (CCLS) 2008 to provide a clear evidence base on the character features of the City's landscapes and guidance on the location, scale and design of new development.

The CCLS put forward a series of recommendations, both practical and policy based, to guide development control and the landscape management policies of the 2009 City Plan. It also identified 7 key sites which were studied in detail, including illustrated examples showing how to integrate development in varying contexts.

The CCLS acknowledged that the landscape in the city is not static. It is constantly evolving, particularly as the uses, land development and regeneration change to meet the demands and needs of the growing population, and as a driver of economic, physical and social growth. Section 5 of the report concluded that the

majority of the policies contained in the CCDP 2004 were adequate in their provision of protection, enhancement and management of the landscape assets in the city, though further improvements were required to tree protection and management, and landscape protection.

In our opinion neither the 2009 City Plan nor the current 2015 City Plan accurately reflect the recommendations of the CCLS as they have adopted a very conservative interpretation which promotes the **preservation** of sites as a whole rather than the protection of the individual assets. The CCLS 2008 did not advocate for the preservation of sites in their entirety, rather it offered recommendations as to how development management principles might facilitate development of an appropriate scale in such areas, while also protecting/preserving the identified landscape features where relevant.

It is also important to note that the CCLS did not recommend the change in emphasis from landscape protection to landscape preservation which was subsequently made in the 2009 City Plan, nor is the term 'preservation' used explicitly in the CCLS. The Oxford Dictionary defines the verb 'preserve' as "*to maintain (something) in its original or existing state*", whereas the verb 'protect' is defined as "*to keep safe from harm or injury*". While the works may appear similar in normal usage, the preservation of something infers that little to no changes are allowable to the original, whereas its protection might allow for some changes so long as the important asset or characteristic is maintained.

In our opinion, the CCLS should not be blamed for the unduly restrictive landscape policies which were adopted in the 2009 and 2015 City Plans as the study recommended a more flexible approach which focused on the protection of specific assets rather than the preservation of entire sites. It should also be remembered that the study was carried out at a time when the population of the City was steadily declining from 135,000 in 1976 to 119,00 in 2011 and there was limited demand for infill housing in the older suburbs where most of the LPZs were designated.

The key point is that, in 2008, there was little appreciation of the need for a balanced and sustainable approach to the potentially conflicting objectives of the preservation of urban landscape and the creation of a more compact and sustainable City. In 2008 landscape preservation was treated as an independent policy objective which only needed to be justified on its own terms. It is essential that the terms of reference for any review of the CCLS have due regard to the primary strategic objectives to create a much more compact and sustainable city and to achieve a very significant increase in the supply of accessible and affordable housing in the older suburbs.

2.3 Negative Impact of the LPZ Zones on Housing Supply

An analysis of the planning history of the 64 LPZs in the current City would show that very little development has occurred on holdings which include or overlap the landscape preservation zones which were adopted in 2009. We estimate that only 600 no. dwelling units have been permitted on or immediately adjoining the 184.5 hectares designated for landscape preservation. The most relevant cases are:

- The permission granted by the City Council under 11/34953 for mixed use redevelopment of the former diocesan seminary at Farranferris which included some housing which encroached on LPZ NW10.
- The permissions granted by An Bord Pleanala under PL 28.219782 and ABP-300690-18 for apartments on the site of the Good Shepard Convent. The first permission included some encroachment on LPZ NW17. The second incorporated the LPZ as public open space
- The permission granted by An Bord Pleanala under Case No. ABP-308923-20 for a strategic housing development on the grounds of the former St. Kevin's Hospital which incorporated LPZ NW2 as public open space.

Having regard to the extent of the area designated as LPZs (184.5ha) this level of housing supply represents a very unsustainable use of land which in many cases is:

- (a) relatively close to the city centre,
- (b) served by high capacity bus routes and
- (c) accessible to a wide range of social retail and community services which are struggling to survive due to the decline in the population of their local catchments.

2.4 Impact of LPZ NE8 on the Development Potential of Clifton Convalescent Home

Our client's lands are located within LPZ NE8. There have been two recent applications for permission on the site.

Under Planning Ref. 18/37931 / ABP-303454-19 an application for permission to demolish the landmark convalescent home and construct 9 no. detached dwellings, was permitted in full by Cork City Council even though one of the dwellings was within the area zoned LPZ .NE8. When the decision was appealed by a third party An Bord Pleanala, required omission of the dwelling within the LPZ. The Inspector had assumed that the proposed dwelling would:

"entail the removal of two trees and the reduction in scope for additional tree planting. It would also encroach upon a valued landscape area and it would obscure the line of sight between two buildings of significance, i.e. Clifton House and its gate lodge"

Under Planning Ref. No. Ref. 19/38883 / ABP-306663-20, a second application was submitted to Cork City Council seeking to restore the single dwelling within LPZ NE8. It was argued that permission should be granted having regard to:

- The fact that Clifton House is not a protected structure;
- The lack of any tree canopy on the site of the proposed dwelling;
- The physical relationship between Clifton House and the gate lodge;
- Misrepresentation of the policy objectives for Landscape Preservation Zones in the City Plan.

On this occasion the City Council's planning and conservation reports recommended refusal in deference to the Board's decision even though the officers in question had concluded in their previous reports that the construction of a dwelling adjoining the gate lodge was consistent with Objective 10.5 of the

CCDP. The Applicant then appealed the City Council's decision on several grounds including that the planning and conservation reports contradicted their previous conclusions relating specifically to the LPZ status of the site. The Board upheld the refusal stating that the proposal for a single dwelling was not in accordance with the NE8 LPZ designation for the site and did not constitute an "exceptional circumstance" where there is a "general presumption against development".

This decision has major implications for the City Council's ability to implement the Core Strategy set out in the Draft Development Plan if 184.5 ha of the City suburbs remain designated as Landscape Preservation Zones. The fact that there was an objection in principle to even a single structure within a relatively low lying and secluded part of the LPZ indicates that the policy as currently worded is effectively a blanket restriction on any development which would encroach on an LPZ.

The impact of the LPZ NE8 zoning at Clifton is that the development potential of a property which:

- (a) is an infill/brownfield site;
- (b) is located within an inner suburb with a wide range of social amenities;
- (c) was fully zoned for residential development up to 2009;
- (d) is well served by public transport;

is currently restricted to 6.6 units per hectare. In our opinion this unsustainable and contrary to national and regional policy.

3. Conclusion

Having regard to the NPF which endorses compact development and sets a target for at least 50% of development to be facilitated within brownfield/infill sites, a more balanced approach needs to be taken to the objectives of promoting sustainable development while preserving landscape character in urban areas.

There are currently 184.5 hectares of serviced land within the City suburbs which have been zoned for landscape protection since 2009 and have made very little contribution to housing needs or to supporting local services. The presumption against development apart from exceptional circumstances means that there is little or no scope for flexible solutions which might protect landscape assets as part of a sustainable development.

It is submitted that the current LPZ designation should be replaced with residential zones which are crosshatched to signify that a development brief will be required which would:

- Identify and assess the landscape character of the site and the various assets which warrant protection;
- Assess the development capacity of the site in terms of density and building height;
- Identify the impact assessment reports which would be required to support any planning applications including, for example, the landscape and visual; trees and tree groups; biodiversity; building conservation; historic landscape and the setting of landmark buildings.

In our opinion, the former Clifton Convalescent Home at Montenotte is a particularly appropriate site for rezoning given that:

- (a) when the restrictive landscape zoning was introduced for the Montenotte Ridge in the 2004 City Plan, Clifton was left out of both the Ridge Protection and the Landscape Protection Zones and was fully zoned for residential development;
- (b) no adequate evidence or justification was given for the partial re-designation of Clifton as LPZ NE8 in the 2009 City Plan.
- (c) the net effect of the current zoning is that the development potential of this infill/brownfield site has been restricted to 2 existing and 8 permitted dwelling units giving a net density of just 6.6 units per ha.

We therefore ask the Council to rezone the property for residential use subject to the requirement that a development brief be prepared to protect any features of landscape value.

We thank you for the opportunity to engage with the Council in relation to these matters and trust that due consideration will be given to the issues raised herein.