



An  
Bord  
Pleanála

## Inspector's Report ABP300697-18

<b>Development</b>	Student accommodation comprising 49 no. apartments/350 no. bedspaces.
<b>Location</b>	O'Riordains Joinery, Lough Road, Cork.
<b>Planning Authority</b>	Cork City Council.
<b>Planning Authority Reg. Ref.</b>	17/37374.
<b>Applicant</b>	Lyonshall (Bandon Road) Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant permission subject to conditions.
<b>Type of Appeal</b>	Third Parties v. decision and First Party v. conditions.
<b>Appellant(s)</b>	(i) Noelle and William A. O'Connor and Others, (ii) Jane O'Connor and Others, (iii) Cllrs. Paudie Dineen and Mick Finn (iv) Lyonshall (Bandon Road) Limited.
<b>Observer(s)</b>	Yes – 4 No.
<b>Date of Site Inspection</b>	18 <sup>th</sup> May, 2018.
<b>Inspector</b>	Brendan Wyse.

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## 1.0 Site Location and Description

- 1.1. The site is located in the inner southern suburbs of Cork City and on the southern side of the Bandon Road/Glasheen Road (R849) near the junction with Magazine Road (R608). The Cork Lough is located a short distance (c.100 metres) to the south. University College Cork (UCC) is located approximately 200-300 metres to the north.
- 1.2. The immediate area is predominantly residential comprising mainly 1 and 2 storey housing with a limited amount of apartment development. There are some commercial/retail uses along the Bandon Road. The Church of the Immaculate Conception is a prominent landmark located a short distance to the east of the site.
- 1.3. The site has a stated area of 0.86 hectares and comprises:
  - (a) A large warehouse/industrial building and a small garage (total floor area c.3,740 square metres) and associated yards. The premises is currently in use as a joinery.
  - (b) Part of a green area associated with the Church of the Immaculate Conception.
- 1.4. Immediately adjacent uses include:
  - (i) To the north (along Bandon Road/Glasheen Road) a vacant residential/retail building and associated yard (indicated within blue line),
  - (ii) To the west residential Croaghtamore Square and Loughview Terrace,
  - (iii) To the south residential Lough Villas, and
  - (iv) To the east The Church of the Immaculate Conception and associated grounds (all indicated within blue line).
- 1.5. Ground levels on the site are generally higher than those of the immediately adjoining residential properties.

## 2.0 Proposed Development

### 2.1. Application as lodged to the Planning Authority on 12<sup>th</sup> April, 2017.

#### 2.1.1. The proposed development to consist of:

- (a) Demolition of existing industrial building and garage.
- (b) Construction of 49 no. student apartments comprising 350 no. bedspaces.
- (c) 5 no. apartment blocks, a mix of 3 and 4 storeys.
- (d) Accommodation to comprise:
  - 34 no. 8 bed apartments
  - 8 no. 7 bed apartments
  - 1 no. 6 bed apartments
  - 3 no. 4 bed apartments
  - 1 no. 2 bed apartments
  - 2 no. 1 bed studios
  - 4 no. shared study rooms
  - A shared amenity building/management area.
- (e) Gross floorspace – 11,017 square metres.
- (f) Access from existing entrance off Bandon Road.
- (g) Rear access to houses at Loughview Terrace.
- (h) Mains infrastructural services.

#### 2.1.2. Documentation submitted included:

- Planning and Design Statement.
- Visual Impact Assessment/Architectural Visualisation.
- Archaeological and Built Heritage Assessment.
- Engineering Report.
- Environmental Site Assessment.

## 2.2. Further Information – Unsolicited – 16<sup>th</sup> May, 2017.

Includes:

- Pedestrian/vehicular access will only be via Bandon Road. No such access proposed to Loughview Terrace/Church Grounds/Lough Villas.
- The development will include on site management, a dedicated maintenance response team and 24/7 emergency cover.
- Development is medium rise.
- Further visual representation from the Lough.

## 2.3. Further Information – 13<sup>th</sup> October, 2017.

Includes:

- Revised/more comprehensive Landscape Visual Impact Assessment (LVIA).
- Further reduction to ground levels not practical.
- Revised site layout plan indicating ground levels at Croaghtamore Square and Lough Villas.
- Additional site sections, including eyeline indicators.
- Revisions to the proposed development including:
  - Reduction in number of bedspaces from 350 to 324.
  - Blocks 4 and 5 replaced by a single Block 4.
  - Block 3 reduced in length by 3 metres.

Changes to layout and massing allow for views through the development to the city ridge beyond from certain viewpoints to the south-east of the Lough, in particular to the Church of the Ascension, Gurranabraher, and the provision of an enlarged courtyard containing active amenity uses.

Gross floorspace reduced to c. 10,366 square metres.

- Revised sections, internal relationship drawings and landscape plans, including boundary treatments.

- Compliance with 2015 Apartment Standards not applicable in addition to the Guidelines on Residential Developments for Third Level Students (S.50 of the Finance Act 1999).
- In relation to private amenity space the 2015 apartment standards do not apply to student accommodation. Reference to Dublin City Development Plan standards in addition to the 1999 Finance Act Guidelines.
- A draft Student Accommodation Management Plan.
- Units will be available as summer holiday lets outside of the academic year.
- An Ecological Assessment Report, with specific reference to the Lough (pNHA), and including a bat survey/assessment.
  
- In relation to traffic and public lighting:
  - Revised junction layout at proposed entrance and special contribution proposed towards Bandon Road/Magazine Road junction improvement scheme.
  - Proposed 22 no. parking spaces is below the maximum standard in the development plan.
  - Proposed 81 no. covered bicycle spaces meets development plan standards.
  - A Stage 1/2 Road Safety Audit report.
  - Internal layout design follows the principles of DMURS with pedestrian priority throughout.
  - Traffic and Transport Assessment not required.
  - Design Standards for public lighting.
- Confirmation of storm water management, including a decreased impermeable area and modest attenuation proposals.
- An Environmental Site Assessment Report confirming no evidence of any significant soil contamination and outlining measures for the removal/disposal of asbestos.

- Revised public notices.

#### 2.4. **Further Information (Clarification) – 10<sup>th</sup> November, 2017.**

Includes:

- Drawings omitted from Further Information submitted on 13<sup>th</sup> October, 2017 and some additional drawings.

#### 2.5. **Further Information – 16<sup>th</sup> November, 2017.**

Includes:

- Revised public notices re Further Information submitted on 13<sup>th</sup> October and 10<sup>th</sup> November, 2017.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. This is a decision to grant planning permission subject to 37 conditions.

Conditions include:

1. Development to be carried out as amended in Further Information submissions on 13<sup>th</sup> October, 10<sup>th</sup> November and 16<sup>th</sup> November, 2017.
2. (a) The ground floor level of the southern half of Block 4 to be revised to 31 metres OD.  
  
(b) Apartment No. 04.03.02 Block 4 to be revised from an 8 bed unit to a 6 bed unit by omission of two of most westerly bedrooms – a disabled accessible bedroom shall be retained in this unit.  
  
(c) The remainder of the top floor of Block 4 (southern elevation) to be faced in contrasting brick to the floors below.

**Reason:** In the interest of the visual amenities of the area.

3. Use as student accommodation only and ancillary use as proposed.
8. Landscaping as per scheme submitted.
9. Boundary treatment as per amended detail submitted on 13<sup>th</sup> November, 2017 and requirements re party boundary to west of site.

18. Road improvements as per Further Information submission on 13<sup>th</sup> November, 2017 and at applicant's expense.
21. Parking details, including a requirement for additional bicycle parking spaces.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports (3 no.).**

Basis for Planning Authority decision.

Include:

- The first report recommended further information/assessment in relation to:
  - Visual impact of the development on the setting of the Lough, the character of the area and the amenities of adjoining properties.
  - Separation distances to adjoining boundaries, amenity levels and boundary treatments.
  - Compliance with both the 1999 Guidelines for Student Accommodation and the 2015 Design Standards for New Apartments.
  - Management of the development and possible summer lets.
  - Ecological assessment.
  - Traffic and related issues.
  - Details of proposals for access to lands to rear of properties at Loughview Terrace.
  - Drainage issues.
  - Possible site contamination.
- The second report referred to the absence of drawings listed in the schedule to the further information submitted on 13<sup>th</sup> October, 2017 and recommended they be sought.
- The third report recommended permission as per the Planning Authority Decision.



It is also noted that similar issues to the above were also raised in the pre-application consultations with the Planning Authority.

### 3.2.2. **Other Technical Reports**

(i) Drainage (2 no.)

Following Further Information Submissions – no objection subject to conditions.

(ii) Environment (3 no.)

No objection subject to conditions.

(iii) Ecology (2 no.)

Following Further Information Submissions – no objection subject to conditions.

(iv) Transport and Mobility (2 no.)

Following Further Information Submissions – no objection subject to conditions.

(v) Roads Design (Planning)

Following Further Information Submissions – no objection subject to agreement re final design details.

### 3.3. **Prescribed Bodies**

Irish Water

No objection.

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

- 3.4.1. A very large number of observations were lodged with the planning authority at initial application stage and following the further information submissions. They included individual and signed petitions. Parties comprised local residents, public representatives and residents/community associations. All of the submissions were in objection to the proposed development.

- 3.4.2. Issues raised were generally similar to those raised in the third party grounds of appeal (see Sections 6.1.1 to 6.1.3 below). Concerns in relation to traffic and parking were more broadly raised.

## 4.0 Planning History

None of relevance on site.

Note: Planning Authority Planner's report sets out the planning history of existing premises on the site. It also refers to a 2003 refusal of permission for a mixed retail/apartment/duplex development at No. 71 Bandon Road, adjoining the front of the appeal site (P.A. Ref. 03/27683).

## 5.0 Policy Context

### 5.1. Development Plan

#### **Cork City Development Plan 2015 – 2021**

The development plan is widely referenced in submissions in this case. The following is a summary of those provisions of the plan that I consider to be most relevant.

#### **Zoning and Related Objectives**

The majority of the site is zoned ZO4, Residential, Local Services and Institutional Uses [Ref. Map. 7 South Central Suburbs (Vol. 2) and Parag. 15.10 (Vol. 1)]. The provision/protection of residential uses and amenity is a central objective.

The frontage of the site to the Bandon Road is zoned ZO10, Local Centres [Ref. Map 7 (Vol. 2) and Parag. 15.17 (Vol.1)]. The focus here is on small scale retail and service provision.

This frontage, together with the Bandon Road to the east and west and the adjacent residential streets of Croaghtamore Square, Loughview Terrace and Lough Villas, is designated as a Historic Street Character Area (HSCA) [Ref. Map. 7 (Vol. 2) and Parag. 9.57 (Vol. 1)]. These designations refer to some older residential areas outside the city centre which have street frontages/groups of buildings of architectural/social interest. Objective 9.33 refers to the protection of the

physical/architectural character of these areas, avoiding insensitive alterations which would detract from their character.

The Lough is zoned ZO19, Rivers/Water Bodies Protection [Ref. Map. 7 (Vol. 2) and Parag. 15.27 (Vol. 1)]. Rivers and waterways are recognised as important for their intrinsic qualities as open spaces, and their landscape/natural heritage/ recreational/ visual values.

The lands immediately surrounding the Lough are zoned ZO14, Public Open Space [Ref. Map. 7 (Vol. 2) and Parag. 15.21 (Vol. 1)]. The focus in this zone is the protection/provision of recreational uses, open space and amenity facilities.

The lands immediately surrounding the Lough are also designated as an Area of High Landscape Value (AHLV) [Map 7 (Vol. 2)].

The Greenmount Architectural Conservation Area (ACA) is located to the east [Ref. Map. 7 (Vol. 2) and p.76 (Vol. 3)]. The area includes the Lough Church (Church of the Immaculate Conception) and its immediate grounds (outside the appeal site).

The Bandon Road ACA is also located to the east [Ref. Map 7 (Vol.2) and p.73 (Vol.3)]. It comprises a small group of buildings on the corner of Bandon Road and Lough Road.

### **Core Strategy** [Chapter 2 (Vol. 1)]

Strategic goals include:

**Goal 1** – Increase population and households to create a compact sustainable city. This refers to an ambitious target for population growth in the city.

**Goal 2** – Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live/work/visit/invest in.

**Goal 5** – Maintain and capitalise on Cork's unique form and character. This refers to the dramatic east-west ridges creating the visual setting for the city. The focus is on protecting and capitalising on the unique character while providing opportunities for new development.

**Goal 7** – Protect and expand the green infrastructure of the city. This relates to recreation, landscape and biodiversity.

## **Residential Strategy** [Chapter 6 (Vol. 1)]

Objective 6.1, Strategic Objectives, refers to:

- encouraging the development of sustainable residential neighbourhoods,
- the provision of a variety of housing types,
- encouraging the use of underused land/buildings,
- promoting high standards of design,
- protection/enhancing amenities of existing residential areas.

Objective 6.5 refers to student accommodation but only in relation to a requirement that a change of use from such accommodation to other types of accommodation should require planning permission. Generally, such a change is to be resisted unless an oversupply of student accommodation can be demonstrated.

## **Landscape and Natural Heritage** [Chapter 10 (Vol. 1)]

Within the landscape character areas, as identified (8 no.), the Lough is defined within the category 'urban sylvan character' [Ref. parag. 10.8].

The Lough is also identified as a key water landscape asset of the city [Ref. Table 10.1, Item B]. Objective 10.2 refers to the preservation of Cork's unique and distinctive landscape character through the appropriate management/enhancement of key landscape assets.

Objective 10.4 refers to the conservation/enhancement of the character/visual amenity of areas of High Landscape Value (AHLV). Development will only be considered where it safeguards the value/sensitivity of the particular landscape and there will be a presumption against where significant harm/injury to the intrinsic character of the area would arise.

Parag. 10.25 refers to local views of significance, outside the scope of the identified strategic views/prospects of special amenity value, that are also very important to the character/legibility of neighbourhoods. Such local views will be identified on a case-by-case basis through the planning process and there will be a presumption against proposals that cause unacceptable harm to these. Objective 10.6 (second parag) also refers.

The Lough is a designated pNHA and a Wildfowl Sanctuary under the Wildlife Act 1976. It is an important habitat for a variety of species of birds, bats and fish [Ref. parags. 10.44 and 10.45 and Objective 10.7]. Objective 10.8 refers to non-designated areas of biodiversity importance and a commitment to work with local communities, and others, to identify/protect such areas.

### **Development Management** [Chapter 16 (Vol. 1)]

Parag. 16.68 refers to Student Accommodation. Given the growth and planned future expansion of the city's major educational institutions it is recognised that there is a demand for specific residential accommodation to cater for this need. Criteria to be taken into account in assessing planning applications for such development include:

- Location/accessibility of educational facilities and proximity to existing/planned public transport/cycle routes.
- Potential impact on residential amenities.
- Adequate amenity areas/open space.
- Level/quality of on-site facilities, including storage/waste management/bicycle/leisure facilities, car parking etc.
- Architectural quality of design/layout etc.
- Documentary confirmation of a 'Qualifying Lease' as defined in Guidelines for Residential Development for Third Level Students (Department of Education and Science, May 1999).

Objectives 16.1 and 16.2 require design statements and visual impact assessment with all significant planning applications.

Part B refers to Urban Design. Objective 16.3 refers to the delivery of high quality built environments through good place making.

Table 16.1 sets out indicative plot ratios for different parts of the city. Within the Inner Suburban (pre-1920 city), in which the appeal site is located, the range of 1.0 – 1.5 is indicated. Quality will be an over-riding consideration and a key aspect of the assessment of proposals relates to their context/fit relative to existing development [Ref. parag. 16.16].

Objective 16.4 refers to skyline and roofscapes. It indicates that new building should enhance the roofspace in terms of bulk/massing/materials/aesthetics and take account of special amenity views etc.

Parag. 16.33 indicates that inner urban areas, that is the pre-1920 city outside the commercial core, and in which the appeal site is located, typically have a general building height of 1.5 to 3 storeys. New development is required to respect this scale of development due to the important character of these areas and their high visibility from the city centre and historical approach roads.

Parag. 16.42 indicates that the residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare, responding to context and controlled by other considerations, such as plot ratio and other planning/design measures.

Table 16.8 sets down maximum car parking standards. 1 space per 10 bedspaces for student housing is indicated for Zone 3, where the appeal site is located.

Table 16.9 sets down bicycle parking requirements. 0.5 per student bedspace is indicated.

## **5.2. National Policy/Guidance**

### **5.2.1. National Planning Framework (Government of Ireland, February 2018)**

In general terms it will be noted that the Framework sets highly ambitious growth targets for Cork City, proposing a c.50% growth in population to 2040. In achieving this it places a great emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context.

At Section 6.6, dealing with housing, the Framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

5.2.2. **Planning and Development (Housing) and Residential Tenancies Act 2016**

Includes provision for the fast tracking of planning applications for student accommodation of greater than 200 bedspaces and financial supports for higher education institutes for new student accommodation.

5.2.3. **National Student Accommodation Strategy** (Department of Education and Skills, July 2017)

Designed to ensure an increased level of supply of purpose built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024.

5.2.4. **DHPCLG Circular PL8/2016 APH 2/2016** (July 2016)

Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be used by other persons/groups during holiday periods.

5.2.5. **Guidelines on Residential Developments for Third Level Students, Section 50 Finance Act 1999** (Department of Education and Science, 1999)

Section 50 of the Finance Act, 1999, provided for tax relief for rented residential accommodation for third level students. The guidelines include stipulations in relation to floor areas, layout, amenities and facilities within such developments and which have to be satisfied in order to qualify for the relief.

The guidelines were issued without prejudice to the provisions of the Planning Acts or the relevant local authority development plan.

A number of matters arising since the publication of these guidelines were addressed in further guidelines issued in July 2005 (Matters Arising in Relation to the Guidelines on Residential Developments for Third Level Students, Section 50 Finance Act 1999). Most of these were of a legal nature.

5.2.6. **Natural Heritage Designations**

Lough pNHA and Wildfowl Sanctuary – see above (Section 5.1).

Otherwise – none relevant.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### 6.1.1. Noelle and William A. O'Connor and Others

This is an appeal by/on behalf of a number (21) local residents.

Main grounds include:

##### **Height/Visual Impact/Amenity**

- The development, being located on top of a hill, would be of excessive height and as such would visually impact on the northern ridgeline of the Lough and would be detrimental to the residential amenities of houses in the vicinity through overlooking and overshadowing.
- The monolithic appearance would be completely out of character at this location.
- The development would contravene relevant development plan policies/objectives.

##### **Densification/Student Accommodation**

- The area, characterised as mature with an aging population, already suffers an overconcentration of student accommodation and, potentially, anti-social behaviour.

##### **Strategic Importance of Church Grounds**

- C.25% of the site is undeveloped green land with trees and should not be developed.
- Its development would be contrary to development plan natural heritage objectives.
- The field is part of a habitat corridor linking to the Lough (pNHA) and used by bats and other fauna.
- An EIS, including an ecological report, should have been submitted with the application. The application should have been referred to the NPWS.



### **Bat Survey**

- This failed to measure/assess the impact arising from loss of habitat for bats and other wildlife, particularly in relation to the greenfield part of the site.
- The development would interfere with bat commuting routes and be contrary to the local development plan policy and national and EU protective legislation.
- Artificial light spill will further impact bat populations.

### **Cork City Biodiversity Action Plan 2009 – 2014 (as incorporated into the Cork City Heritage Plan 2015 – 2020)**

- This plan not taken into account in the planning process.
- The Lough is a pNHA and a Wildlife Sanctuary, protected under national and EU legislation. It is also an Area of High Landscape Value (AHLV) in the development plan.
- The loss of connective habitat is contrary to objectives of the Heritage Plan in relation to the Lough.

### **Application of Student/Apartment Guidelines**

- Lack of clarity on application of guidelines.
- In An Bord Pleanála Ref. 28.248387 (recent approval for 49 bed spaces close to site) the Inspector relied on the 2007 Guidelines.
- The 2015 Design Standards for New Apartments should apply.
- Details/evidence provided of overconcentration of student accommodation in area (Appendices 8 and 9).

The submission includes photographic and drawn illustrations.

#### **6.1.2. Jane O'Connor and Ronan Lucey and Mary and Ted Lucey**

Jane O'Connor and Ronan Lucey reside at "Cherryfield", Lough Villas, adjoining the appeal site.

Main grounds include:

### **Height of Buildings**

- The development, on high grounds, would be excessively high and bulky.
- The development would be in conflict with relevant development plan policies/objectives.

### **Residential Amenities**

- The development would result in houses being overlooked and overshadowed.
- The area already has an overconcentration of student accommodation.

### **Historic Character**

- The monolithic appearance would be completely out of character at this location.
- The Lough Church is identified in the NIAH (Ref. 20504231).

### **Car Parking**

- The provision of car parking is inadequate particularly in the context of summer letting.

### **Drainage**

- Queries re capacity of the sewer network and appropriateness of run-off rates in the light of climate change.

### **Natural Heritage**

- The setting of the Lough (pNHA) will be compromised through interference with and closing off the views to the city's northern ridgeline and threats to biodiversity.
- The trees in the church grounds are listed/referred to in the development plan in the context of protection.
- The development will be detrimental to bats as a result of artificial lighting and noise and the removal of existing buildings and a green area/commuting route.

- There is a concern that such a major construction project could have detrimental impacts on groundwater in the underlying limestone and threaten existing properties (through subsidence) and the Lough waters.

### **Landscape**

- The buildings would be dominant and overbearing in views to the ridgeline from the Lough. Reference to inconsistencies in the Planning Authority Planner's reports in this regard.
- The proposed development is contrary to relevant development plan policies and objectives. The development plan's numerous references to the Lough is indicative of its significance.

The submission includes photographic and drawn illustrations.

#### **6.1.3. Cllrs. Paudie Dineen and Mick Finn**

This submission includes copies of submissions made to the Planning Authority, a summary document and extensive copy extracts from the city development plan.

Main grounds include:

- There is already an over-concentration of student accommodation in the neighbourhood. The city development plan contains extensive provisions for the protection of neighbourhoods.
- The Lough is an Area of High Landscape Value (AHLV) in the development plan and should be protected.
- Chapter 11 of the development plan, referring to recreation and infrastructure, includes pictures of the Lough and its setting.
- The development is premature pending the Cork city Council student accommodation strategy due to be published Q1 2018.
- The proposed 3/4 storey blocks are out of kilter with the existing residential community.
- There will be negative impacts on traffic at Denroches Cross.
- The development would give rise to overshadowing, overlooking and noise issues.

- The renowned vista of the Lough from the Orphelia Place end will be detrimentally affected.
- Reference to other student accommodation developments/applications.

#### 6.1.4. **Applicants v. Conditions 1 and 2(b) of Planning Authority Decision**

Main grounds include:

- The effect of the conditions is to reduce the proposed development from 350 to 322 bedspaces and is not warranted.
- It is contrary to the key action of Pillar 4 of 'Rebuilding Ireland – Action Plan for Housing and Homelessness' that supports the greater provision of student housing and its contribution to freeing up rental accommodation in the vicinity of third level institutions.
- The National Student Accommodation Strategy identifies the current imminent demand for student accommodation in Cork City.
- The site is predominantly brownfield, within a 5 minute walk of UCC and within walking distance of the city centre. It is also appropriately zoned.
- Further to the conclusions of the detailed LVIA submitted to the Planning Authority as further information the applicants consider that the reduction in scale/mass proposed then was unnecessary to protect the visual amenities of the area. Condition 2(b) requires the omission of 2 further bed spaces which the Planning Authority's SEP deemed necessary also on visual impact grounds.
- There is no objection to reducing the ground floor level of Block 4 to 31 metres OD, as required by Condition 2(a), or to the requirement for contrasting brick finishes.
- The Planning Authority over emphasise the contribution that the limited views of the northern ridge and the Church of the Ascension, Gurrabraher, make to the visual amenities/enjoyment of the Lough.
- The level of analysis undertaken in relation to these views was disproportionate. The views are not among the extensive number of views and prospects contained in the city development plan. The original LVIA

submitted with the application adequately assessed the visual impact of the proposed development from the Lough.

The submission includes copies of the following:

- (i) Planning and Design Statement submitted with original application.
- (ii) Landscape/Visual Analysis/Photomontages submitted with original application.
- (iii) Expanded LVIA submitted as Further Information.
- (iv) Consultation document submitted as Further Information (to inform (iii) above).

## **6.2. Appeal Responses**

### **6.2.1. Planning Authority**

No further comments.

### **6.2.2. Applicants Response to Third Party Appeals**

Includes:

#### **Suitability of Site for Student Accommodation**

- The site is one of the most sustainable and strategic locations in the city centre for student accommodation and is listed as a potential PBSA scheme in Appendix A to the Rebuilding Ireland: National Student Accommodation Strategy.
- The site is located within a short walk of UCC and the City Centre and is connected to CIT, Kent Rail Station and the central bus station via numerous bus services along the Bandon Road.
- The high concentration of students in the area is an inevitable consequence of proximity to UCC. Much of the student population is currently housed in overcrowded, unsuitable private rented accommodation. The proposed development can free up this housing for families and young professionals. It will also promote inclusive neighbourhoods as per the objectives of the city development plan.

- The development will be managed with 24-hour site security thus avoiding issues relating to anti-social behaviour.

### **Prematurity pending Cork City Council Student Accommodation Strategy**

- The suggestion that permission be refused pending the publication of this strategy would lead to an unwarranted delay in the delivery of student accommodation and the release of private rented accommodation, both of which are key priorities in national policy.

### **Height and Scale**

- The development has been rigorously justified in terms of height and scale through the application process.
- Reiterate that the Planning Authority has overemphasised the contribution of limited views of the northern ridge and the Church of the Ascension, Gurrabraher, to the visual amenities/enjoyment of the Lough.

### **Residential Amenities**

- The development plan provides that 3-5 storeys is appropriate in principle on larger development sites in suburban areas.
- As existing residences are located to the south-east or south-west no impacts, in terms of loss of light, would result.
- Separation distances employed are well in excess of development management standards.

### **Landscape and Ecology**

- The site is in an inner suburban area and is currently occupied by an industrial building. The nearby Lough is a designated area of high landscape value in the development plan and is a pNHA and Wildfowl Sanctuary. There are no European designations in the vicinity and no designated views/prospects traverse either the site or the Lough.
- Impacts identified in the LVIA were deemed slight to moderate from all but on receptor, where a moderate negative was recorded.

- The proposal represents a visual improvement and a more compatible use than the existing joinery building.
- The ecological assessment indicates no loss of habitat importance to species using Cork Lough. There would be no net loss to bat foraging grounds and mitigation measures, including bat boxes, will allow bat species to continue to traverse the site.
- The proposal would not impinge on nearby Historic Street Character or Architectural Conservation Area designations. The Bandon Road would benefit through improvements to the streetscape.

#### **Traffic**

- In recognition of the sustainable location limited car parking is proposed, restricted to staff and disabled students.
- Traffic will be reduced on current use, most of which is HGV's.
- The proposed redesign of the Bandon Road/Magazine Road junction will result in greater clarity/coherence, traffic calming and a safer pedestrian environment (Ref. Condition 18 of the Planning Authority decision).

#### **6.2.3. Jane O'Connor and Ronan Lucey and Mary and Ted Lucey Response to First Party Appeal**

Includes:

#### **Scale/Density and Height**

- The City Planners had concerns about this throughout the application process and the revised plans provided for only miniscule/meaningless changes.

#### **Visual Impact**

- The applicant's photomontages do not convey reality on the ground and are highly dependent on summer views when trees are in full foliage. Storm Ophelia has resulted in the loss of some trees and, in recent months, the Council has removed much of the large tree branches.
- Pictures/photomontages included.

- The views to the northern ridge and the Church of the Ascension are highly important.

### **Student Numbers**

- It is not credible that the provision of extra student beds will free up current student rentals in the area.

### **Church Green Area**

- This is not a brownfield site and should not be used for development/commercial purposes.

#### **6.2.4 Noelle and William A. O'Connor and Others Response to First Party Appeal**

- Applicants photomontages taken when summer foliage at its height.
- Photomontages included, showing how little cover is given by the trees for much of the year.

### **Demand for Student Accommodation**

- While the joinery site is suitable for residential development it is profoundly unsuitable for multi-storey student accommodation.
- Development of the greenfield site would contravene the city development plan. It is an integral/invaluable part of the biodiversity network in the vicinity of the Lough.
- Ref. An Bord Pleanála Ref. 245315.
- The applicant's information on demand for purpose built Student Accommodation (PBSA) is outdated. Attached Table 2 of existing, under construction and planned PBSA indicates majority of accommodation on the south side of Cork City and within 1 kilometre of the proposed development. Total provision, excluding the proposed development, exceeds the state demand for 2019 in Cork City of 6,463 bedspaces (National Student Accommodation Strategy).
- The proposed development will not result in freeing up significant rental accommodation in the area as PBSA is generally too expensive.



### 6.3. Observations

6.3.1. Three submissions objecting to the proposed development are lodged by the following:

- Cllr. Fiona Kerins.
- Micheal Martín T.D.
- Magazine Road and Surrounding Residents Association.

The submissions raised similar objections to those cited in the grounds of appeal of the third parties.

### 6.3.2. An Taisce

Includes:

- Development should be modified appropriately to avoid any overbearing impact on the NIAH – listed historic buildings adjacent to the site, including the Church of the Immaculate Conception and its presbytery buildings.
- Overall height/scale should not be allowed to impact adversely on the Greenmount ACA, the residential areas along the Lough Road, Bandon Road/Denroche's Cross and the general area around the Lough to the south.

6.3.3. It is noted that submissions/observations were also invited from; Failte Ireland; An Chomhairle Ealaion; Department of Culture, Heritage and the Gaeltacht; The Heritage Council; Inland Fisheries Ireland; and Waterways Ireland. No responses were received.

## 7.0 Assessment

### 7.1. Introduction

7.1.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. I am satisfied that no other substantive issues arise.

7.1.2. The Board should note that this assessment focuses for the most part, unless otherwise stated, on the revised development as per details submitted to the Planning Authority on 13<sup>th</sup> October, 2017.

7.1.3. The main issues are considered under the following headings:

- Policy and Need
- Guidelines
- Landscape and Visual Impact
- Impact on Residential Amenity
- Biodiversity
- Car Parking and Traffic
- Drainage
- First Party v. Planning Authority Conditions 1 and 2
- Appropriate Assessment

## 7.2. **Policy and Need**

7.2.1. By reference to Section 5.2 above it is clear that there is very strong national policy support for the development of further purpose built student accommodation, both on campus and on suitable sites in reasonable proximity to or with good connectivity to institutes of higher education. The appeal site is just 200-300 metres from the main UCC campus with easy walking and cycling access. The Bandon Road is served by several bus routes providing for good connectivity to Cork City Centre and other third level facilities.

7.2.2. The bulk of the appeal site, that is the warehouse/industrial building and associated yard areas, is also effectively a 'brownfield' site, thus enhancing its attractiveness for redevelopment for the type of use proposed in terms of high level policy.

7.2.3. Support for the proposal, in policy terms, is also evident in the city development plan (see Section 5.1 above). The bulk of the site is subject to Zoning Objective ZO4, for residential, local services and institutional uses. The proposed development, therefore, complies in principle with this zoning. The plan also recognises that there

is a demand in the city for student accommodation (parag. 16.68) and indicates that changes of use from such accommodation to other forms of accommodation are likely to be resisted unless an oversupply of student accommodation can be demonstrated (Objective 6.5).

- 7.2.4. The question of need as used here relates to the contention on the part of the third party appellants that there is already an oversupply of student accommodation in the general area of the appeal site. This is a difficult matter to make a definitive judgement on.
- 7.2.5. I would acknowledge that the appellants have gone to substantial lengths to demonstrate an oversupply – see in particular Appendices 8 and 9 of the grounds of appeal of Noelle and William O'Connor and Others (Section 6.1.1 above) and Appendix 2 to their later submission (Section 6.2.4). The maps provided seek to illustrate the distribution of planned and existing large student housing developments in the area.
- 7.2.6. On the basis of the information provided it appears that most of the student housing referred to is located north of the appeal site in closer proximity to UCC. While there are developments on the Bandon Road there appears to be much less student housing to the south of this and in the immediate vicinity of the appeal site.
- 7.2.7. The applicant acknowledges that there is a significant concentration of students in the general area and suggests that this is inevitable given the close proximity of UCC. I agree with this proposition and it is a pattern observable in all of our cities in those areas around major institutes of higher education.
- 7.2.8. The primary reference in relation to this issue is the National Student Accommodation Strategy (see Section 5.2.3 above) and I note that this is also referred to by the appellants (Section 6.2.4 above).
- 7.2.9. The strategy is quite recent, dating from July 2017, so it is up to date. Importantly, it will be noted that the key quantitative national targets for purpose built student accommodation are expressed in terms of the minimum amounts required by end 2019 and by 2024. This is in the context of demand currently outstripping supply and the prediction that it will continue to do so to 2024.
- 7.2.10. Specifically, in relation to Cork, the appellants suggest that current provision, excluding the proposed development, exceeds the strategy's stated demand for

2019 of 6,463 bedspaces. The exceedance would appear to be of the order of 300. I would consider, however, that, at this stage, mid-2018, the projections for 2024 are more relevant given the lengthy lead in times to development consents and scheme completions. For 2024 the Strategy is still predicting excess demand in Cork of nearly 2,000 bedspaces and it is noteworthy that the subject proposed development is taken into account in the strategy assessments.

7.2.11. I conclude, therefore, that the proposed development is supported both in terms of high level policy and need. In relation to the latter I do not consider that sufficient evidence exists of an overconcentration of student accommodation in the general vicinity of the appeal site.

### 7.3. Guidelines

7.3.1. The issue here is whether or not the national guidelines on design standards for new apartments apply to student accommodation. The issue is raised in the appeal particularly in the context of amenity space within the development. This was also the focus of the further information request issued by the planning authority on 6<sup>th</sup> June, 2017 (Items 3 and 4) and which also referenced the issue in the context of the wider residential and visual amenity impacts of the development.

7.3.2. The applicant's position is that the apartment standards do not apply but rather it is the 1999 Guidelines, emanating from Section 50 of the Finance Act, that are applicable (see Sections 2.3 and 5.2.5 above).

7.3.3. The apartment standards specifically referred to are the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities', DOECLG 2015. The Board should note that these have since been updated by 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DOHPLG 2018.

7.3.4. It is noted that the report of the Planning Authority's Planning Officer, dated 12<sup>th</sup> December 2017, refers (at Section 3.3) to correspondence with the Department on this matter. The Department's advice is reported as indicating that the 2015 Guidelines were primarily intended to apply to purpose built apartments for general occupation and that they effectively acknowledge, at paragraph 2.7, that standards for student housing are likely to be different to those for general accommodation.

The advice goes on to suggest the application of the Dublin City Development Plan Student Accommodation Guidelines pending the addition of such guidance to the Cork City Development Plan.

- 7.3.5. The Board will note that the 2018 update also only refers to student accommodation in a tangential manner and that also suggests it would attract different standard requirements. By reference both to unit mix and floor area parameters student accommodation is expressly excluded (parags. 2.21 and 3.5). Further, in dealing with shared accommodation developments, the guidelines refer to this new format as having characteristics similar to student accommodation (parag. 5.14). The guidelines go on to advise on particular standards that might apply to this type of accommodation in the context of it being distinct from conventional apartments, and which the guidelines otherwise address, and in the context of limited provision for specific, identified needs (parags. 5.15 – 5.19).
- 7.3.6. I have checked the appellants reference to the recent Board decision, ABP Ref. 28.248387, (see Section 6.1.1 above), and can confirm that this was in respect of a quite different form of student accommodation, namely, houses proposed for student occupation and that the 2007 Guidelines referred to were 'Quality Housing for Sustainable Communities' rather than the Apartment Guidelines also first published that year. I also note that the Inspector did not explicitly refer to any of these Guidelines in her assessment.
- 7.3.7. It is my view that neither the 2015 nor the 2018 Apartment Guidelines apply to student accommodation, principally because it is, self-evidently, a very different form of accommodation to general apartment accommodation. Most notably it is for short-term residency and involves sharing to a much greater extent. While the Guidelines might usefully have been more explicit in the matter they do, nevertheless, support this interpretation. Objective 6.5 of the City Development Plan also reflects this position in requiring that a change of use from student accommodation to any other type of accommodation should require planning permission.
- 7.3.8. It is my understanding that in considering proposals for purpose built student accommodation to date the Board has not applied the Apartment Guidelines.

- 7.3.9. I concur, therefore, with the applicant that it is the 1999 Guidelines, emanating from Section 50 of the Finance Act, that are applicable. The applicant also refers to the Dublin City Development Plan Guidelines.
- 7.3.10. Having regard to these guidelines I am satisfied that the proposed development substantially meets essential requirements in all areas and, in particular, in relation to amenity space within the development. In this I particularly note, as did the planning authority's Planning Officer in her final report (dated 12<sup>th</sup> December 2017), the qualitative design changes to the communal open space areas in the revised scheme to ensure that those areas adjoining existing residential properties would not give rise to excessive nuisance. This has been achieved by focusing active outside amenity space within the enlarged central courtyard, No. 3, while providing for essentially passive use only in the peripheral garden areas 1-4.

#### **7.4. Landscape and Visual Impact**

- 7.4.1. The focus under this heading in the appeals is in relation to; the impact of the proposed development on the character of the local area, including heritage areas/buildings; the impact on the Lough and its setting; and the impact on views from the Lough to the northern ridge. As is evident from the documentation on file this issue was quite exhaustively examined during the planning application process and it was mainly the reason for the revisions to the scheme as per the submission to the Planning Authority on 13<sup>th</sup> October, 2017.
- 7.4.2. As a preliminary matter I consider that it is important to establish some context in relation to this issue.
- 7.4.3. Firstly, it should be noted that the area in which the site is located is inner suburban (pre-1920 city) and at a distance of only 1.5 kilometres from Cork City Centre. If the very ambitious growth targets and the achievement of compact growth for Cork City, as provided for in the NPF (Section 5.2.1 above) and echoed in the city development plan (Strategic Goal No. 1), are to be realised, areas such as this will have to accommodate some degree of significant change. This is particularly the case when a substantial brownfield site, of the type under consideration here, presents itself for redevelopment. Such change can occur while also striking a balance that ensures the protection/enhancement of existing character and amenity as also provided for in the city development plan (Strategic Goal No. 5 and related provisions, including the

residential zoning of the area and relevant amenity zonings/designations – section 5.1 above).

- 7.4.4. Secondly, as indicated in the development plan, these pre-1920 areas typically have a general building height of 1.5 to 3 storeys and this is the case in the general vicinity of the appeal site. This is a very modest scale within a city by any objective standard. The development plan requires that new development respects this scale due to the important character of such areas (parag. 16.33). The proposed development comprises blocks of 3-4 storeys on a large and substantially self-contained site. Even allowing for the difference in ground levels, the site level being approximately 1-3 metres above adjacent ground levels to the south/south-west, a step up to 4 storeys on such a site is not, in my view, excessive and does respect, as opposed to match, the prevailing scale while still allowing for some change as previously referred to.
- 7.4.5. Thirdly, the other measures of scale provided for in the development plan are plot ratio and density. The proposed development, either as originally proposed or as revised, would generate a plot ratio in the region of 1.28 and fall well within the indicative range of 1.0 – 1.5 as provided for in inner suburban areas (Development Plan Table 16.1). In terms of density the development plan indicates that these areas can generally expect to see residential developments of 75 dwellings per hectare or higher (parag. 16.42). As indicated by the planning authority's Planning Officer (Report dated 6<sup>th</sup> June 2017, Section 8.2) this is not a measure that is readily applicable to the type of student accommodation under consideration here. I would, however, be inclined to provide a generally higher equivalence (to standard apartments), in the region of 3-4 bedspaces per unit, thus generating an equivalent density in the region of 100 – 130 per hectare. This is consistent with the guideline provided for in the development plan and I note that density per se was not an issue of concern to the Planning Authority. While noting, of course, that both plot ratio and density measures will be assessed, as provided for in the development plan, within the context of other overriding quality/design considerations, they do not, in themselves, suggest that the proposed development is of excessive scale.
- 7.4.6. Turning to the specific issues referred to at the beginning of this section I would refer the Board, in particular, to the revised Landscape Visual Impact Assessment (LVIA) submitted to the Planning Authority on 13<sup>th</sup> October, 2017 (Section 2.3 above) and to

the photographic/drawn illustrations included with the third party grounds of appeal (Sections 6.1.1, 6.1.2, 6.2.3 and 6.2.4 above). It should be noted that the applicants LVIA was carried out to an appropriate standard and I am satisfied that the photomontages presented do provide a reasonably accurate representation of how the proposed development would look and that the chosen viewpoints are sufficiently comprehensive.

- 7.4.7. In terms of the character of the local area I am referring to the immediately adjacent residential streets (Croaghtamore Square, Loughview Terrace and Lough Villas), most of which is a designated Historic Street Character Area (HSCA), the Bandon Road/Glasheen Road/Magazine Road area, also largely a designated HSCA and that includes the Bandon Road Architectural Conservation Area (ACA) to the east, and the Church of the Immaculate Conception and associated grounds, noting also that it lies within the Greenmount Architectural Conservation Area (ACA) that extends away to the east. The church, and a number of other buildings in the general area are also recognised in the applicant's LVIA as being included on the National Inventory of Architectural Heritage (NIAH).
- 7.4.8. The photomontages in the applicant's LVIA of particular interest here are those numbered 3 – 10. In general I would agree with the assessment of the impacts that would arise (see Table 'Summary of Key Visual Receptors'). If anything I would be inclined to conclude more towards the positive than the negative end of the spectrum. Negative findings seem to be associated with the buildings being simply visible, such as for example in photomontages 3 and 4, which is hardly appropriate in an urban area. In this connection, I note the positive rating for photomontage 10, representing the new entrance/frontage to Bandon Road, and with which I agree.
- 7.4.9. The most dramatic change, in my view, is illustrated in photomontage 5, from Loughview Terrace. I would be inclined to rate this as significant rather than moderate, as in the applicant's assessment, but I would also consider it to be positive particularly relative to the existing vista of the warehouse/factory building and garage.
- 7.4.10. In terms specifically of impact on architectural heritage I would also refer the Board to the Archaeological and Built Heritage Assessment as submitted with the original application (Section 2.1.2 above) and the conclusions therein of no negative impacts



(Section 4) and with which I agree. I also note the submission of An Taisce in this regard ( Section 6.3.2 above) but do not consider any further modifications necessary.

- 7.4.11. The proposed development would clearly represent a new and different building typology in the local area and stand in contrast to the established built forms. However, the design proposed, on what is a large brownfield site, would, in my view, generally represent a positive contribution that also respects the established character of the nearby areas/buildings that are variously subject to architectural conservation designations.
- 7.4.12. In terms of the impact on the Lough and its setting the first point I would note is that the Lough, in relation to landscape character, is identified in the development plan as having an ‘urban sylvan character’ (parag. 10.8). I would concur with the applicant’s LVIA Assessment (Section entitled ‘What is the Cork Lough’) that this suggests a strong parkland component within a defined built-up area. The waterbody itself is also hugely significant. The key point, however, is that it is urban in nature as opposed to rural, including landscaping but surrounded by buildings.
- 7.4.13. The landscape value of the Lough is further recognised in the development plan through its designation as a key water landscape asset (Table 10.1, Item B) and the designation of its immediate surroundings as an Area of High Landscape Value (AHLV) (Objective 10.4). As pointed out by the appellants the plan makes numerous text and photographic references to the Lough which is indicative of the high value placed upon it.
- 7.4.14. The proposed development, of course, would not be within the Lough AHLV so there is no direct impact. The issue is the visual impact on the Lough and its setting. The photomontages in the applicant’s LVIA of particular interest here are those numbers 1, 2 and 12-20. The Board should note that photomontages 1A – 1C are incorrectly labelled – they are in fact views from the west side of the Lough.
- 7.4.15. The series of photomontages 1 and 2, from the west and east sides of the Lough respectively, are provided in both winter and summer versions to account for the changes to foliage associated with the mature broadleaf trees that surround the Lough. I can confirm the appellants references to recent heavy pruning of these trees, apparently following damage caused by Storm Ophelia. As a result, it is likely

to take some years before the crowns of the trees regenerate. In this context, the winter views are the more realistic in the short term at least.

- 7.4.16. Clearly the proposed development would be partly visible from various vantage points around the Lough. However, this in itself, in my view, is neither surprising nor automatically a negative given the urban context. The existing buildings that surround the Lough are also widely visible.
- 7.4.17. It is certainly the case that the proposed development would present as a new building form and be something of a departure from the existing. In this respect, and as illustrated in the photomontages, it would, in my view, be a relatively modest intervention at some distance. The design, in my view, is quite successful, particularly in relation to the vertical emphasis to fenestration and the use of a soft toned brick finish. While there is not a very significant difference between the original scheme and the revised scheme I consider the latter to be a better fit visually – see, in particular, photomontages 15, 16 and 18 – as a result of the slightly greater disaggregation of the block structure. The photographic illustrations presented by the appellants do not, in my view, accurately represent the selected views as reasonably experienced by the naked eye with the result that the impact of the proposed development is somewhat exaggerated. However, they do confirm, in my view, that the proposed development would simply present as a new building form in an urban setting and without any undue detriment. It should also be noted that the later photographic illustrations submitted by the appellants (section 6.2.3 and 6.2.4 above) appear to depict an entirely different scheme.
- 7.4.18. It is my conclusion, therefore, that the proposed development would not give rise to any serious injury to the amenity value of the Lough or its setting and, as a consequence, that it would not be contrary to any of the associated development plan policies/objectives.
- 7.4.19. The issue of the impact of the proposed development on views from the Lough to the northern ridge includes, in particular, the impact on views of the Church of the Ascension at Gurrabraher.
- 7.4.20. By way of context it is noted that the landscape ridges to the north and south of Cork City are identified in the development plan as very important to the city's unique form and character (Goal 5) and the plan contains a number of policies/objectives to give

effect to this. Most notably the plan includes an extensive series of views and prospects across the city that are to be protected (see Maps 12 – 18, Vol. 2). It will be noted (Ref. Map 17) that views to/from the Lough are not so designated. While the church at Gurrabraher is identified as a Landmark Building views to it from the area of the Lough do not feature (Map. 14). The views from the Lough, therefore, if to be considered as significant in amenity terms, fall to be assessed by reference to parag. 10.25 of the development plan and which indicates that local views may also be of significance and can be identified on a case-by-case basis in order to avoid unacceptable harm (see Section 5.1, page 12 above).

- 7.4.21. Also by way of context it should be noted that the church at Gurrabraher is approximately 2 kilometres from the Lough so it is a distant view and available only from the southern parts of the Lough.
- 7.4.22. The view to the church at Gurrabraher was examined in detail as part of the extensive consultations between the applicants and the Planning Authority prior to the submission of further information, including scheme revisions, on 13<sup>th</sup> October, 2017. The document entitled 'Further Information Consultation', August 2017, illustrates the detailed photographic analysis undertaken. In particular, Views A6 to A8 illustrate the most inclusive views of the church and demonstrate, in my opinion, the distant nature of the view and its lack of significance in the context of the Lough and its setting.
- 7.4.23. View A6 from that exercise was incorporated into the revised LVIA at photomontages 16 A-C. These illustrate the impact of the original scheme, that would completely block out the view of the church, and of the revised scheme, that allows for a limited retention of the view through the enlarged central axial space.
- 7.4.24. I am satisfied, therefore, that the limited and distance views of the church at Gurrabraher, and the northern ridge generally, have been adequately addressed in the design of the proposed development and in a manner consistent with the requirements of the development plan.
- 7.4.25. I conclude, therefore, that the proposed development is acceptable in landscape and amenity terms and would have a generally positive impact on the urban environment that, significantly, includes the regeneration of a brownfield site. The development satisfies the requirements of all relevant development plan policies/objectives.

## 7.5. Impact on Residential Amenity

- 7.5.1. This refers, in particular, to the impact of the proposed development on the immediately adjacent residential areas to the west and the south, namely, Croaghtamore Square, Loughview Terrace and Lough Villas. The issues are; overlooking; overshadowing; overbearance; and anti-social behaviour/noise.
- 7.5.2. In addressing these matters I refer the Board, in particular, to the following drawings:
- Existing Site Layout Plan, Drg. No. 1619-OMP-00-00-M2-A-XX-14000, Rev. 3 (submitted with the original application on 12<sup>th</sup> April, 2017).
  - Proposed Site Layout Plan, Drg. No. 1619-OMP-00-00-M2-A-XX-10000, Rev. 17\*.
  - Proposed Site Sections, Drg. No. 1619-OMP-00-XX-DR-A-XX-30001, Rev. 3\*.
  - Proposed South Site Elevation (Section 08), Drg. No. 1619-OMP-00-XX-DR-A-XX-30003, Rev. 1\*.
  - Landscape Masterplan, Drg. No. L202, and Landscape Details, Drg. No. L206, (submitted with further information on 13<sup>th</sup> October, 2017).
- \*All of these drawings were referenced in the further information submitted on 13<sup>th</sup> October, 2017 but submitted with the clarification of further information submitted on 10<sup>th</sup> November, 2017.
- 7.5.3. In terms of overlooking/overshadowing/overbearance the first thing to note is the generally substantial setbacks from common boundaries proposed in the layout. This is particularly so in relation to long building faces with windows as opposed to gable ends that are generally blank.
- 7.5.4. In relation to Croaghtamore Square, these houses, generally 2-storey terraced with some single-storey cottages at the northern end, have long rear gardens, extending to approximately 25 metres in length. Separation distances, building to building, would be of the order of 35 – 45 metres. Ground levels are similar on both sides and those parts of Blocks 1 and 2 closest to the common boundaries are just 3-storeys in height. I am satisfied, therefore, that no undue overlooking is likely to arise. Landscaping along the boundary, as provided for in the masterplan, would offer further significant protection. Given the generally east-west relationship between the

properties I am also satisfied that overshadowing would not be a significant issue. The separation distances, combined with the modulation proposed between 3 and 4 storey elements, would also ensure, in my view, that overbearance would not be a significant issue. It might also be noted here that the existing factory/warehouse building extends right up to the common boundaries.

- 7.5.5. In relation to Loughview Terrace those properties, 2-storey terraced houses, along its northern side generally have a north-south orientation at right angles to the proposed development. Given the relationship between buildings that would result from the development, and even allowing for the emergence of a c.2 metres ground level difference in this area, I am satisfied that no significant overlooking/overshadowing/overbearance issues are likely to arise. Again boundary landscaping, as proposed, would also provide additional mitigation.
- 7.5.6. The properties along the east side of Loughview Terrace also comprise 2-storey terraced houses. These are somewhat unusual as they do not have any rear garden space or rear access. The proposed development provides for a 5 metre deep strip to be allocated to these properties for access/amenity purposes. The new party boundary would be formed by a 2 metre high concrete block wall and landscaping is also proposed on the development site. Again, even allowing for ground level differences, I am satisfied that no overlooking/overshadowing/overbearance issues would arise. In fact, the residential amenity of these properties should improve significantly.
- 7.5.7. The properties at Lough Villas immediately adjacent to the southern site boundary comprise 2-storey terraced houses. The houses have shallow rear gardens, c.5 metres in depth, and there is a near 3 metre difference in ground levels in this area. The existing site boundary is formed by a c.2 metre high galvanised palisade fence which for the most part is open. The properties are somewhat unusual in that they include extensive private gardens to the front (south) across the vehicular/pedestrian access.
- 7.5.8. Sections 1 and 3 illustrate the proposed relationships. Block 3, comprising three storeys only, would be at a distance of about 17 – 18 metres from the common boundary and in excess of 22 metres from the rear elevations of the houses. While some overlooking would clearly be possible this would be effectively eliminated by

the proposed landscaping buffer comprising a 2 metres high evergreen hedge and tree planting to the inside of the existing fence. The fence itself could also be closed over, by, for example, the attachment of timber panelling, as has already been done by some of the residents of Lough Villas, thus also effectively eliminating direct overlooking. It is also the case that the amenity value of the rear of these properties is already severely compromised in the existing situation. I am satisfied, therefore, that no undue overlooking is likely to arise.

- 7.5.9. Given the separation distances proposed and the relative north-south orientation, and allowing for the ground level differences, I am also satisfied that no significant overshadowing/overbearance issues arise. In relation to overbearance the boundary landscaping would be particularly effective while not giving rise to the concerns in relation to overshadowing.
- 7.5.10. The remaining properties on Lough Villas, comprising a mix of detached and semi-detached houses, are located across the vehicular access to Lough Villas. The nearest part of the development site, the green area currently associated with the church, has a boundary defined by a c.2 metre high galvanised palisade fence and featuring a number of mature trees (cypress and poplars). The separation distances to the rear of these houses from Block 4, a 4-storey block, would be of the order of 30 – 40 metres. Boundary landscaping proposed includes an evergreen hedge to the inside of the fence and the retention of the mature trees. Even allowing for the difference in ground levels I am satisfied that no undue overlooking would arise and that overbearance is not an issue. Given the north-south relationship no overshadowing would occur.
- 7.5.11. In relation to concerns raised about anti-social behaviour and noise it is noted that the proposed development is to be a managed facility with on-site management, a dedicated maintenance response team and 24/7 emergency cover. Details are provided in a draft Student Accommodation Management Plan submitted as Further Information to the Planning Authority on 13<sup>th</sup> October, 2017.
- 7.5.12. I also note that there is only one planned entrance/exit for the development off the Bandon Road and that management facilities are provided for on the ground floor of Block 1 at the nearest point to the entrance. In addition, the further information submitted on 13<sup>th</sup> October, 2017 included a revised Landscape Masterplan that

included redesigning the garden spaces so as to reserve the peripheral areas near adjacent housing for passive amenity use while directing more active outdoor uses to the central courtyards and garden area 5 on the eastern side of the development. The Board will also note that no balconies are provided for in the development as these are deemed not appropriate to the proposed use for management/safety reasons.

7.5.13. I am satisfied, therefore, that any anti-social behaviour or noise issues potentially arising have been adequately addressed in the design of the scheme.

7.5.14. In conclusion, therefore, I do not consider that the proposed development would give rise to any detrimental impact to the residential amenities of the area.

## 7.6. **Biodiversity**

7.6.1. The issues raised under the heading relate, in particular, to that part of the site comprising a part of the green area associated with the Church of the Immaculate Conception and its role in association with the Lough which is a pNHA and a Wildfowl Sanctuary (Ref. development plan parags. 10.44 and 10.45 and Objectives 10.7 and 10.8 – p.13 above). The focus is on potential impacts on a number of species of bats for which the Lough is well known.

7.6.2. This issue was raised by the planning authority and, in response, the applicants submitted an Ecological Assessment, including a bat survey/assessment, as part of the further information submitted on 13<sup>th</sup> October, 2017 (see Section 2.3 above). The document entitled 'Proposed Student Accommodation, Bandon Road – Response to RFI from Cork City Council – Biodiversity' refers.

7.6.3. It is noted that the bulk of the site is unvegetated and categorised as buildings and artificial surfaces while the green area is categorised as amenity grassland with scattered young trees. The more mature trees along the southern boundary have already been referred to in Section 7.5 above.

7.6.4. The bat assessment acknowledges the significance of the site for various species of bats that use the site for foraging and commuting, noting that no bat roosts were identified. It concludes that, with the implementation of appropriate mitigation measures, no significant residual impacts will arise from the proposed development.

7.6.5. The assessment includes the following:

- No net loss of foraging habitat as the loss of trees/shrubs in the green area would be more than offset by the creation of gardens and planting of trees/screening vegetation within the development as a whole.
- Bats can adapt/adjust their commuting routes around taller buildings as long as artificial light is minimised.
- Construction noise would be localised and short term and night time construction is not anticipated.

7.6.6. Mitigation measures recommended include:

- Retention of mature trees and the inclusion of native species in new tree planting. This is proposed in the application (Ref. Landscape Masterplan, Drg. No. L202).
- The provision of bat boxes. These are proposed (Ref. Landscape Master plan, Drg. No. L202).
- Lighting designed to minimise light spillage.

7.6.7. It should be noted that the reference in the grounds of appeal to trees in the church grounds being listed/referred to in the development plan for protection appears to be a reference to parags. 10.63 – 10.65 and Table 10.6 of the plan which identifies key groups of trees including the ‘Lough Church Grounds’. It is not clear what specific groups of trees this refers to. The development plan references the Landscape Strategy 2008 – full title the Cork City Landscape Study 2008. This document does not provide any further detail. It was noted above that most of the trees on the green area of the site are young trees and the mature trees at the southern boundary are to be retained. It is also the case that approximately half of the green area remains outside the development site. Taken in conjunction with the new planting proposed across the rest of the development site I am satisfied that there is no contravention of the development plan provisions.

7.6.8. The Cork City Heritage Plan 2015 – 2020 is also referred to in the grounds of appeal. I have reviewed this document and I am satisfied that the proposed development is not contrary to any of its provisions.



- 7.6.9. In relation to the suggestion in the grounds of appeal that the development could interfere with groundwater and give rise to subsidence in adjacent properties and threaten the Lough Waters I refer the Board to the Environmental Site Assessment submitted with the application (see Section 2.1.2 above). There are no indicators in this report to support the suggestion. While the site is partly underlain by limestone of a type that might exhibit karst features no bedrock or groundwater was encountered during borehole testing and which confirmed that the overlying subsoils are at least 6 metres thick. I note also that the proposed development does not involve deep excavation on the site, for example to provide underground car parking.
- 7.6.10. In conclusion, I am satisfied that the proposed development would not have any detrimental impacts in relation to biodiversity.

### **7.7. Car Parking and Traffic**

- 7.7.1. In relation to car parking the concern is that too little is provided for generally and, in particular, in the context of summertime letting.
- 7.7.2. The proposed development provides for a total of 22 no. surface parking spaces, this number including 2 no. disabled spaces. The spaces are provided for staff and disabled students only.
- 7.7.3. The approach, whereby effectively no on-site parking is provided for student residents, is predicated on the sustainable location of the site within easy walking distance of UCC and in close proximity to the city centre with good bus services along the Bandon Road. I consider this to be both tenable and reasonable.
- 7.7.4. Development plan standards for parking are expressed in terms of maximum numbers permitted (as opposed to minimum requirements) in order to constrain car trip generation and promote patronage of green modes of transport. Table 16.8 indicates a maximum provision in student housing of 1 car space per 10 bedspaces in Zone 3 of the city and within which the site is located. The proposed development clearly satisfies this requirement.
- 7.7.5. It is also noted that the proposed development provides for 81 no. covered bicycle spaces. These are also at ground level and conveniently located. Table 16.9 of the development plan indicates a requirement in student apartments for 0.5 bicycle spaces per bedspace. On the basis of 324 bedspaces the requirement is for 162

bicycle spaces. Planning Authority Condition No. 21(c) requires this number to be provided and I am satisfied that there is ample scope on site for this to be achieved.

- 7.7.6. In relation to traffic impacts generally the logic, in my view, is that if the sustainable location premise as referred to above, with its very limited car parking provision, is accepted, as I consider it should be, then the proposed development would in fact generate relatively little vehicular traffic. This reflects the reasoning outlined in the applicants' further information submitted on 13<sup>th</sup> October, 2017 for not preparing a Traffic and Transport Assessment.
- 7.7.7. The junction layout at the proposed entrance at Bandon Road/Magazine Road/Glasheen Road (Denroches Cross) was the subject of a detailed consideration as part of the further information process. A revised/upgraded junction design was proposed and agreed with the planning authority. The layout provides for traffic calming and pedestrian priority in accordance with DMURS principles. Condition 18 of the planning authority decision refers to this proposal and indicates that it is to be carried out by the developer. The junction arrangements were also subject to a Stage 1/2 Road Safety Audit.
- 7.7.8. In relation to summertime letting I consider that the restricted on-site parking availability would similarly limit traffic generation and that the site location is also likely to attract non-car based visitors.
- 7.7.9. I am satisfied, therefore, that the proposed development would not give rise to any significant parking or traffic related impacts.

## 7.8. **Drainage**

- 7.8.1. This refers to concerns raised about the capacity of the sewer network and the appropriateness of run-off rates in the context of climate change (see Section 6.1.2 above).
- 7.8.2. As outlined in the Engineering Report submitted with the application (see Section 2.1.2 above) both foul and storm water would discharge to the existing combined sewer on Bandon Road/Croaghtamore Square. In relation to storm water the report noted that as the proposed impermeable area of the development would be approximately 20% less than that on the existing site no on-site attenuation was deemed necessary.

7.8.3. The matter was queried by the planning authority as part of their further information request in light of concerns raised about the capacity of the public sewer network. In response, following discussions between the applicant's engineers and the planning authority (Drainage Department) it was confirmed that the surface water drainage regime would be improved as a result of the proposed development and that, strictly speaking, no requirement for on-site attenuation arose. However, the planning authority suggested some modest attenuation to further reduce pressure on the public sewer during peak flow events. This is provided for in the further information submission through increased diameter storm drainage pipes within the development.

7.8.4. I note the final report of the planning authority Drainage Department and the submission of Irish Water indicating no objection, subject to standard conditions, to the proposal. I am satisfied, therefore, that the drainage issue has been satisfactorily addressed.

#### **7.9. First Party v. Planning Authority Conditions 1 and 2**

7.9.1. The Board should note that Condition 1 of the planning authority decision is the general standard condition that clarifies that the development must be carried out as per the application particulars but as modified by the later further information submissions, in substance that submitted on 13<sup>th</sup> October, 2017 (Section 2.3 above). In essence the applicants are suggesting that those modifications which reduced the total number of bedspaces from 350 to 324, were required to meet a disproportionate and unwarranted concern in relation to the visual impact of the development.

7.9.2. In relation to Condition 2 the applicants indicate no objection to part (a), requiring the lowering of the ground floor level of Block 4 to 31 metres OD, and part (c) requiring contrasting brick finishes to Block 4. The objection is to part (b), that requires the omission of 2 further bedspaces, reducing the overall number to 322, and which is also stated to be based on visual impact grounds and, therefore, again unwarranted.

7.9.3. I have a certain amount of sympathy with the applicants' argument and this is reflected to some degree in my assessment of the substantive issue under Section 7.4 above.

- 7.9.4. However, I do consider the revised scheme to be a better scheme for a number of reasons. The first of these is that referred to at parag. 7.4.17 above wherein I concluded that it would be a better fit visually in the context of views from the Lough – reference in particular, to photomontages 15, 16 and 18 of the revised LVIA. As indicated I consider the slightly greater disaggregation of the block structure to be more successful and worthwhile. The second reason is that the revised scheme, in my view, provides for a substantially better internal layout. In particular, Courtyard 3 is a larger and more coherent space which enhances its utility for active amenity use. This facilitates the design of the peripheral garden areas for passive amenity use thus safeguarding the residential amenity of the adjacent properties.
- 7.9.5. I consider, therefore, that the appeal in relation to Planning Authority Condition 1 should not be upheld.
- 7.9.6. Condition 2(b) requires the omission of the two westernmost bedrooms in Apartment No. 04.03.02 in Block 4 (third/top floor). The planning authority Planner's Report refers to this alteration, as well as the contrasting brick, as reducing 'the rather monolithic nature of this block at its most visible point'.
- 7.9.7. I agree with the applicants in relation to this requirement. In my view it would significantly disrupt the coherence of the south elevation of the block while achieving very little in terms of the visual impact of the development.
- 7.9.8. I consider, therefore, that the appeal in relation to Planning Authority Condition 2(b) should be upheld. The resultant scheme, therefore, comprises 324 bedspaces.

#### **7.10. Appropriate Assessment**

- 7.10.1. Having regard to the nature of the proposed development, being the redevelopment of a brownfield site within an established and fully serviced urban area, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

### **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to:

- (a) the location of the site in close proximity to University College Cork and the availability of transport links to Cork City Centre and other third level institutes;
- (b) the bulk of the site being brownfield in nature;
- (c) the National Planning Framework and the National Student Accommodation Strategy;
- (d) the policies and objectives of the Cork City Development Plan 2015 – 2021; and
- (e) the pattern of existing development in the area;

it is considered that, subject to compliance with the conditions set out below, the proposed development; would make a positive contribution to the urban landscape of the area and respect its existing character; would not seriously injure the residential amenities of properties in the vicinity; would not be injurious in terms of biodiversity; and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 13<sup>th</sup> day of October 2017, 10<sup>th</sup> day of November 2017 and the 16<sup>th</sup> day of November 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) The ground floor level of the southern half of Block 4 shall be revised to 31 metres OD.
  - (b) The top floor southern elevation of Block 4 shall be faced in a contrasting brick to the floors below.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Prior to commencement of development a finalised Student Accommodation Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall provide for the management of the development by a legally constituted student accommodation management company and include details of the provision of 24-hour/7-day on-site management and the dedicated management/security office on site.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

4. Prior to commencement of development a suitable name for the development (in Irish and English) reflecting local place names shall be agreed in writing with the planning authority.

**Reason:** In the interest of local heritage.

5. Details and samples of the materials, colours and textures of all the external finishes to the proposed development, including pavement finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. Full details of all signs associated with the overall scheme and individual blocks shall be submitted to, and agreed in writing with, the planning authority prior to their erection on site.

**Reason:** In the interest of the visual amenities of the area.

8. Parking spaces on site shall be used solely by occupants of the units/management and shall not be sold, let or conveyed individually as commercial car parking spaces.

**Reason:** In the interest of proper planning and development.

9.
  - (a) The site shall be fully landscaped in accordance with the submitted Landscape Plan and Schedule within the first planting season following completion of the development.
  - (b) Details of the proposed planting to gable ends of blocks shall be submitted to, and agreement in writing with, the planning authority prior to development commencing.
  - (c) Existing trees proposed to be retained shall not be removed without the express prior written consent of the planning authority.
  - (d) A mechanism by which cars are prevented from parking in Courtyard 3 shall be provided on site and managed so that this area performs as an amenity space rather than as an additional car parking area.

Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to development commencing.

- (e) Prior to the commencement of development, a maintenance plan for the site landscaping shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of the visual and residential amenities of the area.

- 10. (a) Site boundary treatment shall be as proposed in Drawing L203 submitted with the application, as amended by the details submitted on 13<sup>th</sup> day of October 2017, unless otherwise agreed in writing with the planning authority prior to development commencing. Where the existing factory forms the party boundary with adjoining properties to the west of the site a 2 metre high concrete block wall (plastered) shall be maintained, where possible, following demolition of the factory or a new wall (concrete block plastered and capped) shall be provide to this height in lieu of same in these locations. Full details of same shall be submitted to the agreed in writing with the planning authority prior to development commencing.
- (b) No access to the roof areas other than for maintenance shall be permitted.

**Reason:** In the interest of the residential amenity of adjoining properties.

- 11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and



- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 12. The mitigation measures as outlined in Ecological Assessment submitted to the planning authority on 13<sup>th</sup> day of October, 2017 shall be implemented in full. These include, in particular, the measures in relation to tree retention and planting, landscaping, noise, lighting and light spill, awareness measures, installation of bat boxes and monitoring by a suitably qualified ecologist. A report on how these measures were implemented will be submitted to the planning authority within two months of the completion of the development.

**Reason:** To protect and conserve the natural heritage of the area.

- 13. (a) All feasible measures shall be taken to avoid the introduction or spread of invasive alien species into the site or the nearby Louth (pNHA). Where these species are found on the development site effective and appropriate management measures shall be taken to control such species.
- (b) A mitigation work plan shall be submitted to and agreed with the local authority prior to the commencement of works at the site. The work plan shall provide for appropriate eradication, disposal and maintenance activities, including the need for specialist personnel where necessary.

**Reason:** To prevent the spread of alien invasive species.

- 14. Water supply and drainage arrangements, including the attenuation and 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.

15. The road improvements as outlined in Drawing No. TL\_JNC\_P01, submitted on the 13<sup>th</sup> day of October 2017, shall be carried out in full by the developer at his expense. A final design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The final design shall include the recommendations of the Stage 1/2 Road Safety Audit. A Stage 3/4 Road Safety Audit shall be agreed and discharged with the planning authority.

**Reason:** To facilitate safe pedestrian and vehicular access to the proposed development.

16. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
- (a) A mobility management plan which addresses all of the uses within the development, including term-time and out-of-term use.
  - (b) Details of the provision of a minimum of 162 no. high quality covered bicycle parking spaces.
  - (c) Details of 2 no. motorcycle parking spaces.
  - (d) Details of provision for charging of electric vehicles.

**Reason:** In the interest of promoting sustainable transport.

17. Public/communal area lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the development.

**Reason:** In the interests of amenity and public safety.

18. (a) During the operational phase the noise level arising from the development, as measured at the nearest dwelling, shall not

exceed:-

- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. 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 commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

21. (a) A plan containing details for the management of waste (and, in

particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials (and for the ongoing operation of these facilities) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the

Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Brendan Wyse,  
Assistant Director of Planning

12 July, 2018.