



An
Bord
Pleanála

Inspector's Report PL.28.247455

Development	Part demolition of existing residential care building and construction of 4-storey extension with associated site works.
Location	Grattan Street, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	16/36779
Applicant(s)	Good Shephard Services Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Middle Parish Community Association, Concern Worldwide
Observer(s)	None
Date of Site Inspection	1 st December 2016
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located off Grattan Street within Cork City Centre and to the south of the River Lee North Channel. The general character of the land-uses in the immediate area are mixed and typical of a city centre location.
- 1.2. The size of the appeal site is approximately 0.16 ha (0.4 acres) and the shape of the appeal site is irregular.
- 1.3. The existing building on the appeal site is predominately two-storey in height however there is a small portion of the building which is single storey in height.
- 1.4. There is surface car parking to the front of the site with access onto Grattan Street.
- 1.5. There is also a larger surface car park situated to the rear of the site with access onto Grattan Street, via a neighbouring car park.
- 1.6. There is a newly constructed 4-storey apartment building located to the immediate north of the subject site and situated to the immediate south there is St. Peter's Park an established public open space with access from Grattan Street.
- 1.7. There is an existing pedestrian lane located to the immediate north of the appeal site with direct access to North Main Street. North Main Street is located to the east of the appeal site.
- 1.8. There is also a 4-storey apartment building located to the rear (east) of the site and this building overlooks the subject site.

2.0 Proposed Development

- 2.1. The proposed development involves the renovation of an existing building and the construction of a new build. It is also proposed to significantly alter the existing building and construct a 4-storey extension onto the side of the existing building fronting onto Coleman's Lane.
- 2.2. The proposed development also includes the demolition of a part single-storey, part two-storey portion of the existing residential care building.
- 2.3. The proposal also includes 2 new two-storey glazed link corridors onto Morley's Lane and the realignment of vehicular access including new gates.

Additional information sought in relation to (a) the overall design and its relationship with adjoining uses, and (b) revised notices will be required.

3.0 Planning Authority Decision

3.1. Cork County Council decided to grant planning permission subject to 17 conditions. The conditions are standard for the nature of the development.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

- The site is currently laid out as a car park and was acquired by Cork City Council in 2012.
- An existing right of way crosses the site and gated access to the rear of no. 91 is available through the site.
- The issue regarding the right of way was referred to Road's Section who have no comments.
- The site is difficult to develop given the demands on the site to meet a number of objectives.
- It is desirable that the site has animation onto the laneway whilst at the same time guarding anti-social behaviour.
- There are concerns with the day-to-day management of the facility and planning conditions are limited in this respect.
- Issues such as loitering and access maybe addressed by planning condition.
- The Archaeologist notes that the pedestrian access on Coleman's Lane shall be retained however this shall enhance the function of the lane.
- The function of the lane should be improved as an important route-way through the historic core rather than becoming an access to Edel House / rear of properties on North Main Street.
- Traditional thoroughfares require preservation within any development of the area.

- Planning policy Section consider that if adverse amenity impacts on the surrounding residences cannot be mitigated by design solutions or management the proposed land-use may be incompatible with the policies for the area.
- There are concerns with the impact of the proposal upon the amenities of the adjoining buildings to the east and west for apartments which have windows / balconies in the gable end.
- It is noted that the proposed development is set back a mere 1.5m from the property boundary in these locations.
- It is concluded that additional information is required to address the issues outlined above.

3.2.2. Environmental Waste Management & Control; No objection subject to conditions.

3.2.3. Drainage Division; No objection subject to conditions.

3.2.4. Archaeologist; - the site's environs was excavated in 1990/91 and a range of important archaeological features and deposits were identified. Conditions recommended in event of grant of permission.

3.2.5. Transportation Division: No objection subject to conditions.

3.2.6. Planning Policy Section; There are concerns that the integration of the proposed development will result in adverse impacts on public open space and residential amenities. The existing site poses a number of design challenges. It is considered that if adverse amenity impacts cannot be addressed in a design solution or a management plan then the proposed land-use maybe incompatible with policies for the area.

3.3. Third Party Observations

There are seven third party submissions and the issues raised have been noted and considered.

3.4. Submissions

There is a submission from Irish Water who outline that they have no objections.

4.0 Planning History

- L.A. Ref. 02/26037 – Permission **granted** to erect a two-storey building adjacent to Edel House, comprising of crèche on the ground floor and Social Training Accommodation on the upper floor.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Cork City Development Plan, 2015 – 2021.

The appeal site is zoned 'Z3-Inner City Residential Neighbourhood'. The objective is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions.

Paragraph 15.9 of the City Development Plan states '*the city council is committed to protecting the established residential housing stock in these areas by restricting the development of incongruous development types and providing the range of local service provision required to ensure their attractiveness and vibrancy*'.

The appeal site is located within the North Main Street Architectural Conservation Area.

- Objective 9.32 sets out guidance in relation to development works in ACA's.

The appeal site is located within the Cork's Medieval City Wall and Objective 9.15 requires that works in these areas require archaeological surveys, test excavations and /or monitoring.

Part C – Chapter 16 sets out guidance in relation to residential development.

6.0 The Appeal

6.1. The following is the summary of a third party appeal submitted by **Middle Parish Community Association**;

- It is submitted that the subject use, given established uses in the local area has not been a success to date.
- It is contended that local residents witness violence, litter, theft, drug taking and anti-social behaviour.
- The violence and noise from male partners is disturbing.
- The violence and behaviour witnessed by residents will not bring additional persons to live in the local community.
- It is contended that long term residents will move away should the proposed development go ahead.
- The proposal will have an adverse impact on quality of life and right to privacy.

6.2. The following is the summary of a third party appeal submitted by **Concern**;

- It is requested that the right of way is fully considered in particular to the right of way enjoyed by the appellant. It is requested that this right of way is not adversely affected, impeded or diluted.

- The Board are referred to drawing AR13-01 and are requested to ensure that any car parking bays are located far enough away to ensure no interference with entry or access.
- It is noted that a road closure licence will be required. It is submitted that continued access will be required to the rear of no. 91 Main Street during the construction phase. It is requested that there is no interruption to the right of way during the construction phase.
- It is requested that there are no opening windows onto Coleman's Laneway for health and safety reasons.
- It is also requested that any windows that overlook no. 91 North Main Street are obscured in the interest of privacy.

6.3. Applicant Response

The following is the summary of a response submitted by the applicant's agent;

Background

- Edel House which provides emergency accommodation for woman and children has been in existence since 1972.
- Edel House is an amalgamation of a night service and day service for vulnerable woman and children.
- Edel House can accommodate up to 10 families and has capacity for up to 18 single women.
- The property is the only homeless shelter in Cork that can admit and care for children.
- Woman and families using this service will eventually secure their own home, either local authority housing or social housing.
- Since mid-2013 the occupancy rate has increased by 100% in addition to a significant waiting list.
- The rise in demand for the services has resulted in a significant number of woman and children turned away.

- In 2015 the service turned away 375 women as well as 281 children.
- The woman and children turned away have to live in unsatisfactory accommodation such as B&B's and hostels.

Principle of Residential Accommodation on the Site

- The proposed development is in accordance with the provisions of the Cork City Development Plan and the zoning objective for the appeal site.
- There are general strategic housing objectives in the County Development Plan (6.1a – 6.1d inclusive) to provide for socially inclusive housing to meet the various needs of different sections of the population.
- The County Development Plan contains no specific objectives in relation to homeless or sheltered housing.
- There is a large demand for emergency accommodation and the housing needs of the homeless are not met.
- Edel House is a bespoke centre catering for woman and children and currently has a waiting list of 52 children, 22 families and 7 single women.
- The shortage of available housing has resulted in families staying in Edel House for longer.
- In 2015 6 no. families and 7 single women were accommodated for a period longer than 6 months. This is a long period for families in emergency accommodation.
- The proposed development intends to improve the living conditions at Edel House rather than result in overcrowding as suggested by the appellant.
- The revised layout will result in replacing dorm style accommodation for single persons with single bed sitting type accommodation and family units being replaced by small apartments.
- The reality of emergency accommodation has changed and the needs for those using the service needs to changed.

Location of Accommodation

- The appellant argues that the inner city is already saturated with social / voluntary / charity type functions.
- The surrounding area is characterised by mixed-use developments.
- The emergency accommodation is most needed in the centre of the city and the convenient location of the subject site makes this site ideal.
- The location of the facility makes it easier for users to participate in education and development programmes which are specialised.
- Edel House is located in a convenient location and within easy walking distance to important services and facilities including schools, shops and health / medical services.
- A site segregated from the community would be detrimental to the residents and would not be in accordance with objectives of the County Development Plan.
- Given the current homeless context the proposed facility is much needed.

Management / Anti-social behaviour

- The further information submitted by the applicant addressed concerns of any adverse impacts of the proposed development on the local amenities.
- Timber cladding has been added to windows to prevent overlooking.
- The inclusion of an entrance lobby will contain noise due to lockouts.
- The need to prevent overlooking into the public park and adjoining laneway and guarding against anti-social behaviour has been addressed by providing design solutions. Vertical timber fins have been added to the windows to ensure natural passive surveillance while maintaining the privacy of the residents.
- In addition to design solutions there is a highly qualified management available to deal with anti-social behaviour.

- The facility is managed in accordance with specific operational guides for emergency accommodation.
- It is contended that removing vulnerable woman from the heart of society is only counter productive.

Impacting on adjoining properties

- The scheme has been designed to protect the amenities and privacy of the area.
- The submitted further information has addressed these concerns.
- The appellant has not specifically addressed these concerns.

Access / Right of Way

- There is no right of way over the appeal site.
- Relevant folio information is submitted demonstrating no right of way or any burdens, wayleaves associated with the site.
- The Council in granting permission were satisfied that permission could be granted without impacting on car or access to third party lands.

Road Closing Licence

- The Council requested a Traffic Management Report (TMP) as part of the additional information.
- The TMP ensures that construction related activities on the site are executed in a safe and controlled manner to minimise disruption and impacts on the amenities of the area.
- The Council deemed the TMP satisfactory.

6.4. Planning Authority Response

No comments.

6.5. Observations

None

7.0 Assessment

- Principle of Development
- Residential Amenity
- Impacts on Local Amenities
- Architectural Heritage
- Access / Right of Way

7.1. Principle of Development

The appeal site is zoned 'Z3-Inner City Residential Neighbourhood'. The objective of this land-use zoning is to reinforce the residential character of inner city residential neighbourhoods, while supporting the provision and retention of local services, and civic and institutional functions. It is notable that paragraph 15.9 of the Cork City Development Plan describes the character of these areas. These areas are described as having '*a large quantity of older housing stock, some low end commercial uses and a range of other non-residential types such as large health and education institutions and community facilities, which strongly contribute to the character of these areas*'. I would also note that paragraph 15.9 states the City Council is committed to protecting established residential housing stock in these areas by restricting incongruous development types and providing a range of local service provision which will contribute to the vibrancy of the city. I noted from a visual observation of the area that there is a mix of uses located within the immediate area of the appeal site.

The Cork City Development Plan, 2015 – 2021, sets out its residential strategy in Chapter 6. This chapter outlines that it is an objective of the City Development Plan

(Objective 6.1 (a)) to meet the various housing needs of different sections of the population. Objective 6.6 of the City Development Plan states that it is an objective to meet the housing needs of Special Categories. I would accept that the applicant's agent has adequately demonstrated the need for a facility as proposed.

I would acknowledge the appeal submissions are largely based on the intensification of the proposed development and the reputed impacts that the proposed development will have on established residential amenities.

Although the appeal site is located within very close proximity to North Main Street, which is a primary shopping street in Cork City, there are established residential communities in the immediate area of the appeal site. There are three-storey residential terraced houses located on the opposite side of Grattan Street from the appeal site. There are also newly developed apartment buildings, both 4-storey in height, to the immediate north and east of the appeal site. In addition, there is established housing located to the immediate south of St. Peter's Park. I would consider that any adverse impacts associated with the proposed development is likely to impact on these established residential amenities.

Notwithstanding the above there is an established use on the appeal site and the proposed development represents an extension to this established use.

In concluding whether the principle of development is acceptable to the appeal site I would consider having regard to the zoning objective, the established uses on the appeal site and the immediate area, that subject to protecting established residential uses that an extension to the established use is acceptable in principle.

7.2. Residential Amenity

I would note from the submitted drawings that the proposed facility, which is a two-storey building, offers communal facilities at ground floor level including reception,

kitchen, sitting room, computer room, playroom, surgery and other facilities. The first floor level offers 16 no. bedrooms some with en-suite facilities and smaller bedrooms without en-suites.

The proposed facility offers a range of communal facilities, including staff support facilities and resident support facilities. The proposed development also includes a range of bedrooms including 9 family units. The proposed family units are effectively self contained living units with separate living, including kitchen, and bedroom area and also bathroom facility. Some of the family units have single family size bedrooms whilst other family units have two separate bedrooms. The floor area of the proposed family units ranges from 45 sq. m. to 46.7 sq. metres.

The proposed facility also includes the provision of 24 no. single person bedrooms. The floor area of these bedrooms range in size from 20.3 sq. metres to 26.4 sq. metres. The single person bedrooms are effectively self-contained living units with kitchen and bathroom facilities.

I would consider that based on the nature of the use proposed that the proposed residential units proposed would not be required to comply with the minimum floor area standards for apartments in either the national guidelines or the Cork City Development Plan. I would consider that these documents are good reference guides to the minimum standard of amenity expected for permanent residential units.

The Sustainable Urban Housing: Design Standards for New Apartments, 2015, recommend minimum floor area for apartments as follows;

- Studio 40 sq. m.
- One-bedroom 45 sq. m.
- Two-bedroom 73 sq. m.
- Three bedroom 90 sq. m.

I would note that the City Development Plan, 2015 – 2021, recommends minimum floor areas for apartments as follows;

1 bed unit – 55 sq. m.

2-bed unit – 80 sq. m. to 90 sq. m.

3-bed unit – 100 sq. m.

The proposed facility, as outlined by the applicant, is essentially a temporary residential facility usually acting as a bridge accommodating homeless persons prior to securing permanent homes in either local authority housing or social housing. As such I would not consider that the above minimum required floor area standards would be an appropriate measure of amenity for the proposed development. I would acknowledge that all the proposed residential units are single aspect and some north or north-west facing, but given the temporary nature of the residential units I would consider this acceptable.

In terms of private open space provision I acknowledge that the proposed facility includes some internal family recreational facilities and also includes an external green space which is fully enclosed. It is proposed that the green space will be landscaped as a lawn space and there is direct access from the proposed building to the green space. Although the proposed green space adjoins the adjoining public park, St. Peter's Park, there is an established stone boundary wall which will prevent any access between the proposed green space and the adjoining public park.

Overall I have considered the residential amenities for future occupants above and I would consider that the proposed development, having regard to the temporary nature of the residents that the proposed development would offer an adequate level of residential amenity.

7.3. Impacts on Local Amenities

I have outlined in Section 7.1 above that there is a number of residential communities located within the immediate environs of the proposed development.

I note from a visual observation of the local area that the appeal site in question is a tight urban infill site and that there are established uses, including residential, situated adjacent to the appeal site boundary. In that context I would consider that design is an important ingredient in considering whether the proposed development is acceptable.

There is an established 4-storey apartment building situated to the immediate east of the appeal site. This 4-storey building includes large corner windows which would effectively provide a north and west aspect for existing occupants. This existing building is set back from the boundary line with the appeal site by approximately 1 metre. The proposed 4-storey building is set back from the boundary line with the aforementioned 4-storey building by approximately 1.5m. The eastern elevation of the proposed 4-storey building has no elevation that would cause overlooking.

I would acknowledge that the City Development Plan sets out guidance in relation to building height and in assessing the proposed development I would have regard to paragraph 16.26 and paragraph 16.29 of the City Development Plan in particular. The applicant has revised the elevation detail of the proposed development in an attempt to improve the relationship with the existing 4-storey building situated to the immediate east of the appeal site. The proposal effectively involves reducing the size of the function room at first floor level and relocating unit no. S03 and the stairwell. The revision is also proposed at first and second floor level. The net effect of the revised layout allows for an increased set back distance from the existing apartment building immediately east of the appeal site. I would consider that the design relationship between the proposed 4-storey building and the existing 4-storey building to immediate east of the appeal site is acceptable.

The proposed 4-storey extension is located adjacent to a public laneway, i.e. Coleman's Lane and a 'right of way' which provides access from the City Car Park to a site immediately east of the appeal site. The proposed 4-storey north-west elevation will face towards both the right of way and Coleman's Lane. I noted from a visual observation of the area that Coleman's Lane provides pedestrian permeability between Grattan Street and North Main Street and this pedestrian link is poorly supervised currently given the nature of the established uses, i.e. surface car parking and also given that the back of the properties on North Main Street face onto the laneway. I would consider that the proposed four-storey elevation would improve passive surveillance given the design and therefore would be an improvement in security terms. In addition, the applicant submitted details at the further information stage providing for screen fencing which will provide security from any potential anti-social behaviour. I would consider that the relationship between the proposed 4-storey building the neighbouring Coleman's Lane is acceptable.

The proposed development is also located adjacent to a 4-storey apartment building located immediately to the west of the appeal site. I would note that this existing 4-storey building has windows facing towards the appeal site and the proposed development. The proposed western elevation facing this existing building has minimum windows and is set back approximately 1.5m from the neighbouring building which is similar to the building to the immediate east of the appeal site. The applicant revised the western elevation, following a further information request, by Cork City Council. The applicant in addressing the concerns of City Council has relocated the stairwell at the western end of the proposed 4-storey extension and this has allowed for a greater set back distance from the proposed building to the existing 4-storey building located immediately west of the appeal site. Overall I would consider it is an acceptable relationship having regard to the city centre location and the development plan guidance.

In conclusion I would consider it appropriate given the nature of the appeal submission and should the Board favour granting permission that the applicant is required by a condition to submit to the Local Authority a management and operational plan for the proposed facility. The purpose of the proposed plan is to ensure that the facility will be operated without unduly impacting on established residential amenities.

7.4. Architectural Heritage

The proposed development is located within the North Main Street Architectural Conservation Area. The proposed development is essentially removed from North Main Street given its location and as such the proposed development would not detract from the character of the area.

7.5. Access / Right of Way

One of the appeal submissions outlines that there is an established right of way from Grattan Street to the rear of North Main Street and requests that this right of way is retained. I would note from submitted drawing AR13-01 that the proposed development provides for a right of way to the immediate south of Coleman's Lane and I would consider that the proposed development would not impede on this right of way.

I would note that an established right of way is a legal issue which the Board are unable to adjudicate on within the remit of the Planning and Development Act. It is important to note Section 34(13) of the Planning and Development Act, 2006, which states '*a person shall not be entitled solely by permission under this section to carry out any development*'. There is therefore an obligation on the applicant to ensure that they have full legal title before proceeding with any permitted development.

8.0 Recommendation

- 8.1. I have read the submissions on the file, visited the site, had due regard to the City Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

9.0 Reasons and Considerations

Having regard to the zoning objectives of the current Development Plan for the area and to the overall scale, design and height of the proposed development, it is considered that subject to compliance with the conditions set out below that the proposed development would not seriously injure the amenities in the area, and would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by plans and particulars submitted to Cork City Council on 2nd September 2016 and, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified as follows:

The glazing elevation to the stairwells on the south facing elevation at first, second and third floor level and the west facing elevation at first, second

and third floor level shall be removed and replaced with a solid elevation.

Revised drawings showing compliance with the above requirement shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In order to prevent any undue overlooking of established residential amenities.

3. Prior to commencement of development an operational and management plan for the hereby permitted use shall be submitted to the local authority for agreement. This plan shall include comprehensive details of the management of the facility which shall include details of;

- operational hours of the facility
- maintenance of building and external spaces
- noise reduction measures
- security
- procedures to address anti-social behaviour off-site and on-site

Reason: In the interest of protecting established amenities in the local area.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Public lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of residential amenity and public safety.

7. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

8. Full details of the vehicular and pedestrian access to serve the proposed development shall be submitted for written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of traffic safety.

9. Water supply and all drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

10. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.

Reason: In the interest of amenities and public safety.

11. Prior to the commencement of development the developer shall submit, and obtain written agreement of the planning authority for the following (a) a plan containing details of the management of waste (and, in particular, recyclable materials) within the development including the provision of facilities for the separation and the collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, (b) litter management scheme for the proposed development.

Reason: To provide for appropriate management of waste and in particular, recyclable materials, in the interest of protecting the environment and the amenities of the area.

12. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

13. The developer shall ensure that prior to commencement of development, details of a Traffic Management Plan during the construction phase, shall be submitted to the Planning Authority for their written agreement.

Reason: In the interest of development control and traffic safety.

14. Details of the manner in which the car parking spaces in the adjoining car park are to be reconfigured to allow for access to the development shall be submitted to and agreed in writing with the Planning Authority prior to development commencing. The consent of Cork City Council shall be obtained in this regard and all costs associated with same shall be borne by the developer.

Reason: In the interests of clarifying this permission and proper planning and sustainable development.

15. Archaeological Monitoring shall consist of the following;

(a) The Developer shall engage the services of a suitably qualified Archaeologist licensed under the National Monuments (Amendment) Acts, 1930 – 2004, to monitor all topsoil stripping associated with the development.

(b) Should archaeological material be found during the course of monitoring, the Archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Developer shall be prepared to be advised by the Local Authority with regard to any necessary mitigating action (e.g. preservation in situ, and/or excavation). The Developer shall facilitate the archaeologist in recording any material

found.

(c) The Planning Authority shall be furnished with a report describing the results of the monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of sites, features or other objects of archaeological interest.

16. The flood mitigation measures shall be carried out in accordance with the proposals in the Flood Risk Assessment submitted to the Planning Authority on 02/03/2016.

Reason: In the interests of proper planning and development.

Kenneth Moloney
Planning Inspector

7th February 2017