



An
Bord
Pleanála

Inspector's Report ABP-302697-18

Development	The construction of a three-storey apartment building consisting of 15 no. residential units and all ancillary site development works.
Location	Boherboy Road and North Ring Road, Mayfield, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	18/37939
Applicant(s)	Javcon Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 25 conditions
Type of Appeal	Third Parties -v- Decision
Appellant(s)	Tom & Mary Considine Mayfield East Community Association
Observer(s)	None
Date of Site Inspection	22 nd February 2019
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 3.2 km to the ENE of St. Patrick's St. in Cork's city centre. The N/S portion of the Northern Ring Road (R635) passes to the west of both the site and the Mayfield Shopping Centre, which lies c. 200m to the north. This Road rises in a northerly direction. The surrounding area is an established residential one, which is accessed by parallel E/W streets that rise in an easterly direction. This area is served by schools, a church, and other shops and local services. An employment area adjoins the said Shopping Centre and an Aldi food store and Amber service station lie to the east of it.
- 1.2. The site itself is rectangular in shape and relatively flat. This site extends over an area of 0.15 hectares. It has been cleared of the two dwelling houses and shop that were formerly upon it. The site is presently vacant. Under the previous pattern of usage, one of the dwelling houses and the shop were accessed at separate points off the initial portion of Boherboy Road, adjacent to its junction with the Northern Ring Road, and the other dwelling house was accessed directly off the Northern Ring Road, to the rear of a grass strip. These Roads bound the site to the north and to the west. A rendered and capped concrete wall denotes these boundaries. The remaining boundaries to the south and east abut, variously, a vacant piece of land and the pair of part single/part two-storey, semi-detached dwelling houses at Nos. 1 & 3 Silverheight's Road and "Beechdale", a two-storey detached dwelling house on Boherboy Road. The former boundary is denoted by means of a blockwork wall and vegetation and the latter boundary is denoted by means of a hedgerow, which is accompanied along its southern portion by a stone faced retaining wall and along its northern portion by a concrete post and panel fence.

2.0 Proposed Development

- 2.1. The proposal would entail the redevelopment of the site to provide a predominantly three-storey apartment building, which would accommodate 15 no. residential units (1102.8 sqm). These units would be composed of the following:
 - 4 no. one-bed,
 - 6 no. two-bed,

- 4 no. two-bed duplexes, and
- 1 no. two-bed maisonette

2.2. The building would be sited in the western and northern portions of the site. It would be composed of 2 no. three storey blocks and 1 no. two-storey link block, which together would have a “L” shaped footprint. This building would address the adjoining roads and “internally” it would partly wrap around a communal court yard, which would adjoin an 8-space car park.

2.3. Access to the site would be consolidated at a single point off Boherboy Road and adjacent to the NE corner of the site. This access would be accompanied by a realignment of the junction between Boherboy Road and the Northern Ring Road. It would serve the aforementioned car park, which would be accompanied by a bin store at the entrance to the site and a bike store at the far end of the car park.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted subject to 25 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was requested with respect to the following:

- A letter of consent to carry out works to the public road,
- The public footpath to continue across the proposed entrance,
- The traffic generated by recent extant permissions to be taken into account,
- The integration of new lighting with existing public lighting, and
- The need for higher privacy screens at residential units nos. 9, 10, 13 & 15.

3.2.2. Other Technical Reports

- Environment Waste Management & Control: No objection, subject to conditions.
- Drainage: No objection, subject to conditions.
- Transport & Mobility: Following receipt of further information, no objection, subject to conditions.
- Roads Design: Following receipt of further information, no objection, subject to conditions.
- Irish Water: No objection + extensive notes.

4.0 Planning History

- 06/31430: Demolition of dwelling and workshop + construction of three storey medical centre and pharmacy over basement car park with new access off Boherboy Road: Permitted.
- 08/33550: Amendment/enlargement of medical centre + 66 space basement car park: Permitted.
- 16/37184: 9 dwelling houses: Refused at appeal (PL28.248734) on the grounds that it would be contrary to DMURS/traffic hazard and overdevelopment/lack of open space/car parking/inadequate amenity.
- Pre-application consultation occurred on 25th April 2018.

5.0 Policy and Context

5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site is zoned residential, local services and institutional uses, wherein the objective is “To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.”

The North Ring Road passes this site to the west and it is the subject of a proposed new amenity routes/upgrades objective “To pursue the development of a network of high quality amenity routes, particularly along waterways, and linking existing and proposed parks and public open spaces, and to work with Cork County Council and other stakeholders to achieve and improve external linkages subject to Ecological Assessment and Appropriate Assessment Screening.”

The site lies in Zone 3 for the purpose of car parking.

5.2. Natural Heritage Designations

Cork Harbour SPA (site code 004030)

Great Island Channel SAC and pNHA (both site code 001058)

Dunkettle Shore pNHA (site code 001082)

5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the redevelopment of a 0.15-hectare urban site to provide 15 dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall so far below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

(a) Tom & Marian Considine of “Beechdale” Boherboy Road

- The applicant fails to acknowledge that a waste licence would be required for the removal of Japanese Knotweed from the site.

Under the Sustainable Urban Housing: Design Standards for New Apartments (SUH:DSNA) Guidelines, the site would not be a candidate for a high density development insofar as it is not within 15 minutes of the city centre/significant employment location, it is not within 10 minutes of a high capacity public transport stop, and the bus service (208) does not run at 10 minute intervals during peak periods, due to road restrictions and traffic.

- The proposal is critiqued under the 12-fold criteria of the Urban Design Manual as follows:
 - Context: The proposed scale and mass would be out of character with surrounding dwelling houses. The nearby Mayfield Shopping Centre is not comparable with other shopping centres in Cork. The Northern Ring Road elevation of the proposal should present a more active/landscaped frontage to this Road.
 - Connections: While access to the 208 bus service is convenient, this service is disrupted by heavy traffic at peak times.
 - Inclusivity: The communal space would adjoin the car park and it would be unsuitable for children to play in.
 - Efficiency: No recycling facilities would be provided.
 - Distinctiveness and layout: The scale of the proposal would block views into the site and cause it to be separate from the surrounding area.
 - Adaptability: Contrary to the above cited Guidelines, no provision is made for bulky storage.
 - Privacy and amenity: The privacy of the appellant's residential property would be undermined through the overlooking that would result from the proposal.
 - Parking: The provision of only 8 car parking spaces would be grossly inadequate and it would be likely to lead to informal parking elsewhere. The location of the bicycle store should be alternated with the bin store. The hilly terrain of the locality would militate against cycling.
- The following observations of the applicant's assessment of the proposal are made:

- The siting of the unroofed bin store adjoining Boherboy Road would be contrary to the above cited Guidelines and it would lead to fly tipping and refuse vehicles blocking the entrance to the site, thereby causing an obstruction/traffic hazard.
- As cited above the appellant's privacy would be undermined as a result of overlooking from upper floor windows and balconies over distances of c. 21m and over.
- The available visibility splay to the east of the proposed entrance would not be 2.4m x 45m, due to c. 1m width of the public footpath and the presence of a pillar and wall outside the applicant's control. Accordingly, use of this entrance would create a traffic hazard.
- The applicant has omitted to address the issue of Japanese Knotweed.
- Attention is drawn to the proposal to retain the existing boundary wall between the site and "Beechdale". This wall is in poor condition and so its retention would be inappropriate. If an acceptable development were to be proposed for the site, then the wall should be replaced with a new one to a height of 2.5m.
- Details of how the proposal would be managed during its operational phase have not been provided.
- The applicant has not submitted a building life cycle report.

(b) Mayfield East Community Association

- Support is expressed for appellant (a)'s grounds of appeal.
- The proposal would exhibit a density of 107 dwellings per hectare, which would be massively in excess of the surrounding area.
- Consequently, the proposal would look out of place.
- A sub-standard sightline would arise, thereby jeopardising road safety.
- The proposed junction improvements have not been worked up to a sufficient level of detail. That the applicant should fund and carry out these improvements is questioned.
- Inadequate car and bicycle parking provision would be made, and the site layout would not facilitate turning by delivery or emergency vehicles.

- The siting of the bin store next to Boherboy Road would inevitably lead to it being blocked.
- The adequacy of water supply and foul drainage arrangements has not been addressed in detail.
- Attention is drawn to a spring in the site and the associated issue of ground water. The diversion of this spring would not appear to be an option as the local storm water sewer is already at capacity.
- The proposed railings for public site boundaries would be inadequate to screen the proposal.
- Attention is drawn both to the absence of details as to how the proposal would be managed during its operational life and the incidence of similar developments in the locality that have become the subject of social housing management companies.

6.2. Applicant Response

The applicant states that the proposal represents a well-designed infill development of appropriate scale for the location, that can benefit from the availability of public transport linkages and is in accordance with the emphasis of the National Planning Framework (NPF) upon densification and compact cities.

The applicant responds to the appellants grounds of appeal as follows:

- Contrary to the appellants' position the 12-fold criteria of the Urban Design Manual would be met, as testified to by the case planner.
- Contrary to appellant (b)'s estimate of density, the correct figure would be 100 dwellings per hectare.
- Objectives 11 and 27 of the NPF require that new development in the suburbs moves away from its former low rise/low density form. SPPR 1 and 4 of the Urban Development and Building Height Guidelines supports increased building height in locations with good public transport accessibility. Thus, the proposal would be appropriate.

- Attention is drawn to both the RSA, which did not identify sightlines at the proposed entrance as an issue, and the Planning Authority's road consultees, which are supportive of the proposed junction improvements.

The said improvements would be in excess of that which is needed for the current proposal, i.e. they would facilitate other extant permissions for 153 dwellings and creche granted under PL04.249376, and so the applicant considers that the funding of the same should be shared.

The appellants have over-estimated the number of car parking spaces and failed to acknowledge that the CDP standards refer to maximums rather than minimums. Thus, the proposed 8 spaces would be appropriate. In this respect the following advice of The Urban Development and Building Height Guidelines is relevant, i.e. "on sites of any size or urban infill schemes on sites up to 0.25 hectares, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design and location."

The appellants' concern over traffic congestion and its impact upon bus services in Cork City needs to be considered in the light of €200 million allocated in the National Development Plan to improve public transport in this City. Thus, relief is in prospect.

Confidence is expressed that the proposal would attract residents who are not car dependent.

Local congestion at peak times would continue with or without the proposal and additional traffic movements generated thereby would not be significant.

- Attention is drawn to the Housing Quality Assessment, which shows that the proposed private open space would exceed the relevant minimum standards in the Guidelines and the communal open space would be sited within a spacious central court yard.

Detail matters concerning bin storage, cycle parking, provision of water infrastructure, and retaining walls would be agreed with the Planning Authority.

The applicant has submitted at the appeal stage a Japanese Knotweed Management Removal and Treatment Plan, which it undertakes to implement.

6.3. **Planning Authority Response**

The Planning Authority stands over its draft permission and it has no further comments to make.

6.4. **Observations**

None.

6.5. **Further Responses**

(a) Tom & Marian Considine of “Beechdale” Boherboy Road

The appellants have responded to the applicant’s response, as follows:

- A plan has been submitted, which illustrates the inadequacy of the eastern sightline and the overrun of HGVs turning left onto the North Ring Road from Boherboy Road.
- In the absence of high frequency public transport, the proposal, as a high density development, would be premature.
- The site lies within a suburban area rather than an urban one with corresponding implications for its scale and density under national planning policies.
- Any development of the site should utilise more than the one block form comprised in the current proposal.
- The applicant’s density figure is inflated by inclusion within the site of part of Boherboy Road.
- Attention is drawn to underused bicycle stands beside a local church and at Tinker’s Cross, which illustrate that the hilly nature of the locality is not conducive to cycling.
- The applicant’s response to various detailed matters is unsatisfactory.

(b) Mayfield East Community Association

The appellant has responded to the applicant’s response, as follows:

Points raised by appellants (a) are cited, too. In addition, the Engineering Design Report is critiqued on the following grounds:

- The single am traffic count was for 08.15 – 09.15, whereas the peak is 08.00 – 09.00 and the accuracy of this count and the pm one are questioned, insofar as only 1 pedestrian and no buses are recorded.
- The applicability of UK based TRICS data is questioned.
- The applicability of PICADY to the complexities of the Northern Ring Road in the vicinity of the site is questioned.

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and density,
- (ii) Urban design and development standards,
- (iii) Amenity,
- (iv) Traffic, access, and parking,
- (v) Water, and
- (vi) Stage 1: AA Screening.

(i) Land use and density

7.2. The site has been cleared for redevelopment. Formerly, this site was in predominantly residential use and its surrounding area is predominantly in this use, too. Under the CDP, the site is the subject of an objective “To protect and provide for residential uses, local services, institutional uses, and civic uses, having regards to employment policies outlined in Chapter 3.” Residential uses are cited in this objective and so there is no, in principle, land use objection to its redevelopment for a residential after-use, as proposed.

- 7.3. The proposal is for 15 dwellings on a site with a stated area of 0.15 hectares. The envisaged density would thus be the equivalent of 100 dwellings per hectare. Appellant (b) expresses concern that, as the red edge of the site includes part of Boherboy Road to the north, the stated area is inflated. Thus, if this Road is excluded, then the area would be 0.1422 hectares and so the density exhibited by the proposal would be 106 dwellings per hectare. Both appellants express concern that the density of the proposal would be excessive and out of character with the much lower densities exhibited by existing housing nearby.
- 7.4. The applicant has responded by citing Objectives 11 and 27 of the NPF, which promotes the densification of cities, and SPPR 1 and 4 of the Urban Development and Building Height (UDBH) Guidelines, which promote increased building height in locations with good public transport accessibility.
- 7.5. The site lies within the NE suburbs of Cork City, a suburban location. Under SPPR 4 of the UDBH Guidelines reference continues to be made to the advice on minimum net residential densities set out in the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines. This advice states that minimum densities within the range of 35 – 50 dwellings per hectare are appropriate for the outer suburbs. It also states that where sites are on public transport corridors a minimum density of 50 dwellings per hectare is appropriate.
- 7.6. While the parties recognise that the site lies on the route of the 208-bus service, they differ on the efficacy of this route and thus upon the reliance that can be placed upon it to justify a higher density. Appellant (a) draws attention to the fact that, while this service is timetabled to operate at 10-minute intervals during peak periods, due to traffic congestion this does not tend to occur in practise. The applicant has responded by drawing attention to significant NDP funding for improvements to public transport in Cork, which should serve to relieve the pressure that arises during peak periods.
- 7.7. I note that the 208-bus service is a cross city one, which runs from Curraheen Village to the SW through the city centre to Boherboy Road to the NE. I note, too, that this is a high frequency service, as I observed while on site (Friday 22nd February 2019 between 10.00 and 11.15). There are bus stops close to the site on Boherboy Road, i.e. well within 500m, and so I consider that this service is the type of public transport

corridor envisaged by the SRDUA Guidelines as justifying a minimum density of 50 dwellings per hectare.

- 7.8. Beyond public transport, the site is some 3.2 km from the city centre and so walking and cycling are realistic options, albeit there is a change in levels of nigh on 80m. Furthermore, as an established residential area, the locality of the site is well-served by local schools and there are shops and services available in and around the Mayfield Shopping Centre, which lies c. 200m to the north of the site.
- 7.9. I conclude that, under the CDP, the proposed redevelopment of the site for residential use would be appropriate and, in the light of national planning guidelines, the high density of the proposal would not be objectionable in principle.

(ii) Urban design and development standards

- 7.10. The parties seek to assess the proposal in conjunction with the criteria set out in the Urban Design Manual. The introduction to this Manual states that it will “focus on the issues presented in housing schemes in the 30 – 50 units per hectare density range but will also address some of the specific issues generated by higher and lower density schemes in urban areas.” Its relevance to the current proposal is thus limited and so rather than work through the twelve-fold criteria I will discuss below the concerns of the appellants with respect to urban design and development standards.
- 7.11. The appellants consider that the scale and mass of the proposal would be out of character with surrounding dwelling houses and they express the view that the western elevation onto the Northern Ring Road should be more active and the adjoining frontage should be landscaped. They also consider that the proposal would be unduly enclosed from public view and thus it would present as being a separate entity from its host context.
- 7.12. The Northern Ring Road, which passes the site to the west, rises in a northerly direction. This Road is of generous width and it is accompanying streetscape varies considerably with limited frontage development to the south of the site and a mixture of building types to the north, e.g. conventional housing, a modern church, and the Mayfield Shopping Centre. Boherboy Road, which passes the site to the north, rises in an easterly direction. Its initial southerly streetscape is composed of a variety of detached dwelling houses and its initial northerly streetscape is composed of terraced dwelling houses. The nearest dwelling house to the site is of two-storey

form and it is sited on higher ground than the site. Silverheight's Road to the south of the site is composed of pairs of semi-detached dwelling houses. The nearest such pair is of part single/part two storey form and it lies on lower ground than the site.

- 7.13. The proposal would be composed of three linked blocks: a three storey one in the northern portion of the site, which would have a flat roof, a two storey one in the western portion, which would have a flat roof, and a three storey one in the western portion, which would have a double pitched roof. The height of the three storey blocks would be similar to that of the ridge height of the aforementioned two-storey dwelling house to the east and considerably higher than that of the ridge height of the pair of semi-detached dwelling houses to the south.
- 7.14. From the perspective of the Northern Ring Road, the proposal would appear to be in scale and its differentiated form, in conjunction with the design of its western elevation, which would incorporate some variation in alignments of the three linked blocks and the specification of a mixture of finishing materials, would ensure that its massing would be appropriate. While it is customary to provide balconies on the western elevations of apartments, in this case, such provision would be made on the southern and eastern elevations, which would be more internal to the site. Given traffic levels on the Northern Ring Road and the resulting environmental impact, this choice would be reasonable. The opportunity to landscape within the site along its western boundary would not arise. However, a wall and railings would denote this boundary and the existing grass strip alongside the public footpath would be retained, as a buffer between the site and the footway/carriageway.
- 7.15. The submitted cross sections of the proposal in conjunction with adjacent dwelling houses and the Northern Ring Road elevation of the proposal are of relevance in seeking to assess the scale and mass of the proposal within the contexts of Boherboy Road and Silverheight's Road.
- With respect to the former, the E/W separation distances between the western blocks and, variously, the boundary and the nearest dwelling house would be 19.675m and 31.130m. Mature landscaping on the far side of the common boundary would assist in screening and easing the transition across this boundary.

- With respect to the latter, the N/S separation distance between the SE corner of the three storey western block and the NW corner of the nearest pair of semi-detached dwelling houses would be 14.560m. A marked change in levels would occur across the common boundary, as illustrated by the respective FFLs of 100.150m and 98.101m. Resulting relationships across this boundary would be influenced by the offset position of the said block and pair of semis in relation to one another and the fact that the nearest portion of this block would be single storey form with a balcony above. (The height of the three storey portion would be minimised by the setting of the second floor “into” the double pitched roof by means of the specification of half dormer windows to this floor).

7.16. The layout of the proposal would be such that the northern and western portions of the site would be built upon and the eastern, central, and southern portions would be developed to provide the on-site access road, 8-space car park, communal court yard, and ancillary buildings. Public views into these latter portions of the site would be limited to those that would be available via the access from Boherboy Road. Given the size of the overall development and the absence from it of facilities for the use of the wider public, I do not consider that the layout as proposed would be inappropriate.

7.17. The proposal would entail the provision of 15 residential units: 4 of which would be one-bed and 11 of which would be two-bed (1 x 3 bedspaces and 10 x 4 bedspaces). The applicant has submitted a Housing Quality Assessment table, which shows that these units would comply with all the relevant standards set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments (SUH: DSNA) Guidelines, including those pertaining to private and communal open space (96 sqm minimum). Qualitatively, each unit would be dual aspect. While the appellants consider that the communal court yard would be unsuitable for children to play in, I note that, as it would be sited in a position adjoining the southern and eastern elevations of the proposal, it would be an area that could both be accessed without crossing the on-site access road and it would be the subject of informal surveillance. It could thus potentially function as a small, informal, supervised play area.

7.18. I conclude that the proposal would be an appropriate addition to its host context in terms of urban design and it would comply with relevant development standards.

(iii) Amenity

7.19. The appellants express several amenity concerns: overlooking and a consequent loss of privacy, the impact of the bin store, the presence of Japanese Knotweed, and the absence of a management plan for the operational phase of the proposal. I will discuss each of these in turn.

7.20. Under further information, the applicant specified additional privacy screens to the proposed first floor balconies in a bid to ease overlooking from first floor openings and the balconies themselves. I consider that these screens would be effective in this respect. Second floor bedroom windows in the eastern elevation would afford views into appellant (a)'s adjacent residential property. The dwelling house on this property has a first floor window in its western elevation towards its SW corner. However, given the separation distances cited in paragraph 7.15, I consider that no undue loss of privacy would result.

7.21. The aforementioned screening would allay potential overlooking of the pair of semi-detached dwelling houses to the south of the site, too. These dwelling houses have first floor windows, one of which would have a narrow line of sight into the eastern portion of the site and the other one of which would effectively have its line of sight obscured by existing trees at the foot of the corresponding rear garden.

7.22. Habitable room openings and recessed balconies on the southern elevation of the proposal would have only acute lines of sight towards appellant (a)'s residential property and they would be 35m away from the southern boundary to the site. No appreciable overlooking would therefore result.

7.23. Appellant (a) draws attention to the bin store, which would be a roofless compound within which communal wheelie bins would be stored. They express concern over fly tipping and odours and they suggest that its siting should be swapped with that of the bicycle store, which would otherwise be sited beside the site's southern boundary.

7.24. Under the SUH: DSNA Guidelines, advice is given on bin stores, to the effect that they should not be sited on the street-front or where they would be visible to the public. The proposal would fail to abide by this advice. However, the suggested re-

siting would be less advantageous from an accessibility perspective. I, therefore, consider that, in the circumstances of this particular site, the proposed bin store should be designed as an outbuilding with a roof to distract from its use. Such a design would allay appellant (a)'s concerns over fly tipping and odours. This redesign could be conditioned.

- 7.25. At the appeal stage, the applicant has submitted a Japanese Knotweed Management Removal and Treatment Plan, which addresses appellant (a)'s concern in this respect.
- 7.26. The submitted plan (drawing no. 18028/P/009) indicates that residential unit no. 15, a two-bed duplex apartment, would be allocated for the purposes of Part V. Beyond this plan, information with respect to the future management of the proposal has not been submitted. However, the submission of such a management plan for the site could be conditioned.
- 7.27. Additionally, appellant (a) expresses concern that the retaining wall to the western boundary of their residential property is in poor condition and so would need to be replaced under any proposal for the development of the site. The applicant proposes a 1.8m high concrete block wall for the eastern boundary of the site, which would be rendered on its public side and capped. The relationship between the existing and proposed walls is unclear. The appellant appears to envisage a part retaining part above ground level wall to a height of 2.5m. Whether this is achievable between the parties is unclear. Nevertheless, a condition addressing in detail the treatment of this boundary and the southern boundary of the site with residential properties on Silverheight's Road would be appropriate.
- 7.28. I conclude that, provided the bin store is redesigned, the proposal would be compatible with the amenities of the area.

(iv) Traffic, access, and parking

- 7.29. The applicant has submitted a commentary on the impact of traffic generated by the proposal and, under further information, a supplementary statement on this commentary.
- 7.30. Appellant (b) is critical of the methodologies used by the applicant in the above cited commentary. However, these methodologies are the standard ones used in the assessment of traffic impacts. They also state that the applicant undertook a traffic

count that did not wholly coincide with the am peak. However, I am unclear as the source of appellant (b)'s information in this respect, as the applicant's commentary refers to the expected 08:00 to 09:00 am peak.

- 7.31. The aforementioned commentary indicates that the traffic, which would be generated by the proposal, would not be significant within the contexts of Boherboy Road and the junction between this Road and the Northern Ring Road. Furthermore, the capacity of this Road and junction would afford scope to accommodate such traffic, along with envisaged traffic from extant permission 16/7292 and PL04.249376 for 153 dwellings off Boherboy Road/Lotabeg Green and the merger of two local National Schools.
- 7.32. Notwithstanding the foregoing, the proposal would be undertaken in conjunction with the realignment of the adjacent junction between the Northern Ring Road and Boherboy Road. This realignment was informed by a Stage 1/2 RSA. Thus, the existing sweeping radii in the NE and SE corners of this junction would be tightened and the pronounced "kicked-out" alignment of the kerb line on the southern side of Boherboy Road in advance of it would be eased. The effect of the said realignment would be that vehicle speeds would be reduced and the operation of the junction, particularly for pedestrians crossing over the mouth of Boherboy Road, would become safer.
- 7.33. Appellant (a) has critiqued the proposed junction realignment by submitting vehicle simulation drawing nos. TC-PA1-02 & 04 revisions A, which show that articulated vehicles would have to overrun the far lane of the Northern Ring Road on exiting Boherboy Road to the left. While a baseline swept path has not been submitted to facilitate comparison, I consider that the appellant has identified a point at which the proposed realignment would lead to a deterioration in traffic movements. That said, the incidence of articulated vehicles making this manoeuvre from what is a residential street would be highly infrequent and the aforementioned improvements in junction safety would ensure that there would be a definite net improvement in safety.
- 7.34. Under condition 7 of the draft permission granted to the current application, the aforementioned junction improvements are to be carried out and paid for by the applicant and completed prior to the commencement of occupation of the proposal.

While the applicant did not appeal this condition, it is clear that under further information, it considered that these improvements would be disproportionate to facilitate the current proposal on its own and that they would, in practise, facilitate the aforementioned extant permission, too. This view was reiterated by the applicant in its response to the appellants.

- 7.35. I consider that it would be important for the aforementioned junction improvements to be completed prior to the commencement of occupation of the proposal. Whether or not the applicant should undertake them and/or fund them in part/in whole are matters that I do not consider that a condition needs to prescribe, as they can be the subject of negotiation/agreement between the applicant and the planning authority.
- 7.36. Under the proposal, the three existing accesses to the site would be closed and one new one would be formed in the vicinity of the NE corner of the site and so off Boherboy Road. The details of this access were the subject of refinement following a request for further information. Thus, a flat top ramp was added to the proposed site entrance.
- 7.37. Appellant (a) has critiqued the proposed site access by drawing attention to the available sightlines. They state that the sightline (2.4m x 45m) to the east of the proposed site entrance would be encroached upon by a pillar that is not under the applicant's control. During my site visit, I observed this pillar would lie c. 3m from the eastern side of this entrance and it is set back 1600 mm from the kerb line to the adjoining public footpath. I also observed that while the horizontal alignment of Boherboy Road is straight to the east of the site, it does curve outwards from the site in a northerly direction as it approaches the junction with the Northern Ring Road. Under the proposed realignment of this junction the initial curve would be retained and to the west of the proposed entrance it would be straightened out.
- 7.38. Under Section 4.4.5 of DMURS, visibility splays are discussed. While the maximum x distance of 2.4m is the norm for junctions in urban areas, this distance can "in difficult circumstances...be reduced to 2.0m where vehicle speeds are slow and flows on the minor road are low." In the present case, forward visibility downhill from the east is good on the approach along Boherboy Road and in advance of its junction with the Northern Ring Road the carriageway width tightens, and the horizontal alignment curves as described above. I anticipate that drivers will thus

tend to decelerate on this approach and flows along the proposed on-site access road would be low.

- 7.39. I estimate that once the curve in the kerb line of the proposed site entrance is allowed for a sightline of 2m x 45m would be available to the east. Confirmation of the availability of this sightline should be sought by means of detailed plans of the proposed entrance and the submission of a Stage 3/4 RSA.
- 7.40. The proximity of the aforementioned junction means that to the west a y distance of 35m would be the maximum available. By the same token, the forward visibility of vehicles turning right into this entrance would be limited and so the value of the proposed junction realignment in slowing vehicle speeds would be underscored.
- 7.41. The on-site access road would incorporate a turning head and it would be accompanied by 8 car parking spaces (3 parallel and 5 perpendicular). Under CDP standards, a maximum of 23 spaces would be appropriate. The appellants express concern that 8 spaces would be inadequate to serve the proposal and that this level of provision would risk pressure upon the finite supply of on-street car parking spaces available in the area. The applicant has responded by drawing attention to the availability of public transport and the options of cycling and walking. I consider that in the light of my discussion of these options and in the light, too, of advice set out in Sections 4.19 & 20 of SUH: DSNA Guidelines, that the provision of 8 spaces would be an appropriate level of provision.
- 7.42. The proposal would be served by a bicycle store with 12 stands. Under CDP standards, a minimum of 8 stands would be required and so the proposed level of provision would be appropriate.
- 7.43. I conclude that traffic generated by the proposal would be capable of being accommodated within the local road network, the proposed realignment of the junction between the Northern Ring Road and Boherboy Road would improve road safety, the proposed entrance to the site and accompanying on-site access road would be capable of meeting relevant DMURS advice, and the proposed level of car and bicycle parking spaces/stands would be appropriate under CDP standards.

(v) Water

- 7.44. The site is and would continue to be served by the public mains water supply and foul water sewerage system. Irish Water has raised no objection in these respects.

- 7.45. The proposal would be served by a storm water drainage system, which would be designed to handle 1 in 100-year flood events. This system would entail the siting of an attenuation tank (volume 105 cubic metres with a 0.5m freeboard for extreme flood events) underneath the proposed car park. The outlet from this tank would be fitted with a flow control, which would in turn be accompanied by an oil interceptor, prior to its connection to the storm water sewer underneath the public footpath on the nearside of the adjacent Northern Ring Road.
- 7.46. The OPW's flood maps indicate that there are no identified flood risks affecting the site and the surrounding area. Thus, this lies within Zone C for the purposes of the Planning System and Flood Risk Management (PSFRM) Guidelines and so it is appropriate for residential use.
- 7.47. I conclude that the proposed water supply and foul and storm water drainage arrangements for the redeveloped site would be satisfactory. I conclude, too, that the site is not the subject of any identified flood risk.

(vi) Stage 1: AA Screening

- 7.48. The proposal is for the redevelopment of an existing, serviced, urban site, which is neither in nor near to a Natura 2000 site. The nearest such sites are the Great Island Channel SAC and the Cork Harbour SPA. I am not aware of a source/pathway/receptor route between the site and this SAC and the site does not/would not provide a suitable habitat for the features of interest of this SPA, i.e. seabirds, wetland, and water birds.
- 7.49. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and proximity to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on European sites.

8.0 Recommendation

- 8.1. That permission be granted.

9.0 Reasons and Considerations

Having regard to the following documents:

- Sustainable Residential Development in Urban Areas Guidelines,
- Sustainable Urban Housing: Design for New Apartments Guidelines,
- Urban Development and Building Heights Guidelines,
- Design Manual for Urban Roads and Streets, and
- Cork City Development Plan 2015 – 2021,

It is considered that the proposal would, subject to conditions, fulfil the land use zoning objective for the site in the Development Plan and be of a high, yet appropriate, density for this site. This proposal would be compatible with the visual and residential amenities of the area and it would afford a satisfactory standard of amenity to future residents. Traffic generated by it would be capable of being accommodated within the local road network, the proposed realignment of the junction between the Northern Ring Road and Boherboy Road would improve road safety, the proposed entrance to the site and accompanying on-site access road would be capable of meeting relevant Design Manual advice, and the proposed level of car and bicycle parking spaces/stands would be appropriate under the Development Plan standards. Water supply and drainage arrangements would be satisfactory, and no Appropriate Assessment issues would arise. The proposal would thus accord 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
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	<p>the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22nd day of August 2018 and by the further plans and particulars received by An Bord Pleanála on the 7th day of November 2018, 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed bin store shall be redesigned as a building with a roof.</p> <p>(b) Details of the proposed entrance, existing retained features on either side of this entrance, and accompanying sightlines at a scale of 1: 50.</p> <p>(c) Details of the proposed and, where relevant, retained treatments to the eastern and southern boundaries, including elucidating cross sections, at a scale of 1: 100.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>Prior to the commencement of occupation of any of the residential units, the proposed improvements to the junction between the North Ring Road and Boherboy Road shall be fully implemented.</p> <p>Reason: In the interest of road safety.</p>
4.	<p>Prior to the commencement of occupation of any of the residential units, a Stage 3/4 Road safety Audit of the proposed site entrance shall be undertaken, and any resulting recommendations shall be fully implemented.</p> <p>Reason: In the interest of road safety.</p>

5.	<p>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 on-site access road, water mains, sewer, drains, public lighting, the communal court yard, the bin store, and the bicycle store shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
6.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

8.	<p>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:</p> <ul style="list-style-type: none">(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;(b) Location of areas for construction site offices and staff facilities;(c) Details of site security fencing and hoardings;(d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;(e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;(f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p>
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	Reason: In the interest of amenities, public health and safety.
9.	<p>Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
10.	<p>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.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The internal road serving the proposed development, including a turning head, parking spaces, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
12.	<p>Public 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 any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>Proposals for a street name, residential unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and residential unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
14.	The landscaping scheme shown on drawing no. 18028/P/005 revision P2,

	<p>as submitted to the planning authority on the 22nd day of August 2018 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution of €63,048 (sixty-three thousand and forty-eight euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed</p>

between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

Hugh D. Morrison
Planning Inspector

5th March 2019