



An
Bord
Pleanála

Inspector's Report ABP-302784-18.

Development

Permission for the demolition and removal of the existing warehouse/distribution building and associated structures and the construction of 135 no. residential units comprising 24 no. dwelling houses, 64 no. duplex apartments and a three storey apartment block (comprising 20 no. apartments) and a four storey apartment block (comprising 27 no. apartments). 1 no. creche, provision for the relocation of 2 no. utility buildings (gas and electricity) and all associated ancillary site development works including vehicular access, parking, footpaths, landscaping, drainage and amenity areas.

Location

Bessboro Road, Mahon, Cork.

Planning Authority

Cork City Council.

Planning Authority Reg. Ref.

TP 18/37820.

Applicant(s)

Bessboro Warehouse Holdings Ltd.

Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Multiple: First and Third Party.
Appellant(s)	Bessboro Warehouse Holdings Ltd. – First Party v S48 Condition John & Angela Leahy v grant of permission.
Observer(s)	None.
Date of Site Inspection	16 th January, 2019.
Inspector	A. Considine.

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1.0 Site Location and Description

The site the subject of this appeal is located approximately 5km to the south east of Cork City centre, within the Mahon Industrial Estate. Access to the site is via the Skehard Road and onto the Bessboro Road, which is a cul-de-sac road. The site lies to the east of the Bessboro Road and is located approximately 1km to the north of the Cork South Ring Road (CSRR), and approximately 2.5km driving to the CSRR. The surrounding area primarily comprises a mixture of both residential and light industrial with the Clover Hill residential estate to the north west, Jacobs Engineering to the west – and across the Bessboro Road – and other office based businesses to the south west and south. To the south east of the site is the Sacred Heart Convent. The site to the immediate east of the site is currently being developed for housing.

The subject site has a stated area of 2.75ha and is currently occupied a large industrial type structure, part of which is currently operating as a warehouse / distribution centre for a tile company. The majority of the site and the building appear to be unused and certainly the grounds to the rear (east) of the site have been neglected and are overgrown. The site is generally rectangular in its shape and there does not appear to be any significant level changes across the site other than along the eastern boundary where the adjacent lands are higher.

2.0 Proposed Development

The application to Cork City Council was permission for the demolition and removal of the existing warehouse/distribution building and associated structures and the construction of 135 no. residential units comprising 24 no. dwelling houses, 64 no. duplex apartments and a three storey apartment block (comprising 20 no. apartments) and a four storey apartment block (comprising 27 no. apartments). 1 no. creche, provision for the relocation of 2 no. utility buildings (gas and electricity) and all associated ancillary site development works including vehicular access, parking, footpaths, landscaping, drainage and amenity areas all at Bessboro Road, Mahon, Cork.

The proposed development will employ a number of materials including brick, zinc cladding and limestone panel cladding finishes to the walls, slate to the pitched roofs and single ply membrane in grey/black finish to flat roofs. The design provides for

uPVC double glazed windows and doors. Soffit and fascia will be black uPVC as will gutters and downpipes. Balconies will include glazed panels with stainless steel handrails with steel frames and powder coated aluminium finish. Each house is proposed to be provided with 2 car parking spaces with additional parking for the apartment blocks. The development also proposes to provide a creche to the south of the site which will accommodate 24 children.

The layout proposes the location of two apartment blocks to the western elevation of the site, with three rows of duplex apartment units towards the east of the site. A further row of 2 storey and 3 storey semi-detached houses, will be located along the northern boundary of the site. The permitted development provides for a development of 135 residential units, and a density of 49 houses per hectare as follows:

Type	Unit Type	Floor Area	No
A	2 storey semi-detached 3-bed	122.9m ²	16
A-1	3 storey semi-detached 4-bed	177m ²	8
Ground floor apartment	2 bed	85.3m ²	32
First floor apartment	3 bed	117.4m ²	32
Apartments	1 bed	68 m ²	5
	2 bed	88-89.4m ²	20
	3 bed	100.6-114.3m ²	22

A number of reports and documents were submitted in support of the proposed development including:

- Planning Assessment
- Creche Assessment
- Part V Provision
- Design Statement

- Landscape Masterplan
- Infrastructure Report
- Traffic Impact Assessment
- Public Lighting Report
- Road Safety Audit
- Appropriate Assessment Screening Statement
- Planning Application Form and relevant Plans and Particulars for the proposed development.

3.0 Planning Authority Decision

Decision

Following the submission of response to the further information request, the Planning Authority decided to grant planning permission for the proposed development, subject to 38 conditions, including the following:

- Condition 2: Revised apartment floor plans to demonstrate the required minimum storage areas
- Condition 26: Land Contamination investigation to be carried out.
- Condition 38: Development Contribution of €843,224.

Planning Authority Reports

Planning Reports

The Planning Officers initial report considered the proposed development in terms of the requirements of the Development Plan, the density and dwelling mix, design & residential amenity, visual impact and landscaping, public open spaces, roads and traffic issues as well as the comments and submissions from internal departments and external bodies, including third party objectors. The report also includes AA Screening. The report recommends that FI is sought with regard to a number of issues including as follows:

- Provision of pedestrian and cycle path.
- Creche numbers.
- Schedule demonstrating compliance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018.
- Building lifecycle report.
- Private open space.
- Revised plans to clarify proposed boundary treatments, entrance designs to comply with DMURS and a reduction in the corner radii proposed.

Following receipt of the response to the FI request, the final planners report notes that while the bulk of issues raised have been dealt with, an outstanding issue remains in relation to the provision of storage areas in the apartments. The report concludes that this matter can be dealt with by way of condition. With regard to the development contribution, the report notes the calculation by the Road Design report. Finally, the report notes that the zoning objective afforded to the site does not facilitate residential uses and therefore, the proposed development would materially contravene the City Development Plan. The report recommends that permission be granted subject to the material contravention process set out under 34(6) of the Planning & Development Act, 2000 as amended.

Other Technical Reports

Environment Section:	No objection subject to conditions.
Drainage Division:	No objection subject to conditions.
Road Design:	Further information required in relation to public footpaths, entrance details and compliance with DMURS. A development contribution calculation is also provided and submits that a reduction for demolition is not applicable and that a reduction for Part V housing provision has been included. The amount required is stated at €836,451.30.

Following the submission of a response to the FI request, all issues raised have been addressed. No objection subject to compliance with conditions.

A further report notes that while the footpaths have been increased, they should be a minimum of 1.8m (2m preferably) in width to comply with DMURS.

Transport & Mobility:

The report concurs with the Road Design request for FI in relation to pedestrian connectivity, clarification on creche numbers and associated car parking.

Following the submission of a response to the FI request, no objections raised subject to compliance with conditions.

Prescribed Bodies

Transport Infrastructure Ireland: The TII considers that the proposed development is at variance with official policy in relation to the control of development on / affecting national roads. It is considered that insufficient data has been submitted to demonstrate that the development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network. It is further considered that the TTA submitted does not assess the potential impacts to the national road network, N40 and associated junction, J10 Mahon.

Irish Water: No objection

Third Party Observations

There are sixteen third party submissions noted on the PAs file. The issues raised are summarised as follows:

- Roads & traffic issues arising from the proposed development. The existing road is already congested. The development will result in additional pollution arising in the area.
- Inadequate car parking proposed for occupants and visitors.
- Given the recent permission for additional housing developments in the area, it is considered that the development will lead to significant overdevelopment.
- The introduction of multi-storey apartment blocks plus duplex units is not in keeping or in character with the existing residential area. The density and layout of the development is not appropriate.
- Impacts on privacy due to the proximity of apartment blocks with balconies and the visual impacts associated with them.
- Lack of passive supervision of public open spaces will lead to anti-social behaviour.
- Lack of consultation with local residents. There was no consultation in relation to the residential development currently under construction adjacent to the subject site either.
- Existing illegal parking issues which affect existing residents.
- The proposed residential development does not comply with the zoning of the area. The rezoning was not appropriately advertised and people were not adequately consulted.
- Given the number of recent applications, there is a concern that the entire Mahon Industrial Estate lands will be rezoned for housing without putting place the necessary infrastructure to support it.
- No environmental impact report for the proposed development has been provided.
- The increase in population and the need for another creche in the area will add to the existing traffic crisis.
- The proposed balconies for the duplex apartments along the eastern boundary will overlook the rear gardens of houses currently under construction adjacent. There is no objection to the development but it is

requested that separation distances comply with the provisions of the Sustainable Residential Development in Urban Areas guidelines.

4.0 Planning History

The following is the planning history associated with the subject site:

On Site:

PA ref TP99/22996: Permission granted for the construction of traffic calming features, landscaping and a pedestrian gate at existing entrance to Ridge Tool site.

ABP ref PL 28.209936 (PA ref TP04/28822): Permission granted for the change of use of former Ridge Tool Manufacturing Facility from light industrial to warehousing / distribution.

On Adjacent Site to the east:

PA ref 17/37565: Permission was granted on 24th April, for the construction of 66 No. residential units and all associated ancillary development works including vehicular access (including 2 No. entrances on to Bessboro Road), parking, footpath at Bessboro Road, Ballinure, Mahon, Cork. This site also had the SO 7 Business and Technology zoning afforded to it.

Other sites:

PA ref 17/37349: Outline permission was granted, for the construction of 35 No. residential units on a site to the south west of the current site. This site also had the SO 7 Business and Technology zoning afforded to it.

Pre-planning Consultations:

The Board will note that the Cork City Council Planning Officers report notes that a number of pre-application consultations were carried out in relation to the subject site in 2015, 2016 and 2017. It is submitted that the applicant was advised that a residential development, while acceptable in principle on the site, would require a material contravention of the Cork City Development Plan.

5.0 Policy Context

National Policy / Guidelines

████████ Sustainable Residential Development in Urban areas, Guidelines (DoEHLG, 2009):

████████ These statutory guidelines update and revise the 1999 Guidelines for Planning Authorities on Residential. The objective is to produce high quality – and crucially – sustainable developments:

- quality homes and neighbourhoods,
- places where people actually want to live, to work and to raise families, and
- places that work – and will continue to work - and not just for us, but for our children and for our children’s children.

████████ The guidelines promote the principle of higher densities in urban areas as indicated in the preceding guidelines and it remains Government policy to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport under the *Transport 21* programme.

████████ Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:

- compliance with the policies and standards of public and private open space adopted by development plans;
- avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
- good internal space standards of development;
- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area; and

- compliance with plot ratio and site coverage standards adopted in development plans.

█ Sustainable Urban Housing, Design Standards for New Apartments, Guidelines (DoEHLG, 2015):

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.
- The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

█ Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

█ Development Plan:

█ The Cork City Development Plan 2015 – 2021 is the statutory Development Plan for the city of Cork. The subject site is located within an area of Cork City which is zoned **ABP-302784-18**

ZO7, Business and Technology, where it is the stated objective of the zoning to 'provide for high technology related office based industry.' Section 15.4 of the City Development Plan deals with Material Contraventions and Variations of the City Development Plan, noting that the Planning Act provides for Council Members to agree to grant permission following public consultation for a development which materially contravene an objective of the Plan.

Chapter 6 of the Plan deals with Residential Strategy and the following objectives are considered relevant:

Objective 6.8 Housing Mix:

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

Objective 6.9 Housing Density:

To promote suitable densities to meet the needs outlined in the Core Strategy as set out in Chapter 16.

Chapter 16 of the City Plan deals with Development Management and the sections 16.50 to 16.57 are considered relevant, in that they deal with apartment developments. The text is included at the rear of this report.

Mahon Local Area Plan 2014

The site is included within the Mahon Industrial Estate where objective MSA2 is considered relevant. This objective states as follows:

Objective MSA2: Mahon Industrial Estate

It is an objective of the City Council to seek to ensure that the Mahon Industrial Estate is developed as part of the wider Bessboro Neighbourhood in the medium-to-long term. The following projects will be promoted:

- Critical connections to integrate the area better into its context;

- A centrally located focal space for local commercial and community services.
- Maximise the potential of the landscape and ecological value of the site, including retention of trees and connecting spaces to adjacent landscape assets, such as the railway corridor and the Bessboro House grounds.
- Upgrading of streets and spaces to a high standard of public realm design; and

Residential uses will be open for consideration in areas zoned for Business and Technology Uses.

It is an objective to seek the relocation of the telecom mast located adjacent to the BGE aboveground installation.

█ Cork City Council Development Contribution Scheme 2018-2021:

█ The General Development Contribution Scheme was prepared in order to comply with the requirements of the Planning & Development Act, 2000 (as amended). Cork City Council, by resolution, adopted the scheme by resolution on the 9th of July, 2018. Section 48 (1) of the Planning and Development Act, 2000 as amended enables a planning authority, when granting a planning permission under Section 34 of the Act, to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).

Section 1.6 of the General Development Contribution Scheme provides for exemptions and reductions including percentage reductions, in respect of a number of categories, including the following:

Category	Description
	Proportionate reductions in respect of demolition will be allowed excluding where: <ul style="list-style-type: none"> • Development contributions were not previously paid on the original construction.

5.25	<p>and/or</p> <ul style="list-style-type: none"> • The replacement development and the intended use constitute a substantial intensification of use of services. <p>Demolition must be necessary to facilitate the proposed development.</p>
5.26	<p>Where demolition work is necessary and levies were previously paid:</p> <ul style="list-style-type: none"> • An allowance of the amount of development contributions previously paid will be deducted from contributions currently due. <p>Note to avail of this reduction the onus is on the applicant/agent to provide evident of payment at application stage.</p>

Natural Heritage Designations

The subject site is located at a distance of approximately 5km from the nearest cSAC, Great Island Channel, cSAC Site Code 001058, and 500m from the Cork Harbour SPA, Site Code 004030. The site is not located within any designated site.

Environmental Impact Assessment

Having regard to the brownfield nature of the subject site, together with the scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

This is a multiple appeal including a first party appeal against a development contribution condition and a third party appeal from John & Angela Leahy, against the decision to grant permission.

Grounds of Appeal

First Party Appeal:

The applicant has appealed the inclusion of condition 38 in the grant of planning permission which seeks the payment of a Development Contribution in the amount of €843,224.18 for the provision of public infrastructure and facilities benefiting development in the city of Cork. The grounds of appeal are summarised as follows:

- The City Council has overlooked the amount of floorspace subject to demolition and have not applied an appropriate reduction as provided for in the City Councils General Development Contribution Scheme, 2018-2021.
- The proposed development involves the demolition of 11,714m² and should qualify for a reduction under Category 5.25/5.26 of the General Development Contribution Scheme as:
 - Development contributions were previously paid on the original construction, ABP ref PL 28.209936 (PA ref TP04/28822) refers
 - The replacement development and intended use does not constitute a substantial intensification of use of services
 - Demolition is necessary to facilitate the proposed development.
- While evidence is available for 6,216m², it is submitted that it is unreasonable that the applicant should not benefit from the reduction of the entire 11,714m², as the original development was carried out under PA ref 78/7891, by a previous developer/owner.
- The Council has over-estimated the new floor space in the proposed development at 16,065.24m². The proposed development has a gross internal floor area of 15,647.20m².
- The contributions levied are not in accordance with the guidelines on Development Contribution Charges.
- Reckonable Development contribution charges should be recalculated as follows:
 - Demolition area of 11,714m² = €206,443.84

- Demolition area of 6,216m² = €495,020.11

- There are a number of enclosures with the first party appeal.

Third Party Appeal

John & Angela Leahy submitted a third party appeal against the decision of the Planning Authority to grant permission for the residential development. The grounds of appeal are similar to those issues raised during the Planning Authority's assessment of the proposed development and are summarised as follows:

- Issues with the inaccurate zoning referred to in the Planning & Design Statement.
- The proposed development contravenes the original zoning and the material contravention process was conducted without proper consultation with local residents. It is submitted that the zoning should have remained ZO7 to promote and encourage employment.
- While there is a housing crisis, this is not a reason to make bad decisions and re-zone job producing sites to provide tenement style residential development, punishing existing residents.
- Issues raised with the design of the development, including the materials to be used, which is not in keeping with the character and quality of homes in the area.
- The estate layout and landscaping are poor and will impact on available sun and daylight, will create an inadequately passive-supervised area which will be a target for anti-social behaviour and increased leaf litter will be a nuisance.
- Traffic impacts arising in relation to the proposed creche, as well as potential sanitary issues.
- There has been no mention of Japanese Knotweed which is actively growing on the approach roads to the site.
- The site is in proximity to a Mother and Baby home which has not been considered given the probability that there are graves beneath the surface,
- Conditions relating to noise levels during demolition and construction are being breached by existing developments in the area, including floodlighting use in the early hours of the morning.

- Traffic issues arising due to the scale of the proposed development on the cul-de-sac road. Traffic issues in the area have been acknowledged as early as 1999 when traffic calming features were fitted. The proposed three entrances will not alleviate congestion.
- The existing warehouse / offices have less than 20 staff, generating a fraction of the proposed development.
- The phasing of the development is a concern.
- Restriction of car parking within the development will result in overspill parking on approach roads. The Road Safety Audit proposes the removal of parking on Bessboro Road, a privilege enjoyed by current residents for over 20 years.
- The TIA submitted is already out of date and is naïve and misleading. There are errors in the document. It acknowledges that the road network is already operating at or above capacity at peak times and will require intervention measures to improve traffic capacity regardless of the proposed development.
- The enhancement works referred to in the TIA have made congestion worse and have created rat runs through existing housing estates. The junction assessment is flawed and does not reflect real-life conditions and traffic modelling methods used have reached illogical conclusions.

It is requested that permission be refused.

Applicant Response

The first party has responded to the third party appeal as follows:

- The appeal has had no regard to the assessment of the issues raised by the Planning Authority and the applicant was accompanied by a detailed and comprehensive set of supporting plans/material including a robust traffic assessment.
- The proposed development is entirely sustainable and will not have a detrimental increase in traffic on to Bessboro Road / Skehard Road. There has been significant investment in sustainable transport infrastructure in the

area including off-street cycle lane and the site is located within pedestrian access to Mahon District Centre.

- Roads and traffic issues raised are unsubstantiated and statements in the appeal show either a lack of examination of the submitted application or a lack of understanding or disregard for the submitted documents.
- The proposed development will not have a negative impact on adjoining properties and will enhance the area of Bessboro as a whole by providing 135 no. additional residential units to the area.
- The application site was carefully considered by the applicant, having undertaken a number of pre-planning consultations, and will provide much needed housing to the south eastern suburbs of Cork City.
- The material contravention process was also supported by over 75% of the elected members.
- The appellant raises issues which have no basis and are irrelevant to the consideration of the proposed development including references to Japanese Knotweed and a former Mother and Baby Home. Issues in relation to noise are misplaced and unfounded, running contrary to the interests of sustainable development.
- The appellant has disregarded the assessment carried out by Cork City Council

It is requested that the Councils decision be upheld and the above comments be taken into account in the Boards assessment of the proposed development.

Planning Authority Response

The PA has responded to the first of third party appeals.

First Party Appeal:

- The Council does not concur with the first party contention that the development will not constitute a substantial intensification of the use of

services over the existing / former warehousing / distribution use. As such, Category 5.25 is not applicable for a reduction in levies.

- The reduction set out under Category 5.26 follows only if the first bullet point of Category 5.25 is applicable. This category refers to the amount of development contributions previously paid and not the relevant reckonable area. The development contribution previously paid under TP04/28822 was €111,867.80.
- The Planning Authority stands over its calculations of the gross internal floor area of the proposed development as 16,182m². The figures submitted by the applicant excluded internal walls, passages, partitions and storage areas – all of which are subject to inclusion within the GIFA calculation (Section 1.5 Note 3 of the Scheme).
- There is a noted error in the calculation of the reckonable area associated with the proposed social housing units. In this regard, the reckonable area is calculated at 14,975.90m². the rate per square meter (at Q4 2018 CPI rate) is €53.2667 which provides for a Development Contribution figure of €797,716.77.
- The Scheme was prepared in accordance with the relevant guidelines.
- It is concluded that the planning authority has properly and correctly applied the Scheme in relation to Categories 5.25 and 5.26.

Third Party Appeal;

- Many of the issues raised in the third party appeal are addressed in the various planners reports and internal technical reports on the planning file.
- The material contravention process set out in Section 34(6) of the Planning & Development Act 2000 as amended was followed properly. The meeting with residents referred to was not part of the official material contravention process and was neither arranged nor attended by the Planning Authority.
- The density, height, scale, layout and design are all acceptable under national and local policy and guidance.

- The PA is satisfied that the development is located outside the grounds of the former Mother and Baby home and noise conditions are not usually attached to the operational phase of residential developments.
- There will be no adverse impacts in relation to traffic.

It is requested that permission be granted.

Observations

None.

Further Responses

The first party appellant responded to the Planning Authority's response to the first party and third party appeals. The submission is summarised as follows:

- Disagrees with the City Council in terms of Categories 5.25 and 5.26 exemptions and proportionate reductions.
- Contributions equating to €111,867.80 were paid previously should be deducted.
- An explanation for the overestimation of GIFA has not been provided.
- It is requested that the Board determine the appropriate general development contribution based on the GIFA submitted for planning and consider the breakdown of the reckonable general development contributions as previously set out by the first party.
- Issues relating to contributions levied not being in accordance with the guidelines is restated.
- With regard to the response to the PA's response to the third party appeal, the first party agrees with the opinion of Cork City Council.

The third party appellant responded to the Planning Authority's response to the first party and third party appeals. The submission is summarised as follows:

- It is wished to be noted that the third party appeal, while submitted in a personal capacity, represents the views expressed by a number of residents who submitted objections to the proposed development.
- The councils response acknowledges that the development represents an intensification of the floor space use while also claiming that there will be no adverse impact on traffic. This appears to be a contradiction.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Material Contravention
2. Compliance with National Guidelines & Standards, the City Development Plan & General Development Standards
3. Roads & Traffic
4. Development Contribution Issues
5. Water Services
6. Appropriate Assessment

Material Contravention

The Board will note that the proposed development materially contravenes the zoning objective afforded to the subject site, being ZO7, Business and Technology, where it is the stated objective of the zoning to 'provide for high technology related office based industry.' Residential development is not a use which is permitted in principle under this land use zoning and in this regard, the City Development Plan, Section 15.4 deals with Material Contraventions and Variations of the Plan. The Planning & Development Act, 2000, as amended, Section 34(6), provides for Council

Members to agree to grant planning permission for a development which materially contravenes an objective of the Plan, following public consultation.

On the 2nd of August, 2018, public notice was served advising the intention to consider granting planning permission for the proposed development at the subject site. Section 34(6)(iv) of the Act states that a resolution shall be passed by the authority requiring that a decision to grant permission be made. The minutes of the Council meeting where the matter of the material contravention was discussed and voted upon, 24th September, 2018, is submitted.

The Act requires, S34(6)(iv)(b) states

‘It shall be necessary for the passing of a resolution referred to in *paragraph (a)* that the number of the members of the planning authority voting in favour of the resolution is not less than three-quarters of the total number of the members of the planning authority or where the number so obtained is not a whole number, the whole number next below the number so obtained shall be sufficient, and the requirement of this paragraph is in addition to and not in substitution for any other requirement applying in relation to such a resolution.’

There were 24 votes in favour of the proposal, 4 against and 2 abstentions. The minimum number of votes required to pass the resolution was 23 which was exceeded.

Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

Sustainable Residential Development in Urban Areas (DoEHLG, 2009)

The site the subject of this appeal is located approximately 5km to the south east of Cork City centre, within the Mahon Industrial Estate. The site can connect to public services and, having regard to the material contravention which was passed by resolution of Cork City Councillors, as such the principle of development at this location is considered acceptable and in compliance with the general thrust of national guidelines and strategies. The 2009 guidelines updated the Residential Density Guidelines for Planning Authorities (1999), and continue to support the principles of higher densities on appropriate sites in towns and cities and in this

regard, I consider that it is reasonable to support the development potential of the subject site in accordance with said guidelines.

The development proposes the construction of 135 residential units on a site covering approximately 2.75ha and in terms of the recommendations of the Guidelines, the density at 49 units per hectare is considered both appropriate and acceptable. In terms of the mix of residential units proposed, the development proposes 24 semi-detached houses, 32 duplex apartments with 32 ground floor apartments and two apartment blocks of 3 and 4 stories providing 47 apartments in total. The unit types proposed are as follows:

Unit type	Number	%
1 bed	5	4%
2 bed	52	39%
3+ bed	78	57%

I am satisfied that the proposed mix of house types is acceptable.

The objective of the Sustainable Residential Development in Urban Areas guidelines is to produce high quality, and crucially, sustainable developments. Section 5.6 of the guidelines provides certain safeguards with regard to such urban developments to deal with both existing and future residents the area of the proposed development. Said safeguards are detailed above in Section 5.1 of this report and I consider it reasonable to address the proposed development against same.

a) *Compliance with the policies and standards of public and private open space adopted by development plans;*

- In terms of private open space, the Board will note that proposed development layout, as permitted, provides for rear gardens generally having a depth of approximately 10m and each of the semi-detached houses have private open space in the form of rear gardens. The proposed duplex apartments provide for private open space to the rear of the ground floor apartments with balconies for the upper floor duplex apartments. In terms of the two apartment blocks, the Board will note

that the apartments have balconies. I would consider that the private open space provision is adequate.

- With regard to public open space, the proposal as permitted, provides for a number of areas of open space to be located throughout the development. The areas include two areas along the western boundary, a 12m wide area located between the duplex apartments along the eastern boundary and the blocks located centrally within the site and two further areas within the envelope of the two apartment blocks. The areas provide for a play area and kickabout area to the east of the apartment buildings and a separate play area is proposed associated with the creche. The applicant indicates that the proposed open space provides for 16% of the total site area, however, I would concur with the Planning Authority that there are a number of areas which are not particularly useable given dense vegetation or just the small narrow nature of the space. The City Development Plan requires a general provision of 10%, rising to 15% public open space on greenfield sites.
- Overall, I am satisfied that the proposed open space provision is acceptable in principle.

b) Avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;

- Having regard to the location and nature of the proposed development, together with the Material Contravention process having been undertaken, the principle of the development is considered acceptable. I have discussed the open space provisions above, and overall, I would be satisfied that the residential amenities of future residents of the development have been considered.
- I note that historically, this area has developed as an Industrial Estate, with residential uses to the north west. That said, there is also evidence of residential use in close proximity to the subject site with a house and convent located to the south. In addition, the Board will note that a residential development is currently under construction on the site to

the east of the subject appeal site. Therefore, the proposed residential use is considered acceptable at this location.

- The Board will note that the adjacent landowner raised concerns in terms of the potential impacts on the estate under construction. The Local Authority sought amendments to the site layout to increase the separation distances between the duplex residential units and the adjoining site under construction. Having regard to the site levels across both sites, together with the garden depths proposed along the eastern boundary, I am generally satisfied that the development is acceptable and will not have any significant adverse impacts on the amenities of future residents of either development.
- Issues arising in terms of potential conflicts with neighbours include roads and traffic issues, which will be addressed further below, as well as the potential for existing uses to affect the residential amenities of future residents.

c) *Good internal space standards of development;*

The proposed development provides for three different duplex / apartment types. Compliance with the guideline standards are presented as follows:

Ground floor duplex two bedroom apartments:

	Proposed	Guidelines
Overall floor area	85.3m ²	75m ²
Double bedroom area		
Bedroom 1	14.4m ²	11.4m ²
Bedroom 2	13.4m ²	
Living area		
Living / Dining	22.57m ² +	
Kitchen	7.93m ²	
Total living area	30.5m ²	30m ²

Living room width	4.593m	3.6m
Storage area	2.17m ² utility 1.23m ² Hot press	6m ²

In terms of above, the following is relevant:

- The Design Standards for New Apartments require ‘that general storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms’. If the proposed utility rooms are considered to comprise kitchen storage, then the proposed storage provision for the purposes of the standards is significantly below the recommended minimum area. I would note however, that these 32 no. ground floor duplex apartments have private rear gardens proposed and that storage to serve these units could adequately be provided for within this amenity space.
- I am satisfied that the units adequately comply with the requirements of the design standards, subject to the provision of a 6m² storage area within the boundaries of each unit.

This matter can be dealt with by way of condition of permission.

Duplex three bedroom apartments:

There is no difference in the floor areas of the duplex apartments throughout the proposed 6 blocks of duplex / apartments.

	Proposed	Guidelines
Overall floor area	117.4m ²	90m ²
Double bedroom area		
Bedroom 1	14.26m ²	
Bedroom 2	11.4m ²	11.4m ²
Bedroom 3	11.6m ²	
Living area		
Living / Dining	31.8m ² +	

Kitchen	10.41m ²	
Total living area	42.21m ²	34m ²
Living room width	3.53 x 7.243m	3.6m
Storage area	2.8m ² utility 1.62m ² under stair 1.58m ² Hot press	6m ²

In terms of above, the following is relevant:

- The overall design of these duplex apartments provide for a separate kitchen from the living / diner, with a total living / kitchen area at 42.21m², which is acceptable.
- Other than the under stairs storage area, amounting to 1.62m², together with the utility room and hot press, there is no additional storage proposed for the duplex apartments.
- The duplex apartments are to be provided with east and west facing balconies off the proposed living rooms with an area of 11.16m².

Overall, I have no real concerns regarding the proposed apartments and duplex apartments. Given the generous floor areas of the duplex apartments, I am satisfied that the storage requirements can be adequately met within the envelope of each apartment. This should be a condition of planning permission.

In terms of the apartment blocks, the Board will note that the applicant, in response to the FI request, submitted a schedule for the relevant areas.

	Proposed	Guidelines
Overall floor area		
1 bedroom apartment	68m ²	45m ²
2 bedroom apartment	88-89.4m ²	63-73m ²
3 bedroom apartment	100.6-110.5m ²	90m ²

Bedroom area		
Single bedroom	8.4m ²	7.1m ²
Double bedroom	13.8m ²	11.4m ²
Aggregate living area		
1 bedroom apartment	27.9m ²	23m ²
2 bedroom apartment	30.7-37.9m ²	28-30m ²
3 bedroom apartment	34-34.9m ²	34m ²
Living room width		
1 bedroom apartment	4.02m	3.3m
2 bedroom apartment	5.52m	3.6m
3 bedroom apartment	5.52m	3.8m
Storage area		
1 bedroom apartment		3m ²
2 bedroom apartment		5-6m ²
3 bedroom apartment		9m ²

In terms of above, the following is relevant:

- The Board will note that the applicant, in response to the FI request submitted a schedule of floor areas for the apartment units, which includes for the provision of storage. I am not satisfied that the layout of the apartments as proposed adequately complies with the relevant design standard requirements.
- The Design Standards for New Apartments require 'that general storage should be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms'. While the apartments propose storage, the figures presented include those elements which are not intended to be included, such as bedroom wardrobes. In this regard, I consider that this issue requires to be addressed. I note the comments of the Planning

Officer from Cork City Council in this regard and agree that the issue might reasonably be dealt with by way of condition.

- I am satisfied that the units adequately comply with the requirements of the design standards, subject to the provision of appropriate storage areas for each unit excluding wardrobes and kitchen units.

d) *Conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;*

Given the nature and scale of the proposed development, I am satisfied that the development might reasonably be considered as being acceptable in principle, given the material contravention process facilitating the development on the subject site. There is a mix of existing uses in the immediate area and vicinity of the subject site, including industrial and commercial, with residential to the east and south as well as longer standing residential areas to the north west. I have no objection in principle to the development of residential development on this site, subject to conditions to address my concerns as raised above in relation to storage. I acknowledge the requirements of the Mahon local Area Plan, 2014 and consider that the proposal before the Board does not conflict with any vision of the urban form as expressed in the LAP.

e) *Recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an Architectural Conservation Area;*

Not relevant in this instance as there is no protected structure or Architectural Conservation Area in proximity to the subject site. I am satisfied that Bessboro House and its attendant grounds are at a remove from the proposed development site as to warrant concerns.

f) *Compliance with plot ratio and site coverage standards adopted in development plans.*

The Cork City Development Plan provides guidance in terms of site coverage and density and having regard to the nature of the subject site, I am satisfied

that the proposed development is acceptable in terms of site coverage and plot ratio.

It is acknowledged that national guidelines encourage the provision of higher density development within urban areas in order to use serviced lands in a sustainable manner, but regard has to be given to the existing nature of development in the vicinity of the subject site as well as the nature and scale of the surround area and existing residential estates and other land uses. The development proposes 135 residential units on lands which are considered brownfield.

Having regard to the above, and acknowledging that the material contravention process, I consider that the principle of the proposed development is acceptable, given the location of the subject site in proximity to Cork City and in close proximity to public transport links. The homes proposed, including all apartment units, however, should meet all required design standards, including storage areas, in order to ensure appropriate residential amenity standards.

Roads & Traffic:

Access to the subject site is proposed over the existing and permitted road network in the vicinity, and ultimately, off Skehard Road to the north onto Bessboro Road. The proposed development proposes two access / egress points to the site including one to the west of the site, with a further access to the south of the site. A separate exit only is also proposed along the southern boundary of the site, adjacent to the creche. Bessboro Road serves the Clover Hill Estate as well as a number of existing office and light engineering businesses within the Industrial Park. Bessboro House and its associated grounds, as well as a convent are also accessed over Bessboro Road, which is a cul-de-sac. The Board will note that a primary concern of third parties relates to roads and traffic issues. It is submitted that the existing road network is incapable of accommodating the level of traffic the development, if permitted would generate.

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate

between public and private urban streets, where a 60kph speed limit or less applies. The DMURS provides radically new design principles and standards from DMRB. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S) and is applicable in the case at hand. The Manual seeks to address street design within urban areas (i.e. cities, towns and villages). It sets out an integrated design approach. What this means is that the design must be:

- a) Influenced by the type of place in which the street is located, and
- b) Balance the needs of all users.

DMURS sets out a road user priority hierarchy as follows:

- 1 Pedestrians;
- 2 cyclists
- 3 public transport
- 4 car user.

The key design principles for roads include –

- Integrated streets to promote higher permeability & legibility;
- Multi-functional, place-based, self-regulations streets for needs of all users;
- Measuring of street quality on the basis of quality of the pedestrian environment
- Plan-led, multidisciplinary approach to design.
- The importance of this design approach is dependent upon site context, but also on road type - local, arterial or link. The DMURS defines a hierarchy of places based on place-context and place-value, with centres (such as town and district centres) having highest place-value. Places with higher context / place-value require:
 - Greater levels of connectivity;
 - Higher quality design solutions that highlight place;

- Catering for and promotion of higher levels of pedestrian movement;
- A higher level of integration between users to calm traffic and increase ease of movement for vulnerable users.

DMURS provides detailed standards for appropriate road widths - 2.5m to 3m per lane on local streets and a 3.25m standard for arterial and link route lanes, junction geometry - greatly restricted corner radii to slow traffic speed and improve ease of pedestrian crossing, junction design - omit left turn slips and staggered crossings etc., and requires that roads are not up designed above their speed limit. In terms of the above requirements of DMURS, the applicant has sought to design the internal roads of the proposed estate to ensure compliance and to a design speed of 20km/ph. It is noted that the design standards were not fully applied in the initial layout with particular regard to the priority hierarchy and the lack of pedestrian connectivity, and it is noted that the proposed footpaths did not comply with DMURS in terms of their intended widths. This was addressed following a request for further information, however internal footpaths still appear below the DMURS required width of 1.8m. I note the report from the Transport & Mobility report from the Roads and Transportation Directorate of Cork City Council advising that 2m footpaths would be preferable. Should the Board be minded to grant permission in this instance, a condition requiring that all footpaths be a minimum of 1.8m in width should be included.

The applicant submitted a Road Safety Audit (RSA) and Transport Impact Assessment (TIA) in support of the proposed development. The RSA identified a number of issues arising from the submitted documents relating to entrances, footpaths, parking, arrangement of roads and layouts as well as the potential for unsupervised areas of public open space. The RSA makes recommendations in relation to the issues identified. The TIA report describes the existing environment, provides details of the current situation at the site, describes the proposed use of the site and estimates the future traffic implications arising from the traffic generated by the proposed development and its impact on the surrounding road network. The Assessment found that both the signalised junctions of Bessboro Road / Skehard Road, and Skehard Road / Mahon Link Road are both operating at or above capacity

at peak times. These junctions are identified as requiring intervention measures to improve traffic capacity, with or without the proposed development.

The improvement works cited in the TIA, Phase 2 of which is currently under construction and will terminate to the west of the Skehard Road / Bessboro Road Junction. The upgrading of this junction will occur as Phase 3 of the works, as well as further improvements to pedestrian, cyclist and public transport facilities towards the Mahon Link Road Junction. Longer term strategic transportation routes are also noted in the TIA including those referenced in the South-East Corridor Study which proposes a possible quality bus corridor between Cork City Centre and Mahon Point which will be routed in the vicinity of the current site. A key component of this will be the provision of a proposed walking / cycling / public transport only bridge connection over the Passage Railway to connect to the Mahon Link Road. This bridge is referred to as Bessboro Bridge in the SE Corridor Study.

The TIA undertakes a traffic assessment of the proposed development on the local road network. The potential traffic generated by the proposed development has been calculated using TRICS and the assessment notes that the existing traffic generated by the warehouse and office activities currently on the site will off set the projected trip generation as they will no longer be present on the local road network.

The projected traffic arising at peak times are indicated as follows:

AM PEAK	Arrival	Departure
Residential Units	22	65
Creche Facility	17	12
Total	38	78

PM PEAK	Arrival	Departure
Residential Units	56	31
Creche Facility	12	17
Total	70	47

However, when the existing traffic from the current uses on the site are off-set, the TIA concludes that the increase in the traffic arising from the proposed development will be:

	AM PEAK	AM PEAK	PM PEAK	PM PEAK
	Arrival	Departure	Arrival	Departure
Proposed Development	38	78	70	47
Existing Development	-18	-6	-6	-18
Total additional traffic	20	72	64	29

In terms of an increase in traffic as a consequence of the proposed development, it is calculated that the increase will be up to 3% on all surrounding roads except for Bessboro Road, which will experience an increase of approximately 12% during the AM and 11% during the PM Peak times. This increase is considered as being due to the current traffic flows on Bessboro Road being lower than Skehard Road and the Mahon Link Road. Impacts on relevant junctions are estimated to range between 2% and 5%. The TIA concludes that the analysis illustrates that the proposed development is unlikely to significantly impact the surrounding road network and generated significant additional queuing.

In terms of an assessment of junctions, the TIA undertook an assessment using the LinSig programme. The assessment has not had regard to the proposed road improvement works to junctions. The findings conclude that all junctions are operating at or above capacity at peak times and will require intervention measures to improve capacity, in the absence of the proposed development and the proposed improvement works.

In terms of parking, the Board will note that the applicant has proposed 208 car parking spaces to service the development. The Cork City Development Plan presents a maximum car parking requirement for proposed developments. The subject site is located within Zone 3 for car parking purposes and as such, I calculate that there is a requirement for 251 parking spaces, calculated as follows:

57 no 1-2 bed units:	1 per unit + 0.25 visitor = 71.25	(37 proposed)
78 no 3+ bed units:	2 per unit + 0.25 visitor = 175.5	(93 proposed)
Creche:	1 per 6 students = 4	(8 proposed)

The Board will also note the intention to provide for 8 motorbike spaces, 44 bicycle spaces and 10 disabled and 1 space will be equipped to accommodate electrical vehicles with ducting provided in 17 additional spaces to allow for a future fit out of a charging point.

Third parties have raised concerns in terms of impacts associated with the construction phase of the proposed development, and I accept that there will be some impacts to existing road users. However, I am also satisfied that these impacts are generally temporary in nature. In terms of general roads and traffic issues, and acknowledging the third party submissions in this regard, I note the road improvement works under construction in the vicinity of the site. I am satisfied, based on the information submitted to date, the details of the reports of the City Councils roads engineers, the requirements of the Design Manual for Urban Roads and Streets, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the proposed development would not result in a significant traffic hazard for existing residents in the area, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider area and the carrying capacity of the local road network by reason of the additional traffic resulting from the proposed development.

Development Contribution Issue:

Condition 38 of Cork City Councils decision to grant permission relates to the payment of a Development Contribution in the amount of €843,224.18. The first party has appealed this condition on the basis that the General Development Contribution Scheme has not been correctly applied. It is submitted that the City Council has overlooked the amount of floor space to be demolished, amounting to 11,714m², and has not applied the appropriate reduction as provided for in the Cork City Council Development Contribution Scheme, 2018 under Categories 5.25 and 5.26.

Section 48(1) of the Planning & Development Act, 2000 as amended, enables a Planning Authority, when granting permission for a development under Section 34 of the Act, to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefitting development in the area. I have outlined the details of the Development Contribution Scheme above in section 5.6 of this report and the Board will note the submission of the Planning Authority in response to this first party appeal.

I have considered all submissions in relation to the application of the Development Contribution Scheme and would note in particular, the Planning Authority's acknowledgement that a contribution of €111,867.80 has been paid in the past for development at the site under TP04/28822. I also note the argument of the applicant that the area to be demolished, stated at 11,714m², should be afforded the reduced contribution rate and not just the area of 6,216m² which relates to the 2004 permission at the site.

In terms of the reckonable floor area, the Planning Authority calculates the area at 16,182m² while the applicant submits that the gross internal floor area is 15,647.2m². I have undertaken a calculation and would agree with the Planning Authority in terms of the reckonable floor area. I also note the submission of the Planning Authority reducing this floor area to 14,975.9m² after excluding the proposed social housing units. I consider this reasonable.

In terms of the application of Categories 5.25 and 5.26 of the Cork City Development Contribution Scheme, I would agree that the proposed use of the site represents an intensification of use from the current warehousing / distribution use. Therefore, I would agree with the Planning Authority that Category 5.25 of the Scheme, which provides for an and/or situation, should not apply in this instance. I would note the submission of the PA in relation to the previous contribution paid for development at the site and would recommend that the said amount of €111,867.80 be deducted from the total development contribution amount. The development contribution applicable therefore, is calculated as follows:

14,975.9m ² x €53.2667	=	€797,716.77
Less previous Contribution	=	<u>€111,867.90</u>
Total Contribution	=	<u>€685,848.87</u>

Water Services

The proposed development will connect to existing services which serve the wider area. The public system appears to have adequate capacity to accommodate the proposed development and Irish Water has indicated no objections.

Appropriate Assessment

The closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Chanel cSAC (site code 001058), approximately 5km to the east. The site is currently development and therefore can be considered as a brownfield site within an urban and serviced area. The applicant has submitted an AA screening report which concludes that there would be no risk of significant negative effects on any European Site as a result of the proposed development, either alone or in combination with other plans or projects. The planning report on file concludes that appropriate assessment is not required.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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

I recommend that planning permission be **Granted** for the proposed development for the following stated reason.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Cork City Development Plan 2015 and the Mahon Local Area Plan 2014, the Material Contravention process undertaken by Cork City Council and to the layout and design as submitted, the Board considered that, subject to compliance with the

conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic 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 to the planning authority on the 16th day of March, 2018, as amended by the plans and particulars submitted on the 6th day of July, 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.

Reason: In the interest of clarity.

2. The development shall be amended to ensure full compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018, in terms of the provision of storage. All apartment units shall have the required minimum storage area provided, excluding bedroom and kitchen furniture.

Revised drawings, showing clear measurements and location of storage to comply with the above, and a separate schedule of the floor areas for each apartment shall be submitted for the written agreement of the Planning Authority, prior to the commencement of any development on site

Reason: In the interest of appropriate development and residential amenity.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. All trees along the site boundaries shall be protected and retained as part of the open space. Full details of boundary treatments and a detailed landscaping plan, including a timeframe for implementation, shall be submitted to and agreed in writing with the planning authority prior to works commencing on site.

Reason: In the interest of visual and residential amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed prior to commencement of development.

Reason: In the interest of visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

9. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 house.

Reason: In the interests of amenity and public safety.

11. All footpaths shall be a minimum of 1.8m in width across the proposed development. Full details shall be submitted for the written agreement of the planning authority prior to the commencement of any development on site.

Reason: In the interests of pedestrian safety and compliance with DMURS.

12. Prior to commencement of development, the applicant shall agree in writing with the planning authority, the 13 no. units to be transferred for social housing as proposed as part of the residential development.

Reason: In the interests of clarity and 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.

13. The parking provision for the development shall be in accordance with the requirements of the planning authority and shall include as follows:

- (a) 202 car parking spaces, inclusive of 10 disabled parking spaces
- (b) 10 motorcycle parking spaces
- (c) a minimum of 68 covered bicycle parking spaces
- (d) the provision of Charge Points to cater for up to 10% of spaces being allocated for Electric Vehicles, including the provision of all ducting and cabling.

Reason: In the interests of traffic safety and compliance with national policy for the use of electric vehicles.

14. Having regard to the prior industrial use of the site, and the potential for contamination, the developer shall, prior to the commencement of any development on site, engage the services of an appropriately qualified environmental consultant with experience in the field of land contamination, to

carry out site investigations, risk assessment, prepare a report and recommend remedial measures where appropriate. This report shall be submitted to the planning authority prior to the commencement of any development on site.

Reason: In the interests of environmental protection and sustainable development.

15. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

16. The developer shall pay to the planning authority a financial contribution of €685,848.87 (six hundred and eighty five thousand, eight hundred and forty eight Euro, and eight seven cent) 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

A. Considine
Planning Inspector

21st January 2019