



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-303437-19

Strategic Housing Development	419 no. student bedspaces, road improvements and all associated site works.
Location	O'Riordan's Joinery, Bandon Road and portion of the Church of the Immaculate Conception, Lough Road, Cork.
Planning Authority	Cork City Council
Applicant	Lyonshall (Bandon Road) Ltd.
Prescribed Bodies	Irish Water
Observers	Jane O'Connor and Ronan Lucey The Residents of Lough Villas

Dirk Post
Glasheen Road Residents Association
Cllr. Paudie Dineen
Paula Long
Magazine Road & Surrounding Areas
Residents Assoc.
Michael Hickey & Clare Hatcher and
Others
Brian and Angie Kearney

Date of Site Inspection

10th April 2019

Inspector

Stephen J. O'Sullivan

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation.....	6
6.0 Relevant Planning Policy	8
7.0 Third Party Submissions.....	13
8.0 Planning Authority Submission	15
9.0 Prescribed Bodies.....	18
10.0 Screening for EIA and Appropriate Assessment	18
11.0 Assessment.....	20
12.0 Recommendation	28
13.0 Reasons and Considerations	29
14.0 Conditions	29

1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is in the inner southern suburbs of Cork City and on the southern side of the Bandon Road/Glasheen Road (R849) near the junction with Magazine Road (R608). The Cork Lough is located a short distance (c.100 metres) to the south. University College Cork (UCC) is located approximately 200-300 metres to the north. The immediate area is predominantly residential comprising mainly 1 and 2 storey housing with a limited amount of apartment development. There are some commercial/retail uses along the Bandon Road. The Church of the Immaculate Conception is a prominent landmark located a short distance to the east of the site. Ground levels on the site are generally higher than those of the immediately adjoining residential properties
- 2.2. The site has a stated area of 0.97 hectares and comprises:
- (a) A large warehouse/industrial building and a small garage (total floor area c.3,740 square metres) and associated yards. The premises is currently in use as a joinery.
 - (b) Part of a green area associated with the Church of the Immaculate Conception.
 - (c) Part of the public road in front of the site including the junction between the Bandon, Glasheen and Magazine Road
- 2.3. Immediately adjacent uses include:
- (i) To the north (along Bandon Road/Glasheen Road) a vacant residential/retail building and associated yard (indicated within blue line),
 - (ii) To the west residential Croaghtamore Square and Loughview Terrace,
 - (iii) To the south residential Lough Villas, and

- (iv) To the east The Church of the Immaculate Conception and associated grounds.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves clearing the site and building student accommodation with 419 bedspaces in four buildings that would be four or five storeys high. The total stated floor area of the scheme is 11,744m². A single vehicular and pedestrian access would be provided off the Bandon Road flanked by single storey blocks containing services and utilities. The development includes works to the junction of the Glasheen, Bandon and Magazine Roads to calm traffic and facilitate pedestrian movements comprised of a raised table and new paving. 22 surface car parking spaces would be provided on the site, all at surface level. 210 bike parking spaces would also be provided. The development includes a path and gate up to the southern boundary with land at Lough Villas that would facilitate pedestrian access there. However such access would have to cross a grassy strip outside the site and its provision is not proposed in this application, only works that could facilitate a future access to be provided by the council. There are 5 areas of open space identified as gardens or courtyards with a stated area of 3,064m².
- 3.2. The proposed bedspaces would be in 57 apartments. 2 of these would be studio units. The remainder would have between 5 and 8 bedrooms, with a shared kitchen/living room.
- 3.3. Of the proposed buildings –
- Block 1 would be towards the northern end of the site. It would have a gross floor area of 3,058m² and would have 104 bedspaces. It would also have 304m² of shared facilities on its ground floor with a café, screening room and laundry. Its main part would be five storeys or 16.6m high, reaching a parapet level of 48.62m OD. Its western part would be four storeys or 13m high, reaching a level of 46.47m OD. This part of the block would be 5.12m from the western boundary of the site with the rear curtilages of houses along Croaghtamore Square.
 - Block 2 would be in the centre of the site. It would have a gross floor area of 2,963m² and would have 111 bedspaces. Its main part would be five storeys or 16.1m high, reaching a parapet level of 48.37m OD. Its western part would be four

storeys or 13m high, reaching a level of 45.22m OD. This part of the block would be 3.28m from the western boundary of the site with the curtilage of one of the houses along Loughview Terrace.

- Block 3 would be in the south of the site. It would have a gross floor area of 1,467m² and would have 55 bedspaces. It would be four storeys or 13m high, reaching a parapet level of 43.97m OD. It would be 9.5m from the western boundary of the site with the rear curtilages of houses along Loughview Terrace. The nearest houses back onto the site. The applicants propose to cede a 4.75m wide strip of land that could be included in the curtilages of those houses. The cession would prevent access to the development from the street through an existing gate on the western site boundary.
- Block 4 would be in the south-eastern part of the site. It would have a gross floor area of 4,152m² and would have 149 bedspaces. It would be five storeys or 16.1m high, reaching parapet level of 48.1m OD. The ground floor level of the block would be at 32.0m OD.

4.0 Planning History

- 4.1. ABP-300697-18, Reg. Ref. 17/37374 – the board granted permission on 17th August 2018 for a development of student accommodation on the site with 324 bedspaces in four blocks (amended from five blocks in the initial application) that would be three or four storeys high. Condition no. 2a required the floor area of the southern half of Block 4 to be set down to 31m OD. The planning authority had decided to grant permission.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of Cork City Council on 22nd November 2018 in respect of a proposed development of student accommodation of 418 bedspaces on the site. The main topics discussed at the meeting were –

- Permitted development
- Pedestrian permeability

- Public realm improvements
- Visual impact
- Supply of student accommodation analysis
- Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

- 5.2. The board issued an opinion on December 2018 stating the submitted documentation formed a reasonable basis for an application.
- 5.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows
1. A detailed visual impact assessment that comprises a photomontage report with key viewpoints from locations in the vicinity of the site. An accompanying architectural report should outline the design rationale for the proposed building height, scale and massing.
 2. A report that addresses issues of residential amenity (both existing residents and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units.
 3. A report that addresses the demand for and concentration of student accommodation in the area, together with an adequately detailed student management plan that will address the ongoing operation of the student accommodation facility during and out of term time. Reference should be made to Variation 5 of the City Development Plan that addresses student accommodation.
 4. Appropriately scaled drawings that show how the development integrates with the existing footpath and road infrastructure. Detailed public realm proposals should be prepared that extend to and include the public footpath and public road. Public realm improvements should place pedestrian and cyclist movement at the centre of any design strategy. The preparation of a public

realm design report, prepared in compliance with the guidance provided by the Design Manual for Urban Roads and Streets, that recognises the importance of assigning higher priority to pedestrians and cyclists, without unduly compromising vehicle movement. This may require an expansion of the red line boundary of the site and the consent of relevant landowners.

5. A pedestrian permeability report that analyses the potential for pedestrian and cyclist connectivity to and through the site and the reasons and rationale for the finalised scheme.

5.4. The covering letter submitted with the application responded to the board's opinion as follows-

- A detailed landscape and visual impact assessment report and photomontages are submitted which takes account of the inspector's comments on the previous application that the equivalent assessment was too conservative. 18 viewpoints are assessed.
- Section 4 of the submitted planning and design statement addresses residential amenity for neighbours and occupiers and includes a shadow analysis.
- A report on the supply and demand of student accommodation in the area is submitted which takes account of variation no. 5 to the development plan.
- Details of proposed works to the public realm are submitted designed in accordance with DMURS.
- Section 8 of the planning and design report deals with pedestrian and cycle permeability.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs. Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-

designed high quality outcomes in order to achieve targeted growth. Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height. Objective 8 of the framework sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. In achieving this it places a great emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context. At Section 6.6, dealing with housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

- 6.1.2. The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 3,788 spaces were available in Cork 2017 and projects that 6,436 would be required there in 2019 and 7,391 in 2024. A progress report issued in November 2018 reported that 10,356 spaces were available in the country at the end of Q3 2018, with planning permission granted for another 7,901 and sought for 472.
- 6.1.3. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. Section 3.1 states a presumption in favour of increased building heights in urban locations and the planning authorities. Section 3.2 states that applications must demonstrate that a proposed development satisfies various general criteria including whether it would successfully integrate into/enhance the character and public realm of the area having regard to its topography, its cultural context, the setting of key landmarks and the protection of key views. Such proposals shall undertake a landscape and visual impact assessment. In development locations close to sensitive bird or bat areas the

potential interaction of buildings' location, materials and lighting on flight lines needs to be considered.

- 6.1.4. Cork Lough is a designated wildfowl sanctuary and a proposed Natural Heritage Area.

6.2. **Local Policy**

- 6.2.1. The Cork City Development Plan 2015-2021 applies. The majority of the site is zoned ZO4 for Residential, Local Services and Institutional Uses. The provision/protection of residential uses and amenity is a central objective. The frontage of the site to the Bandon Road is zoned ZO10 for Local Centres. The focus here is on small scale retail and service provision.
- 6.2.2. This frontage, together with the Bandon Road to the east and west and the adjacent residential streets of Croaghtamore Square, Loughview Terrace and Lough Villas, is designated as a Historic Street Character Area (HSCA) under and Para. 9.57. These designations refer to some older residential areas outside the city centre which have street frontages/groups of buildings of architectural/social interest. Objective 9.33 refers to the protection of the physical/architectural character of these areas, avoiding insensitive alterations which would detract from their character. The Greenmount Architectural Conservation Area (ACA) is located to the east. The area includes the Lough Church (Church of the Immaculate Conception) which is recorded on the NIAH as being of regional importance and its immediate grounds. The Bandon Road ACA is to the east. It comprises a small group of buildings on the corner of Bandon Road and Lough Road.
- 6.2.3. Objective 10.1 is to preserve and enhance Cork's landscape character, key landscape assets and views and prospects of special amenity value. Objective 10.2 is to preserve Cork's unique and distinctive landscape character through the appropriate management and enhancement of Key Landscape Assets, (as set out in Table 10.1 which refers to the lough and ridgelines in the city). Objective 10.6 of the plan is to protect and enhance views and prospects of special amenity value or special interest and contribute to the city's landscape from inappropriate development, in particular those listed in the development plan, and also to identify and protect views of local significance through local area plans, development briefs

or the assessment of development proposals on a case by case basis. Objective 16.4 is that new buildings would enhance the roofscape.

6.2.4. Variation No. 5 to the Cork City Development Plan 2015-2021 inserted the following objective 6.5 into the plan:

Student Accommodation - In accordance with the National Student Accommodation Strategy, the City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes.

6.2.5. It also inserted section 16.68 into the development plan as follows:

The City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes. Chapter 6 Residential Strategy outlines the City Council's policy on student accommodation, referring to the national policy set out in the National Student Accommodation Strategy. When assessing planning applications for such developments, the criteria that will be taken into account include:

- The location and accessibility to Third Level Educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The scale of development (capacity) and the potential impact on local residential amenities;
- The provision of amenity areas and open space, (quality and quantity);
- The provision of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, (retail /café uses), car parking and amenity, (quality and quantity);
- The architectural quality of the design having regard to its context, including scale, height, massing, on-site layout and materials. The internal design and layout should be robust and capable of future adaptation and change of use.

- Include a Management Plan demonstrating how the scheme will be professionally managed and operated 'year round' (term-time and out-of-term periods).
- Demonstrate how the scheme positively integrates with receiving environmental and the local community and creates a positive and safe living environment for students.
- Demonstrate adherence to the Minimum Standards for Purpose Built Student Accommodation as outlined in Table 16.5a

6.3. Applicant's Statement of Consistency

- 6.3.1. The proposed development will assist in meeting the demand for student accommodation projected under the National Student Accommodation Strategy issued in 2017. The quarterly returns published under that strategy indicate that there will still be a shortfall in student accommodation in Cork even if the proposed development was completed. The proposed residential accommodation in Cork would also further objectives 2a, 13 and 35 of the National Planning Framework.
- 6.3.2. The proposed development would be in keeping with SPPR1 of the 2018 guidelines on building height. The location is central and has strong connectivity and so is suitable for increased height. The submitted landscape and visual impact assessment (LVIA) shows that the proposed development would successfully integrate into the public realm. The block layout creates breaks in the massing of the proposed buildings. A built heritage assessment demonstrates that the development would be compatible with the adjacent ACAs. It would improve the visual condition of the site. A shadow analysis shows that the amenities of adjoining properties would be protected. The development would not affect ecology, as shown in the submitted assessment. Neither would a scheme of 4-5 storeys affect the micro-climate. SPPR 3 of the 2018 guidelines would apply to the provisions of the development plan.
- 6.3.3. With regard to the 2015 city development plan, the proposal would comply with section 6.5 due to its proximity to UCC, the provision of shared study, laundry and amenity space, and open space of 7.8m² per bedspace. The use as tourist accommodation would be restricted to the time outside term in the summer. A management scheme for the site is submitted that would have a staff presence on the site on a 24 hour basis. With regard to development management standards, the

proposed studio units are above the minimum of 25m², while bedrooms would be larger than 13.8m² and kitchen/livings rooms would have more than 4m² per bedspace and bike parking would be provided at a rate of 0.5 per bedspace.

- 6.3.4. The planning and design statement stated that the proposed development is based on the permitted scheme for 324 bedspaces authorised under ABP-300697-18, but is generally 3m higher. There has been a change in policy context since the previous application was submitted including the 2018 Building Heights Guidelines and variation no. 5 to the development plan. The lower parts of the development would be near the housing around the site. Block 3 would have a blank wall 9.5m from the houses at Lough View Terrace. There is a northern spine for movement through the site with potential for further extension to Lough Villas by the council.

7.0 Third Party Submissions

- 7.1. Nine submissions were received that object to the proposed development on various grounds that can be summarised as follows-

- The scale, height, massing and bulk of the proposed development would be excessive. It would damage the skyline and character of the area. The photomontages submitted with the application minimise its impact. It would contravene condition 2 of the permission granted by the board under ABP-300697-18 which required the floor level of block 4 to be set down to 31m OD.
- The proposed development would injure the setting of the lough and views from it. It would not be screened by trees. It would also damage the setting of the Church. The church's land should not be used for private development and profit.
- The proposed development would damage the natural heritage of the proposed Natural Heritage Area due to the impact of light spill. Two of the proposed blocks lie along the foraging routes of bats. It would be contrary to article 10 of the Habitats Directive. It would result in the permanent loss of a green area.
- An environmental impact assessment is required due to the impact of the development on the landscape and natural heritage including the proposed Natural Heritage Area at the lough.

- The proposed development would contravene several provisions of the development plan. In particular it would be contrary to section 16.68 inserted by variation no. 5 because it would exceed the capacity of the community to accommodate this kind of development. It would fail to protect the inclusivity of the neighbourhood and would damage landscapes and views of significant value contrary to section 10.25.
- The proposed development would contravene the 2018 building height guidelines. In particular it would not comply with the requirements set out in section 2.12 regarding the ecological and environmental sensitivity of the area, or those set out in paragraph 3.2 regarding sensitive bird and bat sites. The historic character of the area's built environment rules out further intensification in the area under the policy set out at page 14 of the guidelines.
- The proposed development would overbear, overshadow and overlook neighbouring residential properties and seriously injure their amenities,
- The proposed development would give rise to noise and general disturbance that would seriously injure the amenities of the area and of property in the vicinity and could lead to anti-social behaviour. Garda foot patrols have become an essential living requirement due to the sheer volume of students in the area. The injury would be exacerbated by pedestrian connections to the proposed development. A laneway to the lough had to be closed after previous anti-social behaviour, with two incidents described . The gate on the southern boundary of the proposed development opens onto private land whose owners will not allow access across it. A copy of an entry in the Land Register is submitted to demonstrate ownership of this land. Refuse needs to be properly managed without leaving bins out on Bandon Street. The applicant's management plan is predicated on a single access point to the development.
- The proposed development would result in an excessive concentration and over-supply of student accommodation in the area, especially in conjunction with other planned and permitted student accommodation schemes. A survey within a 0.75km radius showed 2,200 students in the area. The proposed increase in bed numbers from 324 to 419 would irrevocably alter the texture of what is a settled local community. Any local resident would affirm that the influx

of students into the area has reached crisis point. Residents fear that it will turn their once mature area into a cultural desert. The report submitted with the application failed to refer to several such schemes in the wider area. The proposed 8 bedroom apartments would not be capable of conversion to dwellings. The overall scheme would be too big to manage properly. There are other sites that could meet the demand for student accommodation.

- The provision of amenity space and supporting facilities in the proposed development is inadequate.
- The development would threaten the stability of a retaining wall at the boundary with Lough Villas and thus the houses there. The inspector should view the subject site from each of the properties there. Part of a subsidence vein from Bishopstown runs through the site.
- The proposed development would give rise to traffic hazard at the entrance which is near a dangerous junction. It is inevitable that the proposed development would cause more traffic and a feasibility study is required in this respect. Inadequate parking is proposed, particularly to serve tourist use during the summer. The fantasy of the non-motoring student needs to be abandoned.
- The proposed development would place excessive demand on the drainage and water supply in the area. Plans for a pumping station and generator would lead to further noise from a 24 hour operation, 7 days a week.
- It was not appropriate for the board to encourage the intensification of development on site. The inspector's report on the previous application should not have described the site as central urban. The SHD process is flawed and undemocratic.

8.0 Planning Authority Submission

- 8.1. The submission summarised the submitted observations from third parties and the views of councillors at a meeting of the authority. The latter indicated their opposition to the proposed development. Concern was expressed at the citing of national policies for higher buildings at greater densities that would be contrary to the view of councillors and residents and the provisions of the development plan. It was queried

whether the proposal should be considered as an amendment to the permitted development on the site or a new scheme in which case all previous objections should be taken into account. The proposed development would detract from local views and the setting of the Lough. The increase in height contravenes the rationale for condition no. 2 of the permission on the site issued by the board. The proposed development would injure residential amenity due to noise, height and scale and the potential for anti-social behaviour. It would not serve local needs. The inspector should view the site from the rear of neighbouring houses. There is a social imbalance in the area with too many students and not enough family accommodation. The growth in student numbers means that houses are not being released for families. Additional pedestrian routes would cause concern about anti-social behaviour. The development would contravene the provisions in chapter 10 of the development plan to protect the landscape and local views. It would also contravene variation no. 5 to the plan because its scale is excessive in relation to the receiving environment and its lack of integration. The report and decision on the previous permission did not refer to variation no. 5 although it was in force at the time. The drainage infrastructure in the area may not be able to cater for the development. Concern was expressed about the proposed finishes.

- 8.2. The chief executive's report recommended that permission be refused for the proposed development for two reasons. The first stated that the proposed development would overly dominate the landscape context and negatively impact on Key Landscape Assets contrary to objection 10.1 and 10.2 of the development plan, which would diminish the landmark structure at the Church of the Immaculate Conception contrary to objective 16.64 and negatively impact upon and result in the loss of views contrary to objective 10.6 of the plan. The proposed development would not successfully integrate into or enhance the character of the area or make a positive contribution to place making contrary to the building height guidelines. The proposed development would therefore materially contravene the provisions of the development plan and national planning guidelines and would seriously injure the visual amenities of the area. The second reason stated that the proposed development, because of its size and intensity, would be overdevelopment of the site and would therefore exceed the capacity of the area to absorb it contrary to objective 16.68 of the development plan, and would therefore seriously injure the residential

amenities of property in the vicinity due to visual overbearance, noise and general disturbance.

- 8.3. The planning assessment in the submission states that student accommodation is acceptable in principle in this area having regard to the proximity of UCC. The density of the development would be equivalent to 163-244 dph. The plot ratio of 1.35 is in keeping with the standards in table 16.12 of the development plan. The internal space standards are acceptable under the standards in table 16.5a of the plan. The quality and quantity of the proposed open space is acceptable. Communal facilities would be provided. A management plan is submitted. There would be a requirement for a 24 hour presence of personnel on the site for security.
- 8.4. The protection of local views required under section 10.6 of the plan is achieved on a case by case basis. The lough and the ridgeline to its north are of local significance and special amenity value. The view of the ridge helps to contextualise the lough. The Church of the Immaculate Conception is visible from within the envelope of the site. The conclusions in the submitted LVIA that the visibility of the development results in a benign framework with positive long term impact to the benefit of the neighbourhood is disagreed with strongly. The development will have a negative impact on views of local significance. The permitted scheme was an acceptable balance with the character of the area and higher density development. It is apparent from the photomontages that the proposed development would diminish the landmark status of the church in the setting of the lough, it would be too high relative to the treeline, that it would intrude and overbear the neighbouring houses at Lough View Terrace and Croaghtamore Square, and would be in stark contrast to the domestic scale of the houses on the Bandon and Glasheen Roads. It would have a negative effect on the legibility of the city from within the bowl like setting of the lough. The development would affect the experience of the lough from the paths and road beside it. The applicant has not demonstrated, as required by paragraph 3.2 of the building height guidelines, that the development successfully integrate with or enhance the character of the area having regard to its topography, cultural context, key landmarks and key views. Its height, scale and massing would be severely out of character with the existing built and natural environment.
- 8.5. The key driver behind variation no. 5 to the development plan was a concern about the social imbalance in traditional family housing areas due to student

accommodation. It is noted that this concern was also cited by the board in its decision on PL28. 247648. The application does not satisfactorily address the issue of capacity in the area but focusses on the issue of demand after 2019. Building student accommodation has not resulted in family homes becoming available given the increasing intake of students. The proposed 419 bedspaces will exacerbate over-concentration of student accommodation in this part of the city leading to noise and general disturbance issue that would negatively impact existing residential amenities contrary to variation no. 5 of the development plan and the proper planning and sustainable development of the area. The demand for student accommodation after 2024 can be accommodated are more suitable sites elsewhere in the city.

- 8.6. The separation distances to other properties are generous. Visual overbearance is the main impact. There is particular concern at the impact of the houses on Craughtamore Square, at Loughview Terrace by the bend in the street and the back of the terrace at Loughview Villas. The jump in scale is illustrated in the submitted cross sections. The height and massing of the proposed buildings would have an overbearing impact and negatively affect the amenities of those properties as a result.
- 8.7. Internal reports from various sections of the council were included in the submitted. The Conservation Officer reported that the extra height would detract from the prominence of the church on the ridgeline. The Heritage Officer requested an updated ecology report and bat survey. The Road Design and Transportation Sections Department had no objection subject to conditions. The Water Services Section stated that it had no conditions to recommend.

9.0 Prescribed Bodies

- 9.1. Irish Water made a submission stating that it can facilitate the proposed connections to its networks.

10.0 Screening for EIA and Appropriate Assessment

- 10.1. The proposed development is not in or adjacent to any Natura 2000 site. The proposed Natural Heritage Area at Cork Lough is not part of the Natura 2000

network and articles 6 and 10 of the Habitats Directive do not apply to it. The proposed development would not have the potential to have a significant direct effect on any Natura 2000 site. The application site is in the built up area of the city. Its existing condition does not provide ex situ habitats that might support a species that is the subject of the conservation objective of a Natura 2000 site. The foul effluent and stormwater from the proposed development would drain to the city's sewerage system. Its downstream effect on the outflow from that system would be negligible. Therefore the proposed development would not have the potential to have a significant indirect effect on any Natura 2000 site either. These conclusions arise from the location and the nature of the proposed development and do not assume the implementation of any mitigation measures because the proposed development is not likely to give rise to any significant effects on any Natura 2000 site that could be mitigated. There are no effects, either direct or indirect, that are likely to arise from the proposed development that could become significant in combination with any other plan or project. It is therefore reasonable to conclude that on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not required

- 10.2. The current proposal is an urban development project in the built-up area of a city but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold 10 hectares. The proposal is for development on a site of less than 1 hectare which is well below the threshold. The development would be mainly on brownfield land previously subject to development. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed above). The structures that would be demolished are not subject to statutory protection or designation. The development would be in residential use, which is the predominant landuse in the adjoining area. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would

not give rise to a risk of major accidents or risks to human health. The development would occupy a relatively small area of land,. The proposed development would use the municipal water and drainage services of Cork city, upon which its effects would be marginal. In these circumstances it is clear that the proposed development would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered.

11.0 **Assessment**

11.1. The planning issues arising from the proposed development can be addressed under the following headings –

- Policy
- Scale and design
- Amenity for occupants
- Amenity of neighbouring properties
- Access
- Services
- Natural heritage
- Procedure

11.2. **Policy**

11.2.1. The proposed provision of more accommodation within the built up area of the city would further objectives 2a and 35 of the National Planning Framework, as well as to the achievement of the target population for Cork as set out in Table 4.1 under objective 8. The proposed development would contribute to the achievement of the aims of the National Student Accommodation Strategy in relation to Cork and the country. The student accommodation would be on lands that the applicant owns or is contracted to purchase. There is no general requirement for a private developer to prove that there is a need for a proposed development before a grant of permission is considered unless one is specifically set out in planning policy. No such requirement is set out for student accommodation. However the targets set out in the National Student Accommodation Strategy and the most recently issued update

upon it are evidence of a demand for the type of development that is now proposed and a statement of public policy that such demand should be met. This is one of the material considerations that apply to the current application. It is unlikely that a development of the proposed size could be completed before the start of the academic year beginning in 2019 under a permission issued at this time. Such a permission would be extant until 2024. The strategy's targets for 2024 are therefore more relevant to the current case. Having regard to the foregoing, it is concluded that the location and use of the proposed development are in keeping with national policy. The proposed development is in accordance with the zoning objectives that apply to the site under the development plan. Objective 6.5 and section 16.68 of the development plan, as inserted by variation no. 5, state a general policy in favour the provision of student accommodation which supports the proposed development.

11.2.2. Section 16.68 of the development plan sets out particular criteria against which proposals for student accommodation are to be assessed. The site is close to UCC and therefore complies with the criterion regarding accessibility to third level educational facilities. The criteria relating to amenities, facilities, architectural quality and height are considered in the sections below. The criteria also refer to “(capacity)” and a demonstration as to how the scheme positively integrates with the local community. These were cited by the council and members of the public in their opposition to the proposed development. The council and the submissions from the public also referred to a disproportionately large number of students living in the area compared to number of people living in families leading to what was described as an imbalance in the make-up of the community that the proposed development would exacerbate.

11.2.3. The criteria in section 16.68 of the development plan referring to capacity and integration with the local community are qualitative and general in nature. Their application therefore relies on the judgement of the decision making body, in this case the board. In this regard it should be noted that the high proportion of students in the local population is due to the location of UCC. The size and location of that college would not be altered by a refusal of the current application, so neither would the demand for students to live in this area. Current planning policy recognises a general shortage of accommodation to meet the needs of the community, particularly in urban locations. The proposed development would help to address this shortage

and so would improve the capacity of the local community to cater for the people there. It is not clear to me why development which meets the requirements of one occupational group in society should be regarded as a lower priority than that which meets the demand for housing from other occupational groups. However the proposed development would not result in the loss of any general housing in any event. By meeting the housing needs of a large number of students it would improve access to the rest of the housing stock in the area for other occupational groups. The relative improvement in such access would occur even if the overall numbers of students in Cork continued to increase. It would be lost if the proposed development were not carried out. The site is close to the centre of Cork by sustainable travel modes. It is therefore concluded that the proposed development would improve the capacity of the local community, in particular the capacity of its built fabric to meet the housing needs of the people, and that it would integrate well with the local community

11.2.4. Having regard to the foregoing, the board is advised that the location and nature of the proposed development are in keeping with local and national planning policy.

11.3. **Scale and design**

11.3.1. Most of the buildings around the site are two storeys high. The proposed development would be significantly higher than them at four and five storeys. The minister issued a clear policy in section 3.1 of the guidelines issued in December 2018 that building heights in urban areas should be increased. The proposed development would comply with that policy.

11.3.2. The policy is subject to the safeguards set out in 3.2 of the guidelines requiring higher buildings to successfully integrate into and enhance the character of the area and its public realm. There is also a requirement for a landscape and visual impact assessment. The development plan has provisions to protect the visual character of the city including objectives 10.1 and 10.2, and to protect views of significance at objective 10.6. These safeguards were cited in submissions from the public and the council. The submissions stated that they would be breached by the proposed development due to its visual impact on the area in general and in particular on views from the lough that would detract from its setting and the contribution that the church and ridgeline make to that setting. The site is beside an Historic Streetscape

Character Areas to the west and is near ACAs to the north-west and another to the east that includes the Church of the Immaculate Conception.

- 11.3.3. A landscape and visual assessment was submitted with the application, as were photomontages. They refer to 16 viewpoints and stated that the impact of the proposed development, after the short term, would be moderately negative when viewed from 2 locations including Loughview Terrace and the car park behind the church, and slightly negative from another at Lough Villas. The assessment also quoted the inspector's report on the previous application to the effect that visibility of buildings in a city is not necessarily negative.
- 11.3.4. The proposed student accommodation would be outside the adjacent ACAs and mostly outside the Historic Streetscape Character Area. It would not directly affect the buildings in them. It would be visible from their public realm, but would not significantly detract from their character. The existing structures on the site are functional and unsightly, although not very high. Their removal would have a slightly positive impact on the character of the surrounding area. The proposed development would have limited street frontage onto the Bandon Road but the manner in which it would be treated would properly define the entrance to the scheme and would improve the appearance of the street. The development would not dominate any of the surrounding streets .. The repaving of the public road at the junction in front of the site with a higher standard of materials and better pedestrian facilities would have a positive impact on the character of the streets there.
- 11.3.5. The safeguards regarding higher buildings in the 2018 guidelines and provisions of the development plan regarding the protection of urban landscapes and views and in the development provisions are stated in general and qualitative terms and their application requires judgement by the decision making body, in this case the board. The development plan does not contain specific provisions that the proposed development would contravene. The proposed development would be visible from the open space around the lough to a greater degree than the authorised development on the site and from particular locations on the surrounding streets. However the mere visibility of buildings within a city does not necessarily have a negative visual impact. The architectural design of the proposed buildings achieves a satisfactory standard. They would not be unpleasant to observe. They would not intervene between the church and the lough. They would not unduly diminish the

prominence of the church in views from around the lough. The height of the buildings would reinforce the ridgeline to the north of the lough and improve its sense of enclosure and emphasize its distinctive character as a tranquil space in a city, rather than an extensive space in an expanse of low density housing. It would improve the legibility of this part of the city. The conclusions on these matters stated in the council's report and other submissions are not accepted. The board is therefore advised that the height, scale and design of the proposed development is appropriate and that it would make a positive contribution to the character of the area. It would be in keeping with the 2018 guidelines on building height, including the safeguards set out in section 3.2, and with the provisions of the development plan including those to protect the character of the city set out section 10 of the plan. The imposition of a reduction in the floor level of part of Block 4 in a manner similar to condition 2a of the previous permission ABP-300697-18 is not required to comply with the provisions of the 2018 guidelines or the development plan.

11.4. Amenity for occupants

11.4.1. Development management standards for student accommodation are set out at table 16.5a in relation to internal accommodation and open space. The proposed development is in keeping with the standards and would provide a reasonable level of amenity to its occupants. The application was accompanied by a management plan for the scheme which properly addresses the issues that would arise from its use and the processes for handling them. However the plan is in draft form and lacks some details that would need to be provided by a prospective operator. They can be required by condition.

11.4.2. There are particular details of the proposed student accommodation that differ from those expected in apartments designed as dwellings, notably the omission of balconies and the provision of greater proportion of bedrooms. However the form and layout of the proposed buildings would not preclude future conversion to dwellings even though some physical alternations would be required to facilitate this. The proposed development exhibits an acceptable level of adaptability, therefore.

11.5. Amenity of neighbouring properties

11.5.1. The five storey elements of the proposed development would be in the centre of the site with the buildings dropping to four storeys near the site boundaries. New

buildings of four storeys are not exceptionally high, even in a suburban context, as noted in section 3.6 of the 2018 building height guidelines. They are not inherently unsympathetic to established residential areas with older two-storey houses. A shadow analysis is submitted with the application which indicates that the proposed development would not unduly overshadow the neighbouring residential properties. The conclusions of the analysis are consistent with the circumstances and characteristics of the proposed development and are accepted.

- 11.5.2. The gable elevations of the blocks facing the western boundary of the site with the back of the houses along Croaghtamore Square and Loughview Terrace would not have windows. The southern elevations of the blocks 3 and 4 would achieve a separation distance of 22m from the back of the main structure of the houses at Lough Villas. In this context the proposed development would not overlook adjacent properties in a manner that would unduly affect their privacy.
- 11.5.3. The development would result in the removal of industrial structures from the site that are functional and unsightly. The proposed building would achieve a significant separation distance from the houses at Croaghtamore Square and would provide rear access to houses at Loughview Terrace. The proposed buildings would be on higher ground than the houses to the south at Lough Villas. However those houses are situated well to the rear of their curtilages with long gardens in front of them. This affords them an expansive outlook over the lough to the south and a correspondingly restricted outlook towards the factory that currently stands on the site. Given this orientation of the houses at Lough Villas, the proposed development would not overbear them in a manner that would seriously injure their residential amenity. The higher level of the proposed development reflects the existing ground levels. The site has already been subject to works to support the existing factory there. In these circumstances the proposed development would not give rise to an exceptional risk to the stability of the ground or the integrity of the houses on the neighbouring land that would justify refusing permission or requiring substantial alterations to it.
- 11.5.4. The board is therefore advised that the proposed development would not unduly overlook, overbear or overshadow adjacent properties in a manner that seriously injured their residential amenities.

11.5.5. Several of the submissions from the public referred to issues of anti-social behaviour. Accounts of previous crimes in the vicinity were submitted. The crimes described were serious offences with a degree of culpability to which only the criminal justice system could properly respond. The planning system cannot avert such malice by any person regardless of their occupation. It would be wrong to ascribe a propensity for such acts to the prospective occupants of the development or to consider the current application on that basis. Nevertheless the status of the proposed development as student accommodation does have some implications for its impact on the surrounding area. These arise from the transient nature of the population and the tolerance of what long-term residents would regard as nuisance. However, as stated at section 10.2.3 above, there is a large proportion of students in the area because of the proximity of UCC. This will persist whether or not the permission is granted in this case. The proposed development provides for the comprehensive management of the scheme by an operator appointed by an owner who would both have a material interest in ensuring the proper running and maintenance of the scheme over both the short and long terms. The likely effect of the proposed development would therefore be to mitigate the nuisances that can arise from having a significant number of transient residents occupying houses in diverse ownership. Its impact on residential amenity in relation to nuisance is therefore likely to be positive.

11.6. **Access**

- 11.6.1. The carrying out of the proposed works to the junction of the Bandon Road, Glasheen Road and Magazine Road would ensure that the proposed development would have an adequate pedestrian and vehicular access. No other pedestrian access would be authorised by a grant of permission on this application. The applicant has indicated where such an access could be provided at Lough Villas, but the submissions from the public provide compelling evidence that this could not be provided without acquiring private property. As most of the movement from the proposed development would be towards UCC to the north, the provision of a second pedestrian access is not required to facilitate the proposed development.
- 11.6.2. The number of bike parking spaces proposed is consistent with the standard of 0.5 per bedspace set out in section 16.5a of the development plan. However it is noted that two tier bike structures are proposed. Due to their height and usually functional

appearance they would diminish from the visual amenities of courtyard no. 3 in a way that ground level bike stands would not, especially as they would lie across the end of the main entrance of the centre of the scheme. The matter should be addressed by condition. Given the proximity of UCC and the city centre the proposed development should not cater for car reliant commuters. The 22 car parking spaces would be well below the maximum of 1 per 10 bedspaces set in table 16.8 of the development plan and the development is not likely to have an effect on traffic congestion. On-street parking in the area will require proper management whether or not the proposed development proceeds. The only parking required in the scheme is that to cater for residents moving in or those with mobility impairments, as well as only. The omission of some of the car parking spaces to provide a better form of bike parking would therefore be acceptable. As the route to the nearest college is short but steep, the amount of travel by bicycle is likely to be less than would otherwise be the case and a reduction in the provision of bike parking to the amount previously authorised would be justified, even if this falls below the development plan standard.

11.7. Services

- 11.7.1. Several submissions stated that the drainage and water supply in the area was not capable of servicing the proposed development. However the reports from Irish Water and the relevant section of the council have clear statements to the contrary and these statements are accepted. The proposed surface water drainage system to serve the development is deemed acceptable in line with the advice from the relevant section of the council.

11.8. Natural heritage

- 11.8.1. The site is not designated for the protection of natural heritage. Most of it consists of lands that have previously been subject to works and industrial use, along with a smaller green area cultivated as a garden. The nearby lough has been designated as a sanctuary for wildfowl and a proposal has been made for it to be a Natural Heritage Area. The site in its existing condition does not provide a significant habitat for waterfowl and the proposed development would not have a significant effect on the wildfowl at Cork Lough. The ecology report submitted with the applicant states that the lough is also a hotspot for bats. No roosts were recorded on the site but a

survey conducted prior to the previous application on the site recorded its use as a commuting route for Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat to and from the lough. The survey advises that the proposed development could affect such routes but that bats can adapt to this provided artificial lighting is controlled and dark routes are provided through the scheme with mature trees retained and new native species planted. Such measures are proposed as part of the current application. The location and layout of the current proposal is similar to that already granted on the site and the efficacy of the proposed measures to protect bats is accepted. Subject to their implementation the proposed development is not likely to have a significant negative effect on bats or natural heritage.

11.9. Procedure

- 11.9.1. The proposed development was described as a new development on the published notices of the application and has been assessed as such in this report. The previous grant of permission for 324 student bedspaces on the site under ABP-300697-18 was mentioned on the notices. The previous permission does not determine the consideration of the current application or any aspect of it. However it is relevant to the extent that the previous permission be carried out on the site if the current application were refused, and therefore the proposed development may be compared to both the permitted development and the existing state of the site when considering whether or not it would be in keeping with the proper planning and sustainable development of the area.
- 11.9.2. The board and its employees are obliged to implement the provisions of planning law, including the SHD process laid down in the Planning and Development (Housing) and Residential Tenancies Act 2016. They are also obliged under section 9 of that act to have regard to the policies of the government and the minister, including guidelines issued to planning authorities, and to the provisions of development plans.

12.0 Recommendation

- 12.1. I recommend that permission be granted in accordance with the reasons and consideration and subject to the conditions set out below.

13.0 Reasons and Considerations

Having regard to:

- (a) the location of the site in close proximity to University College Cork and the availability of transport links to Cork City Centre and other third level institutes;
- (b) the bulk of the site being brownfield in nature;
- (c) the National Planning Framework and the National Student Accommodation Strategy;
- (d) the policies and objectives of the Cork City Development Plan 2015 – 2021 including variation no. 5 to that plan; and
- (e) the pattern of existing development in the area;

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

14.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

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

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

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

Reason: In the interest of local heritage.

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

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

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts

or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

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

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

7.
 - (a) The site shall be fully landscaped in accordance with the submitted landscape plans within the first planting season following completion of the development.
 - (b) Details of the proposed planting to gable ends of blocks shall be submitted to, and agreement in writing with, the planning authority prior to development commencing.
 - (c) Existing trees proposed to be retained shall not be removed without the express prior written consent of the planning authority.
 - (d) A mechanism by which cars are prevented from parking in Courtyard 3 shall be provided on site and managed so that this area performs as an amenity space rather than as an additional car parking area. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to development commencing.
 - (e) Prior to the commencement of development, a maintenance plan for the site landscaping shall be submitted to, and agreed in writing with, the planning authority.

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

8.
 - (a) Site boundary treatment shall be as proposed in Drawing L301

submitted with the application, unless otherwise agreed in writing with the planning authority prior to development commencing.

Where the existing factory forms the party boundary with adjoining properties to the west of the site a 2 metre high concrete block wall (plastered) shall be maintained, where possible, following demolition of the factory or a new wall (concrete block plastered and capped) shall be provide to this height in lieu of same in these locations. Full details of same shall be submitted to the agreed in writing with the planning authority prior to development commencing.

- (b) No access to the roof areas other than for maintenance shall be permitted.

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

- 9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

10. The mitigation measures as outlined in Ecology Assessment submitted with the application shall be implemented in full. These include, in particular, the measures in relation to tree retention and planting, landscaping, noise, lighting and light spill, awareness measures, installation of bat boxes and monitoring by a suitably qualified ecologist. A report on how these measures were implemented will be submitted to the planning authority within two months of the completion of the development.

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

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

Reason: To prevent the spread of alien invasive species.

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

Reason: In the interest of public health.

13. The road improvements as outlined in Drawings Nos. L304 and TL_JNC_P01, submitted with the application, shall be carried out in full by the developer at his expense. A final design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the

development. The final design shall comply with the provisions of DMURS and include the recommendations of the Stage 1/2 Road Safety Audit. A Stage 3/4 Road Safety Audit shall be agreed and discharged with the planning authority.

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

14. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
- (a) A mobility management plan which addresses all of the uses within the development, including term-time and out-of-term use.
 - (b) Revised details for the provision of a minimum of 162 no. high quality covered bicycle parking spaces, replacing the proposed two-tier bicycle parking around courtyard no. 3 with a single tier of bicycle stands and providing the other required bicycle parking facilities where car parking is proposed, reducing the number of car parking spaces as necessary
 - (c) Details of provision for charging of electric vehicles.

The car parking spaces on site shall be used solely to serve the proposed development and shall not be sold, let or conveyed individually as commercial car parking spaces.

Reason: In the interest of promoting sustainable transport.

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

Reason: In the interests of amenity and public safety.

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the satisfactory completion of the development.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

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

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

Stephen J. O'Sullivan
Planning Inspector

17th April 2019