



An
Bord
Pleanála

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

Inspector's Report ABP-304177-19

Strategic Housing Development

274 no. residential units and all
ancillary site works.

Location

Blackrock, Cork.

Planning Authority

Cork City Council

Applicant

Glenveagh Homes Ltd.

Prescribed Bodies

The Arts Council

Failte Ireland

Department of Culture Heritage and
the Gaeltacht

Cork County Childcare Committee

Transport Infrastructure Ireland

The Heritage Council

Irish Water

An Taisce

Observer(s)

60 submissions received – see
Appendix A

Date of Site Inspection

10th June 2019

Inspector

Una O'Neill

Contents

1.0 Introduction	4
2.0 Site Location and Description.....	4
3.0 Proposed Strategic Housing Development.....	5
4.0 Planning History.....	8
5.0 Section 5 Pre Application Consultation	9
6.0 Relevant Planning Policy.....	11
7.0 Third Party Submissions.....	16
8.0 Planning Authority Submission.....	22
9.0 Prescribed Bodies.....	28
10.0 EIA Screening	28
11.0 Assessment.....	30
11.3. Principle of Development	31
11.4. Density	32
11.5. Design, Scale and Layout	33
11.6. Impact on Protected Structure	41
11.7. Impacts on Amenity	41
11.9. Traffic and Transportation	49
11.10. Drainage	53
11.11. Appropriate Assessment Screening	53
12.0 Recommendation.....	55
13.0 Reasons and Considerations	56
14.0 Conditions	57

1.0 Introduction

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

- 2.1.1. The subject site, which has a stated area of 2.76 hectares, forms part of the former Ursuline Convent grounds in Blackrock in the south-eastern environs of Cork City and is within the curtilage of the former Ursuline Convent, protected structure no. PS493. To the north of the site is Blackrock village with Blackrock Pier/River Lee Estuary approx. 500 metres to the north. Blackrock Hall neighbourhood centre, with supermarket, primary care centre and other units, is located approx. 300m south of the site and Mahon Point Shopping Centre is 2km to the south. The Old Passage Railway Line/Mahon Greenway is located along the western boundary of the site, at a point approx. 3m lower than the site. This greenway connects to the city centre via the Marina and also connects to Passage West to the southeast.
- 2.1.2. The site forms part of a larger housing development on the former Ursuline lands, now known as Eden. Overall there are three separate vehicular accesses to different sections of the development, which are not connected internally for vehicles, however all sections are connected/planned to be connected in terms of pedestrian and cyclist movement. Construction works are on-going on a portion of the southern section of the overall lands, immediately south of the application site, with access to these lands from Skehard Road. The existing two to four storey former Ursuline Convent has been converted into twenty seven apartments and two offices, now known as 'Blackrock House', and is accessed off the original avenue serving the lands from Blackrock Road. This avenue also serves Scoil Ursula Primary School and the Ursuline Secondary School. Six storey apartment blocks have been constructed to the east side of the formal garden area (south of the former convent building/Blackrock House), which is accessed via a vehicular entrance from Convent Road. The completed element of the southern portion of the site comprises mainly terraced two storey housing units and is accessed from Skehard Road.

2.1.3. The subject site comprises three sections of land, that is, 1) undeveloped land to the west of the original Ursuline Convent lands immediately west of the former convent building/'Blackrock House' apartments and its rear garden. This land is bounded by a secondary school and playing pitch to the north and northwest, the heavily landscaped Mahon greenway to the east, tree lined edge of the former convent garden to the east and a housing development under construction to the south; 2) a section of land to the front of the convent building (zoned open space) and positioned along the eastern side of the access avenue, which is bounded by Blackrock House apartments to the south, to the north by a recently developed public plaza in Blackrock village and to the south east by residential accommodation associated with the former Ursuline convent; and 3) the formal garden itself to the south/rear of the convent building, which is tree lined to the east and west, with trees also to the south along the original rear stone wall, with a disused oratory in the centre of the garden. Behind the trees to the east are three linear apartment blocks ('Blackrock Mews Eden'). To the south of the gardens is an existing permitted housing development (site under construction) with a permitted street forming the interface of this development and development to the south.

3.0 Proposed Strategic Housing Development

3.1. The proposed development relates to the modification of a permitted scheme under ABP ref PL28.249400. The overall Eden development was permitted under TP03/27645 for 550 units, with numerous amendments to the scheme over the years. Approximately half of the development has been completed to date. The applicant proposes to amend the undeveloped western section of the scheme most recently permitted under PL28.249400 and further develop the existing public open space areas to the north and south of the former Ursuline Convent/Blackrock House apartments.

3.2. The proposal comprises:

- Construction of 274 residential units in two apartment blocks, Block A and Block B, five to seven storeys in height. The blocks are set out in a reverse L shape, with undercroft parking proposed in each block, wrapped by apartments on the edges with the two main streets onto which they front.

- Two blocks of zoned open space are to be developed - one block is the north of the converted convent building/Blackrock House and the other block is to the south of that building. The public area to the north of the convent is to be designed with a playground, seating areas and paths for cyclists and pedestrians.
- Communal open space in the form of three landscaped podium areas are to be provided to the rear of the two blocks, two rooftop terraces to, and a linear space at ground level along a section of the western boundary.
- Vehicular access is proposed from Blackrock Road to the north, along the existing avenue into the Ursuline grounds, which is to be extended to the west of Blackrock House apartments and its rear gardens, to form a junction with a permitted east-west street and a permitted north-south street adjoining the development to the south (ABP ref. PL28.249400).

3.3. The applicant states that the application benefits from primary infrastructure built under reg ref 03/27645 and reg ref 16/37233 (ABP PL28.24900) and no significant changes are proposed to the previously constructed and granted road, watermain or drainage infrastructure as part of this application.

3.4. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	2.76 ha – net development area is 1.1 ha (excluding zoned open space to the north and to the south; the entrance avenue; reserved area around gas main to the west of the site where public open space proposed).
No. of Residential Units	274 apartments in 2 buildings: Block A – 194 apartments Block B – 80 apartments
Density	260.1 units/hectare
Plot Ratio	2.28 (based on net development area).

Public Open Space	2.2 ha.
Height	Block A – 5 to 7 storeys (20.4m-23.7m) Block B - 5 to 7 storeys (17m-23.4m)
Part V	27 units

Table 2: Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	20	89	154	11	274
As % of Total	7.3%	32.5%	56.2%	4%	

Table 3: Parking Provision

Car Parking	There are 0.42 spaces per unit. 129 undercroft spaces (82 in Block A and 41 in Block B). 76 surface car parking spaces (7 of the surface spaces are identified as go-car spaces and 4 as set down spaces).
Bicycle Parking	588 bicycle spaces

- 3.5. No childcare facility is proposed and a justification for lack thereof has been submitted in a report titled Childcare Provision Assessment submitted with the application.
- 3.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer.
- 3.7. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:
- Architects Design Statement, including Statement of Response to ABP Opinion, schedule of accommodation
 - Statement of Consistency

- Planning and Design Statement
- Statement of Compliance with Principals of Universal Design
- Planning History – document and map
- Environmental Impact Assessment Screening Report
- Childcare Provision Assessment
- Landscape Design Report
- Tree Survey and Tree Constraints Plan
- Arboricultural Impact Assessment Report
- Architectural Heritage Impact Assessment Report.
- Average Daylight Factors Report
- Photomontages
- Preliminary Construction Management Plan
- Hazard Evaluation/Condition Assessment and Plan of Remedial Works
- Waste Management Plan
- Traffic and Transport Assessment
- DMURS Design Statement
- Infrastructure Design Report
- Mobility Management Plan
- Road Safety Audit
- Screening for Appropriate Assessment

4.0 Planning History

There is a significant planning history to the site, which has been outlined in the applicant's submission with maps and in the Chief Executive Report from the Planning Authority. The following are considered the most pertinent on the overall lands:

TP03/27645 (2004) – Permission GRANTED for 550 residential units in a mixed use development on the overall Ursuline Convent lands of 12.5ha in area. The application was accompanied by an EIS.

TP05/30371 – Permission GRANTED for amendments for 5-6storey apartment blocks to east and west of the formal garden to the former convent

PL28.249400 (2018) – Permission GRANTED for 141 residential units. *This application included the section of lands to the west of the formal garden, subject of this application.*

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre application consultation meeting took place at the offices of An Bord Pleanála on the 5th February 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Detailed planning history in tabular form accompanied by a map.
2. Detailed proposals permitted/envisaged for all public open space zoned lands within the owner's landholding, in particular the lands north of the Ursuline Convent.
3. Connectivity achievable to the wider area through the site, including details of pedestrian connectivity to public walkway to the west.
4. CGIs/visualisations/cross-sections showing proposed development relative to existing/permitted development in the vicinity and potential impacts, if any, on protected views in the vicinity.
5. Architectural Impact Assessment in relation to nearby protected structures.

6. Schedule of accommodation.
7. Daylight and sunlight analysis.
8. Transport, roads and parking details, having regard to opinion of Cork City Council in relation to access, sustainable travel, parking provision, traffic and transport assessment, road safety audit and mobility management.
9. Tree and hedgerow survey, outlining which trees/hedgerows are proposed for removal, if any.
10. A site layout, indicating what areas, if any, are to be taken in charge by the planning authority.
11. Waste Management Plan.

5.3. Applicant's Statement

5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above and is summarised as follows:

- Public Open Space: The applicant intends to develop the public open space north of the Ursuline Convent as part of this application, which equates to 6872.6sqm.
- Connectivity: A 3m shared cycle/pathway is included within the design. This will facilitate a potential future connection to the Old Railway Line at a future date, in the event the local authority should seek to make such a connection. As per 16/37233, no through vehicular route is proposed although pedestrian and cycle linkages across the site are encouraged. Refer to Transport Engineer for supporting information.
- Schedule of Accommodation: Submitted as requested.
- Tree and Hedgerow Survey: A revised roundabout layout has allowed for the retention of a greater number of existing trees from that previously permitted. Refer to OMP drawing 1603B-OMP-00-00-DR-A-11300 for detail.
- Taking in Charge: Submitted as requested.

- Dual-Aspect Calculation: 138 of the 274 units are dual aspect, which equates to 50.4% of the scheme.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, with their existing built-up footprints.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

- National Policy Objective 35: Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. National Planning Policy

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.3. Local Planning Policy

6.3.1. Cork City Development Plan 2015-2021:

- Two zoning objectives apply to the site, ZO4 and ZO14 -
ZO4 Residential, Local Services and Institutional Uses: To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.

ZO 14 Public Open Space: To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates.

- Objective 10.4 Areas of High Landscape Value: To conserve and enhance the character and visual amenity of Areas of High Landscape Value (AHLV) through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets. Development will be considered only where it safeguards the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures and landmarks; and the ecological and habitat value of the landscape.
- LT14 Landscape and Townscape View from Carrs Hill of Montenotte/Tivoli Ridge - protected view relating to the site.
- Objective 9.29 Architectural Conservation Areas: To seek to preserve and enhance the designated Architectural Conservation Areas in the City – Block A of the proposed development is in Blackrock ACA, while Block B is outside of/adjoining the ACA.
- Car Parking Zone 3
- PS493 – Ursuline Convent Protected Structure. While the former Ursuline Convent is not part of this application, it is within its grounds.
- Section 16.37: Tall buildings will normally be appropriate where they are accessible to a high quality public transport system which is in operation or proposed and programmed for implementation.
- Section 16.51, Residential Density: Densities higher than baseline levels will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;
- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres).
- The oratory building located in the centre of the rear garden is listed on the NIAH (20868080), as are the Ursuline Convent building and adjoining chapel (20868078 and 20868079 respectively).

6.3.2. Mahon LAP 2014

- A small portion of the development site is included in the scope of the Mahon LAP 2014 and forms part of “Sub-Area 5: Ursuline Grounds”.

6.3.3. Draft Cork Metropolitan Area Transport Study 2018-2040 (CMATS), (NTA/TII/Cork City and County Councils):

This Draft plan is currently on display. While this is a draft document, the following public transport initiatives, which will benefit the Blackrock area in particular, are noted:

- Proposed Light Rail – indicative alignment of proposed light rail along the Mahon Greenway route adjoining the application site with a stop northeast and southeast of the site, at Blackrock Road and Skehard Road, with frequency of 5 mins indicated.
- Core Bus Corridor / Bus Connects – two routes serving Blackrock with frequency of 10mins and 20mins
- Cycle Network – existing Greenway route and secondary routes along existing road network in Blackrock.

6.4. Applicant’s Statement of Consistency

- 6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and

objectives of section 28 guidelines and the City Development Plan. The following points are noted:

- Overall net density of 260.1 ha and overall site density of 56.2 ha is in compliance with Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and in line with Cork City Development Plan 2015.
- The proposed design and layout, based on the principles and 12 design criteria of the Urban Design Manual, will create a residential development which will complement the existing development of Eden but be sufficiently individual to promote their own sense of place.
- The proposal is consistent with the 2018 Sustainable Urban Housing: Design Standards for New Apartments and DMURS.
- A crèche is permitted (under Ref. 16/37233) to the south of the site and amenity areas are provided for on-site. This is of a sufficient size to cater for the 76 no. units currently under construction and the additional 274 no. unit's subject of this application.
- The site is close to existing facilities and amenities available in Blackrock and Mahon. Blackrock Hurling Club and grounds is 150m to the west, the Sean Cronin Park is 400m to the south and an amenity walkway along the old railway line is situated along the western boundary of the site. A primary care centre, doctor's surgery and local shops are situated 350m to the south.
- Three bus routes serve the site – the 202,215 and 219 – with numerous stops for each situated adjacent to the subject site. A bus serves the site every ten minutes, Monday to Friday.
- The Ursuline Convent (RPS Ref. No. PS493) has been referenced on the public notices and the potential impacts of the proposal on the character of the structure has been examined in the Architectural Heritage Impact Assessment by JCA Architects which has been submitted with the application.
- A Traffic and Transport Assessment by MHL Consulting Engineers has been submitted with this application.

- A Stage 1 Appropriate Assessment Screening Report by Greenleaf Ecology is submitted in support of this application.
- A landscaping masterplan by Ilsa Rutgers Landscape Architect is submitted with this application.
- A Planning and Design Statement by McCutcheon Halley and Landscaping Report by Ilsa Rutgers Landscape Architect is submitted.
- The Infrastructure Report by DBFL Consulting Engineers outlines the proposals for managing storm water drainage. It states that the proposed development benefits from the primary surface water infrastructure constructed under Ref. 03/27645 and currently under construction under Ref. 16/37233. The proposed development incorporates SuDs features including permeable paving and landscaped podiums. Surface water will be passed through an interceptor and will drain to the existing sewer network. Petrol/oil interceptor have been incorporated into the proposed development.

7.0 Third Party Submissions

- 7.1. In total, fifty six submissions were received. The submissions were primarily made by or on behalf of local residents.
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Density, Design and Layout

- Density is considered excessive and not in keeping with the village character of the area and will result in overdevelopment of the site. Proposal represents a 234% increase on previously permitted development. Density calculations are also considered unclear.
- Height of development at seven stories is of concern, particularly in relation to impact on Blackrock Village/Harbour/Tivoli and surrounding estates and the overall character of the area, with lack of a transition.
- Height, massing and form will negatively impact on the protected structure.
- Height will have a negative impact on convent gardens.

- Proposal is considered overbearing and will result in loss of privacy, overlooking, overshadowing and loss of light. Overlooking of school playing pitches is raised as a concern.
- Photomontages are inaccurate.
- The design of the roof-scape is not in keeping with existing development and wider area. Flat roof and square parapet detailing contrary to existing Eden apartment with its sixth storey stepped back and clad in a metallic effect finish to give the impression of a rising roofline.
- Proposal will have a negative impact on property values due to density of development and traffic, noise, and pollution implications.

Impact on Amenities

- Proposal does not meet 2018 apartment guidelines in terms of dual-aspect and north facing apartments; number of apartments per core; and private amenity space and private open areas.
- Playground at southern end of open space to north of site is remote from Blackrock Road and will result in anti-social behaviour at night. Playground was intended as part of Part 8 for Blackrock Plaza, at the centre of the village, but due to costs was not delivered. Blackrock Playground Project Group they be consulted in relation to the implementation of the playground and in partnership with Cork City Council. The playground should be delivered within one year of the initiation of the general development works.
- Clarity in relation to scope, type of equipment and cost of playground requested.
- The Average Daylight Factors Report is not accurate, with concerns in relation to the apartments in the western end of the former convent building and private amenity space to that building. From the daylight analysis submitted, the proposal will impact on apartments in Blackrock House (converted convent building), particularly as indicated on shadow drawings on apartment no.s 1, 2, 4, 5, 7 and 8 and also on no.s 3, 6 and 9, contrary to statement there will be no additional shading on Blackrock House. The height of the northeast corner of Block A should be reduced to reduce impact on Blackrock House in terms of loss of light and privacy issues from overlooking from balconies and windows.

- The proposed development fails to achieve 50% dual aspect units as required by the document Design Standards for New Apartment – Guidelines for Planning Authorities, 2018. The true number of dual aspect units is 35% and not 50%, with 14% being single aspect north facing units, highlighting the poor design quality of the proposal in terms of residential amenity and the overdevelopment of the site.
- Both Block A and Block B have apartment numbers in excess of the maximum allowed of 12 apartment per core. Block A has 3 lift cores (a core can have more than one lift) with the central core serving 15 apartments, which is in excess of the requirements. Block B has one core serving 15 apartments per floor, in excess of the requirements.
- The access to light for the private open space of the recessed east facing balconies in Block A is substandard with the overshadowing analysis demonstrating the facades are expected to receive poor levels of sunshine (less than 2 hours per day), resulting in 30% of the balconies being below the required level of sunshine.
- Overlooking of bedroom windows will result with some windows less than 8m away. Some balconies are directly facing each other with a clear line of sight less than 10m apart.
- The size of the bin store for the apartments appears insufficient.
- Pedestrian connection from development to Rockfield Avenue is not part of the CDP and concerns are raised in relation to impact on Rockfield estate.
- Removal of trees along railway line would be detrimental to the area.
- There will be additional noise, light, traffic and air pollution, presenting a further threat to native and migratory bird populations, included internationally important species of black-tailed godwit and redshank. The River Lee Estuary, SPA, is 400m from the site.
- Conflicting information in the tree survey information submitted.
- Privacy of residents of Blackrock House should be maintained in the landscaped design of the gardens.
- The school grounds will be overlooked by the apartments with loss of privacy to students.

- Low level lighting should be used in the gardens to protect amenity of residents. Standard lights are indicated.

Impact on Protected Structure, ACA and Area of High Landscape Value

- Architectural Heritage Impact Assessment does not adequately account for impacts on protected structure or ACA.
- A redesign of the road away from the boundary with the formal gardens would improve the context of the gardens.
- Negative impact of tree removal and height proposed on Area of High Landscape Value.
- The proposed development would greatly detract from the appreciation of the historic structure and the scale and design of the buildings would hugely impair the architectural context.

Traffic, Transportation and Access

- Development not compliant with DMURS and lack of footpaths at entrance point at Old Convent Building will endanger pedestrians.
- Pedestrian access arrangements from the existing roundabout into the site are substandard and improvements cannot be achieved due to ownership issues. The entrance at this location is 4.5m wide, which is substandard for the volume of traffic and to cater for waste vehicles. The proposed entrance to the scheme is not in compliance with DMURS.
- Given the issues with the entrance, the number of units accessing the scheme from Blackrock Road entrance should be restricted to less than 50 and the access redesigned to comply with DMURS, which will reduce level of potential pedestrian conflict and all cars could be directed to basement parking area instead of allowed through the scheme.
- Car parking provision per apartment is inadequate, with concern that parking will take place on adjacent streets and residential areas.
- Concept of sustainable transport is premature and most residents will rely on car.
- Blackrock Road not appropriately assessed in traffic assessments and there will be inevitable delays to flow of traffic given there is on street parking, which reduces

the effective width of the street to 3.1-4m, which is substandard and problematic for level of buses using it.

- Proposed pedestrian access to Old Railway Line/public walkway will result in anti-social behaviour, damage to wildlife/habitat, and lead to health and safety issues for users and residents in the area.
- The link to the Greenway should be established at the outset and connection to Rockfield is opened as a walking and cycling route for access to Church Road and Beaumont Drive.
- As the link to the greenway/railway line cannot be delivered as part of this development, the modal split assumptions cannot be relied upon and are incorrect.
- The chestnut tree at the entrance to the site impedes traffic safety. This tree is required to be retained. A potential solution may be reached with the school and movement of their entrance.
- Concerns are raised in relation to potential hazard for students walking/cycling to the two schools and conflict with traffic.
- Bicycle spaces are proposed, but no cycling infrastructure is being provided particularly at the roundabout and entrance to the scheme.
- Cork City Council need to implement a parking and permit management plan for the area to ensure sustainable modal use as envisaged in the documentation.
- Queries over trip generation rates and TRICS report data accuracy.
- Query over modal split accuracy.
- Concern that car users will travel along Convent Road, which is too narrow to accommodate additional traffic.
- Access on Blackrock Road will result in hazards for pedestrians, cyclists and vehicles.
- Lack of footpath access on Blackrock Road into the development.
- Entrance is too close to the entrance to the Marina.
- Traffic volumes at school times have not been taken into account and will impact negatively on schools access and safety of children/parents at peak times.

- Additional sources of traffic in the wider area and their impact on overall volumes with this development on Blackrock Village has not been taken into account, including church, boat club, Pairc Ui Chaoimh.
- Query over why development cannot use Skehard Road.
- Development will exacerbate existing traffic congestion in the area.
- Concern over construction vehicle traffic.

Crèche Facilities

- There is a shortage of crèche facilities – a survey of Blackrock Avenue residents alone indicates a requirement for 10 spaces and applicant indicates there is a requirement for only 15 spaces.
- The majority of childcare providers listed do not cater for children pre three years of age. The Nurture Childcare Civil Service Crèche is also only suitable for employees of the civil service. It is noted that the waiting lists on the applicable services are quite long. The distance time listed to the facilities in Douglas are not accurate when traffic is taken into account and does not make it practicable for a working family.

Part V

- Part V is being dealt with as part of a previous application and is provided for in two blocks instead of mixed into the development. This is unacceptable, social housing should be spread across the development and not located in two blocks only to the south of the scheme.

Other Matters

- No affordable housing being provided.
- The EIA screening is substandard. The original permission on the overall site required an EIA and this should have been updated for this application.
- A knotweed bund was created within the area of the proposed public park as part of the public realm works on Blackrock Pier. This should be closed in and no breach of the bund should take place prior to transfer of ownership.
- Construction working hours proposed in Preliminary CMP should be reduced.

- Green areas should be accessible during construction.
- Site notice was not erected at Rockfield, where access is future cyclist/pedestrian access is indicated.
- Road safety audit does not contain drawings as indicated in appendix B and drawing no 1603B-OMP-BL-00-DR-A-XX-10000 does not exist.

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act, Cork City Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 6th June 2019. Details were submitted in relation to the policy context, site description, proposal, planning history, summary of third party submissions, and summary of views of the relevant elected members. The submission includes several technical reports from relevant departments of CCC. The report is summarised hereunder.

8.1.1. Summary of Inter-Departmental Reports

- **Transport and Mobility Division:** No objection subject to conditions. It is noted that the applicant states access will be from Blackrock Road and TTA addresses access from Blackrock Road only, however, drawings are not clear as to how Skehard Road access will be blocked. It is considered imperative that access to the Mahon Greenway be provided from the site to improve linkages north and south and to support cycling/walking. Condition required in relation to Road Safety Audit measures.
- **Drainage Division:** No objection subject to storm drainage design being finalised and agreed with the Cork City Council. It is requested that additional SUDs elements be incorporated to further reduce run-off as part of the wider development given limited scope within the application site. Site is within Flood Zone C, hence no flood risk exists.
- **Housing Section:** No objection subject to a part V condition. It is stated that provision within the area of 16/37233 is desirable from the Council's perspective.

- **Heritage Officer:** No objection subject to conditions. No ecological or bat survey has been submitted. A bat survey should be conditioned. It is noted that there are two tree reports on file, which are conflicting in relation to the number of trees required to be felled and also a discrepancy with the tree survey drawings. It is very important that as many trees as possible are retained, treated and supported. For ecological reasons it is recommended that all mature trees along the railway line are retained. It is noted that there is no ecological or bat survey on the file.
- **Archaeological Report:** No objection. The site is in the zone of archaeological potential for a county house (C0074-100). The site was comprehensively tested as part of a previous application (T.P. 03/27645) and no significant archaeological features or finds were recorded.
- **Architectural Conservation Officer:** The design proposed for the western side of the garden of the former Ursuline convent is satisfactory in terms of massing, scale and design and is better for this sensitive site than the scheme most recently granted permission on the site.
- **Fire Department:** Planning application drawings are not sufficiently detailed to allow for in-depth analysis. However, concerns are raised in relation to the inner bedroom scenario in a high number of apartments, irrespective of the provision of a sprinkler system. Cork City Fire Department has not certified to date an apartment design including an inner bedroom layout.
- **Parks Landscape and Cemeteries Division:** No objection to the landscape areas being created and their design. Trees damaged by recent storms and trees beyond remedial repair due to disease will be replaced with appropriate semi-mature trees.

8.1.2. Summary of Chief Executives View:

Zoning Objectives: ZO4 and Z14 Public Open Space: Proposed development accords with the relevant land use zoning objectives and general strategic development objectives of the City Development Plan.

Density: Net residential density is approx. 260 units per hectare, when the site is taken in isolation. The overall site density is approx. 53.4 units per hectare, with an overall total on the wider lands with this application being 671 units over an area of 12.56 ha. The density is in accordance with national policy and development plan guidance for development along bus routes.

Scale, Height and Visual Impact: Proposed development accords with the height strategy of the development plan. However, there are concerns in relation to the impact of the 7th storey element of Block A having regard to the height relative to the convent building and the apartments and overbearing impact given proximity of the Ursuline Convent building. It is recommended that the top floor (7th floor) fronting onto Block A be set back to reduce any negative impacts on the adjacent buildings. There is considered to be no impact on the protected view LT14, as per the photomontage/visualisation submitted with the application.

Impact on Residential Amenity: Overall it is considered the proposed development is acceptable, however, there are concerns in relation to potential impacts on the western elevation of the converted convent building. The daylight report submitted indicates Block A may have an impact on daylight levels to this element of the convent building at certain times of the year. A reduction in height may reduce the impact on the convent. A set back at 7th floor level may reduce the impact on the convent while maintaining the uniform appearance of the proposed building. ABP should assess this impact and include a condition as necessary. With regard to trees, the Arboricultural Impact Assessment Report indicates 8 trees will be removed, however, the 'Hazard Evaluation/Condition Assessment indicates a much larger number of trees to be removed. The trees along the western boundary are important to the setting of the greenway and the outlook of the houses in Rockfield estate. The discrepancy to the reports should be reviewed and number and location of trees to be removed should be clearly defined prior to the decision.

Design: The overall design and layout is in accordance with the original development strategy for the site and is of a high quality and the blocks provide a good legible structure to the layout. The apartments comply with the section 48 guidelines, as set out in the Statement of Consistency. The Fire Officer's report highlights concerns in respect of the open plan layout proposed, specifically the high percentage of apartments with an inner bedroom scenario, therefore ABP should review this

element and attach conditions as appropriate. The design of Block A is acceptable, subject to a set back at 7th floor level. The variety in heights and massing gives a balanced and complete layout around the formal garden, consistent with the original strategy for the development. The design of Block B will enhance a sense of safety and security to the public walkway to the west. The design of the development maximises the amount of passive surveillance of the public areas.

Traffic and transportation issues: No objection subject to condition. Management of parking on the adjoining avenue is a key concern and a condition should be attached in this regard. Access to the Mahon Greenway would enhance pedestrian/cyclist sustainability options and the transport department report states that this linkage is provided. The applicant has provided for a 3m wide, lit, pedestrian/cyclist access up to the site boundary to facilitate a future access, however, the Board is minded to note that this land is not under the control of the application and as such consent from the landowner would be required and these works may be required to follow a Part 8 process. The maximum number of parking spaces allowable is 354, with 176 spaces proposed. This is acceptable and will promote an uptake of sustainable travel options.

Flooding/Drainage: The site is not within Flood Zone A or B. No objection.

Natural Heritage: Concerns raised in relation to removal of trees and conflict between tree reports. A condition to retain as many mature trees on the site as possible is required. A playground is proposed on the public open space to the north. It is considered that the playground should be relocated to the northern section of this space to integrate better with the recently completed Blackrock Plaza area and to integrate better with the community. A condition requiring liaison with the parks department prior to commencement of development is required.

Conservation and Architectural Heritage: The conservation officer has no objection to the proposal in terms of its impact on the protected structure. The site has been comprehensively tested for archaeology.

Part V: The housing section notes that the Part V requirements of 22 units (on basis of this development's requirement for 27 units, plus 7 units under reg ref 16/37233 and less a credit of 12 units) will be met within the area of the previous application

16/37233. The planners report states it would be better that these units be distributed across the development to ensure integration within the development.

Environmental Screening: The proposal is not of a nature or scale that requires mandatory EIA. The EIA screening report submitted is noted. It is for ABP to determine if sub-threshold EIA is warranted.

Appropriate Assessment: The AA screening report submitted is noted. This is matter for ABP to determine.

Summary of the Views of the Elected Members:

The report includes a summary of the views of relevant Elected Members, as expressed at the South East Electoral Area Committee meeting held on 20th May 2019 and are broadly summarised below:

General Issues:

- All members opposed to the development.
- Concerns about 'fast track' SHD process, including pre-application consultation.
- Concerns about undemocratic nature of SHD process.

Density

- Opposed to high density at this location given context of site and Blackrock village.
- Density too high relative to car parking spaces provided.
- Previously approved scheme is more appropriate for the site.

Design

- Design and scale of building, particularly seventh storey element, out of character with existing apartments on the other side of the convent garden.
- Design detracts from the existing 18th century convent building.
- Materials proposed are out of character with the convent building and other existing buildings in the area.

Pedestrian Access to Greenway and Rockfield

- Any proposed access to the existing bridge crossing the Greenway to Rockfield residential area raises concerns given the existing cul-de-sac at the other side of the bridge. No through access should be provided. Concerns also in relation to potential anti-social behaviour arising from such a connection being proposed.

Traffic Parking

- Level of parking insufficient. Proposal for a 0.5 rate of parking per unit is more appropriate for the Docklands and not this suburban location.
- Blackrock village is a high priority pedestrian zone and concerns are raised that the density and size of the development will impact on that.
- Potential for increased levels of parking in neighbouring developments.
- The road network is already congested.
- Concerns raised in relation to existing entrance from Skehard Road which should be widened to allow for on-street parking.
- The existing entrance from Blackrock Road should remain and not be altered because of this development.

Part V

- Members opposed to part V being location in blocks on the southern end of the site rather than being integrated throughout the full site as is the intention of the part V legislation.

Public Playground

- The playground should be relocated further north within the open space to the north of the convent to be more accessible to all members of the community and to integrate better with the recently updated public plaza.
- The playground should be completed in consultation with the parks directorate.

Construction Management

- Concerns raised in relation to construction management plan and hours of operation with construction on existing sites taking place outside the permitted hours.
- Construction hours should be controlled and enforced.

Public Lighting

- Public lighting to the existing avenue from Blackrock Road should be provided as part of the development for safety of residents and members of the public.

Crèche/Childcare Facility

- A crèche should be provided in line with current requirements.

9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Irish Water
- National Transport Authority
- Cork Childcare Committee

Two of the bodies have responded and the following is a summary of the points raised.

9.1. Irish Water: Based upon details submitted by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

9.2. TII – No observations.

10.0 EIA Screening

10.1.1. The applicant has submitted an environmental impact assessment report screening, which concludes that with proposed mitigation measures in place, it is not anticipated that the construction or operational phases of the proposed development whether considered on its own or together with in combination projects or plans, will give rise

to likely significant environmental effects. Therefore, a subthreshold environmental impact assessment is not required to accompany the application.

10.1.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.1.3. The proposed development is for 274 dwelling units, on a site area of 2.76ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

10.1.4. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

10.1.5. The proposed development would result in works on zoned serviced lands which forms part of a larger site which has been subject to an Environmental Impact Assessment. The size and design of the proposed development would not be unusual in the context of this developing urban area. The development would be on greenfield land but would be part of the built-up area of the city, with previous development immediately to the north, east and south of the site. The changes in the area that have occurred due to its recent development are in accordance with plans that were subject to Strategic Environmental Assessment. The site is not designated for the protection of natural or cultural heritage and while of landscape value, the

proposal is not likely to have an impact given its context. The proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed later in this report). 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 proposed development would use the municipal water and drainage services of Cork city, upon which its effects would be marginal. In these circumstances, upon preliminary examination it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

11.0 Assessment

- 11.1.1. The parent permission on the overall Ursuline lands, which included this application site, dates from 2003 and permitted 550 units (reg ref 03/27645). Apartments, 5-6 storeys in height, were originally permitted on this application site which were the same design and height as those permitted and now constructed on the east side of the formal garden(amended reg ref. 05/30371). Development on this application site was never undertaken.
- 11.1.2. The most recent amendment relating to the application site was under PL28.249400 (2018), where that application allowed for a change from the previously permitted 5-6 storey apartments to a mix of houses and apartments, with the specific section relating to the appeal site permitting 42 unit duplex/apartments of 4-5 storeys. This application is for an amendment to PL28.249400, omitting permitted duplex apartments and houses 4-5 storeys in height and replacing them with two blocks of apartments 5-7 storeys in height. The access, road layout and site services infrastructure is not proposed to be amended.
- 11.2. I consider the main issues relating to this application are as follows:
- Principle of Development
 - Density

- Design, Scale and Layout
- Impact on Protected Structure
- Impacts on Amenity
- Traffic, Transportation and Access
- Drainage
- Other matters
- Appropriate Assessment

These matters are considered separately hereunder.

11.3. Principle of Development

- 11.3.1. The majority of the site is within zoning objective Z04, the objective of which is 'to protect and provide for residential uses, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'. I note the principle of residential development at this location has been previously established. The proposed apartment blocks are acceptable in principle within zoning objective Z04.
- 11.3.2. A section of the site to the front of Blackrock House apartments (the former convent and protected structure) is zoned Public Open Space, as is the section of the site to the rear, which comprises the original rear formal garden associated with the former convent. The objective of this zoned Public Open Space is 'to protect, retain and provide for recreational uses, open spaces and amenity facilities, with a presumption against developing land zoned public open spaces for alternative purposes, including public open space within housing estates'. Public open space and associated landscaping is proposed on these lands as part of this application. The overall principle of this use is acceptable in terms of the zoning objective.
- 11.3.3. Having regard to the nature and scale of development proposed, namely an application for 274 residential units located on lands within zoning objective Z04 and proposed public open space on lands zoned Z14, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and is acceptable in principle.

11.4. Density

- 11.4.1. Concerns have been raised by third parties in relation to the density, which it is contended is excessive and would be detrimental to the character of the Blackrock area and in particular the protected structure of Blackrock House (former convent).
- 11.4.2. The applicant has considered the density of the site as a whole, as well as the application site only. The net development area of the wider site is stated to be 8ha, excluding the public open space to the north, the open space to the south and the access avenue which also serves two schools. The net development area of the site subject of this application is stated to be 1.1ha. The net density of the application site only, therefore, (not considering the wider development area of Eden), is stated to be 260 units per hectare.
- 11.4.3. If one considers the site as part of the wider development of the former Ursuline lands, which is in my view an appropriate holistic view to take for this inter-connected urban development which was originally planned as one development, then the total number of housing units provided on the wider site (with the proposed development in place) is stated in the Design Statement submitted to be 671 units, resulting in a stated net density of 83.9 units/ha. The net density with the extant permission constructed instead of this proposal would equate to a net density of 57.8 units/ha.
- 11.4.4. I note the total units calculated includes the 27 apartments within Blackrock House/the former convent building, but that building is not included within the net site area. In the interests of consistency the former convent building should be included in the net area as it has been redeveloped for housing, which results in an overall difference in the density calculation of 77 units per hectare with this proposed development in place, which is an increase from 53 units/ha with the extant permission in place.
- 11.4.5. I am of the opinion that given its zoning, immediate context, and location 6.5km from Cork city centre, the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b).

11.5. Design, Scale and Layout

- 11.5.1. The proposal involves the construction of 274 apartments in two no. blocks, Block A and Block B, laid out in a reverse L shape, to the southwest of Blackrock House apartments, with undercroft parking to the rear of the blocks. Block A and the primary access street serving the site will form the western boundary to the formal rear garden of Blackrock House apartments. Part of Block A and Block B bounds the new street to the south and Block B also forms an edge with the heavily landscaped Mahon Greenway to the west (c. 3m below the site). The overall approach is to provide a strong edge to the streets and the greenway and for Block A to provide a balance to the formal garden of the former convent.
- 11.5.2. Public open space to the front and rear of Blackrock House will serve the apartments as well as the wider development and area. Communal open space will be provided at podium level to the rear of the blocks, with two roof terraces, and a ground level linear space at the western boundary.
- 11.5.3. Access to the site will be from the existing avenue off Blackrock Road to the north, with access from the northern boundary off an existing roundabout serving Blackrock House and the two schools located on the avenue. I note the streets and access from the north are as permitted under PL28.249400.
- 11.5.4. Block A seeks to replicate the enclosure to the public open space of the former convent garden in a similar way to the existing 6 storey apartment blocks (5 plus 1 set back) on the eastern side of the gardens. The conservation officer welcomes this approach, however third parties contend it detracts from the open space and the protected structure given its positioning, height and scale.
- 11.5.5. I note Block A in terms of form and scale differs to the apartments on the eastern/opposite side of the formal garden, but I do not consider this to be to the detriment of the scheme. Block A varies in height from 7 storeys at the ends, 5 plus additional set back (the set-back apartment being single aspect to the rear/west, with roof terraces provided to the east) and 6 storey in the centre. The overall height of the building varies between 20.4m-23.7m. The block has an overall width/streetscape edge of approx. 107m, with the building line staggered approx. every 18m in sections. In my view the proposed variation in the height, building line, and materials used in this block is successful in breaking up the overall bulk of the

building. The proposed block provides a development of sufficient height and scale to define the central formal garden, as has been permitted to the east, and the overall scale and location of the site is such to allow for this site to accommodate an apartment scheme of a varied design and form to what exists in the wider development. While Block A is higher than the main body of Blackrock House (protected structure), I do not consider, given its positioning on site and the immediate context, that it will detract from the character of the protected structure or the wider area.

11.5.6. I note the concerns of the planning authority in relation to the proximity of the seventh floor element on the northern corner of Block A to Blackrock House apartments and potential for overshadowing and overbearance. However, given the positioning of Block A in line with and at an angle to the rear building line of Blackrock House, and the separation distance of 20m, I do not consider the issue of overbearance to be so significant as to warrant the omission or the set back of the seventh floor and the level of overshadowing from this seventh floor element alone would not significantly alter the overall level of overshadowing, which I consider minor in terms of impact. I also note Block A is separated further from the gardens than the blocks to the east with a proposed intervening street (permitted under PL28.249400), therefore an additional height would not in my view be overbearing or disproportionate. While the design of the roofscape differs, as raised in some of the third party submissions, I consider that the site is of sufficient scale, as is the former convent garden, to accommodate a different approach to the design of both Block A and Block B.

11.5.7. I consider the overall layout acceptable, however the treatment of the street between Block A and the formal garden, which the applicant states will be a pedestrian plaza/pedestrian zone, will be critical in determining the quality of the public realm and ease of movement/accessibility to the garden, as well as speed of cars. To ensure a quality finish is delivered, should the Board be minded to grant permission, I recommend a condition in relation to the finishes of this street.

11.5.8. The Urban Development and Building Heights, Guidelines for Planning Authorities (2018) sets out the requirements for considering increased building height in various locations and recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as

set out in section 3.2 of these Guidelines, in assessing this proposal. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport and amenities in an existing serviced area and within walking/cycling distance to the city centre via established greenway routes. The proposal in my view integrates successfully with the wider scheme in terms of design and layout, has had due regard to the protected structure and its rear formal garden, and contributes to the public realm and character of this developing area. The proposal furthermore does not detract from the wider visual and landscape value of the area. Having regard to all of the above, I consider the site has the capacity to absorb a development of the nature and scale proposed and the design, height and layout as proposed is in my view acceptable.

Unit Mix and Sizes

- 11.5.9. The mix of units proposed is considered acceptable particularly in the context of the overall scheme which also accommodates traditional two storey housing units. The proposed mix would cater to persons at various stages of the lifecycle, in accordance with the Urban Design Manual.

Part V

- 11.5.10. I note the applicant proposes within the documentation to accommodate part V on the site. The housing section of the planning authority are satisfied the requirements can be accommodated within the southern section of the site within apartment blocks permitted under PL28.249400. The planning authority raises concern in relation to the lack of a spread of part V housing across the development. I consider a spread of units to be desirable. This matter can be appropriately addressed by way of condition for agreement with the planning authority.

Public Open Space

- 11.5.11. Public open space is provided by way of two main areas, to the north and south of the Blackrock House apartments. The area to the north is within an identified area of high landscape value. In my view the proposed development does not impact negatively on this designation. The applicant proposes to landscape the area and construct a playground. The formal garden to the south will have additional formal pathways to the east and west of the oratory building which the applicant

states is to enhance the formal relationship between the convent, oratory garden and proposed apartments.

11.5.12. I note this public open space to the front of the former convent adjoins a public realm improvement area in Blackrock village and it is proposed to provide for pedestrian connection between the two spaces, with the public open space to the front of the former convent proposed to be taken in charge by the council. I acknowledge the concerns raised by third parties and the planning officer in relation to the playground and would agree that it would be preferable that it is located closer to the village. Should the Board be minded to grant permission this issue can be addressed by way of condition.

11.5.13. I note Japanese knotweed was discovered within the area of open space to the front of the site. This is discussed further hereunder and may have implications in relation to the timing of the landscaping of part of this space.

Landscape Plan and Trees

11.5.14. A landscape plan and associated drawings have been submitted with the application, as has an Arboricultural Assessment. The planning authority notes there are disparities between some of the reports and questions what trees are being removed, noting the importance of the trees along the western boundary of the site with the greenway. This issue can be addressed by way of condition, should the Board be minded to grant permission.

11.5.15. The heritage officer of Cork County Council also highlights the requirement for a bat survey, which is suggested could be addressed by way of condition. I note that under PL28.249400 a bat and invasive plant species assessment was undertaken for the site and conditions relating to that assessment were attached to the permission. As this application is for a modification of PL28.249400, the conditions of that permission are relevant and will be incorporated where appropriate into this application, should the Board be minded to grant permission.

11.5.16. I note that an updated 'Invasive Alien Species Management Plan' (IASMP) (March 2019) has been submitted with this application (appendix B of the screening report). Japanese Knotweed was discovered within the open space north of Blackrock House/former convent, as was Three-Cornered Leek, which is stated to be found along the access avenue. Both these species are listed in the 2011 Birds and

Habitats Species Regulations and it is a serious offence to spread these species. The report gives options in relation to how to treat the Japanese Knotweed. One option is avoidance. It is stated that this is not feasible given the proposed development site will be subject to disturbance at this location. Chemical treatment is discussed and parameters given in how to undertake such treatment, however it is stated it may take at least three years before the Knotweed stops growing back and this option of treatment is not preferred as time constraints preclude development at the site. I am not convinced that this is not an appropriate method. The report indicates the location of the Knotweed in a confined area of the open space to the north of Blackrock House and also notes that the Knotweed appears to have been treated in some manner already. I am not clear, and the report is not clear, on what treatment has occurred in the past and who has carried it out. A third party submission states that a bund was created for the Japanese Knotweed to the front of the site and this should be protected, however there is no reference to this in this report.

11.5.17. The stated preferred option in the report is to bury the knotweed within a root barrier membrane cell and have the cell placed in an area where it will not be disturbed, with the deeds of the property to be marked to identify the location of the cell to ensure no disturbance in the future. In my view this is not an appropriate option as it is not dealing with the problem and there is a risk that the membrane will be accidentally disturbed in the future. I suggest that a condition be attached to any grant of permission to address this issue further in consultation with the planning authority with the option of treating the Knotweed chemically on site and fencing off the limited area affected for the time required with future management costs outlined.

11.5.18. With regard to the Three-Cornered Leek, this is stated to be along the access avenue but this is not clear from the maps where exactly it is located. If no works are proposed along the avenue then avoidance is possible, however in my view given the extent of the development, the options of treating the species through the application of herbicide and strimming of the plants before they flower as suggested is preferable over avoidance and should form part of this active Invasive Alien Species Management Plan.

11.5.19. The other invasive species discussed are not listed in the regulations, however their management is equally important and the report goes on to discuss

the options for each species. I recommend a condition in relation to this issue, should the Board be minded to grant permission.

Communal Open Space

11.5.20. The document Sustainable Urban House: Design Standards for New Apartments 2018 states that communal amenity space should be accessible, secure and usable with a high priority for families with young children and for less mobile older people. The applicant proposes 3 podium level spaces and one linear space along the boundary with the playing field. The applicant states that a total of 1702sqm is required and 2221.7sqm is provided, which is in compliance with the guidelines.

11.5.21. I note the level 01 podium communal amenity spaces do not provide for a planted privacy strip for two of the apartments in Block A where bedroom windows adjoin public walkways. The level 05 plan for Block A refers to landscape drawings for the roof terrace layout, which do not form part of the application. I note that the roof terrace area also has bedroom/living room windows from apartments facing onto the roof terraces, which would also benefit from a planted privacy strip adjoining their facades. These issues can be dealt with by way of condition, should the Board be minded to grant permission.

Private Open Space

11.5.22. Private open space is provided by means of balconies/patios to all units, with the guidelines stating a requirement of 4sqm for a studio, 5sqm for a one bed, 7sqm for a four bed, and 9sqm for a three bed. All units are stated to be in compliance with the standards.

Childcare Facility

11.5.23. The childcare guidelines states that 1 childcare facility with a minimum provision of 20 spaces is required per 75 dwellings. The apartment guidelines 2018 go on to say that notwithstanding these requirements, a more specific analysis should be undertaken for apartment developments. A childcare facility is not proposed in this application. The applicant has submitted a Childcare Provision Assessment with the application to rationalise the requirement for no crèche.

11.5.24. The Childcare Provision Assessment report indicates the crèches in existence in the wider area. I note the parent permission for the site provided for a crèche but none has been developed to date to serve the constructed 294 residential units. Permission for a 277sqm / 33 space crèche was more recently permitted under ABP Ref. PL28.249400. This crèche will be situated to the south of the site, within the Eden development. It is stated in the report that a second crèche for 24 no. child places has also recently been permitted under Ref. 18/37823, however I note that this site is situated outside the Eden development, approx. a 1 hour walk/11 minute drive away. The applicant contends that the permitted 33 space crèche within the development, once constructed, combined with the existing additional childcare facilities in the wider area, is sufficient to cater for the 76 no. units currently under construction and the additional 274 no. units subject of this application.

11.5.25. The submitted Childcare Provision Assessment states that 165 of the units proposed within this application are considered appropriate for families and on the basis of an average household size of 2.75, the development will generate theoretically 228 children. I do not accept the analysis following on from this, which indicates that this will generate a childcare requirement of 2.5 childcare places on the assumption that as 6.5% of the current population of Mahon is between 0-4, the proposed development will have a similar percentage. The CSO states that 16% of pre-school children within the southwest region are cared for in a crèche. The application of this 16% of 228 children equates to 35.5 childcare spaces. The childcare report goes on to quote CSO figures that 7% of school going children require crèche care, which equates to 21 children, resulting in total potential requirement of 56.5 childcare spaces.

11.5.26. Local crèches within a 10 min drive time are listed in the report and their capacity levels indicated. There is no capacity indicated in the crèches closest to the site. I note a significant number of those crèches listed are small in scale with a limited number of spaces only within the ones that do have capacity. I note the largest crèche at Bessborough has 150 spaces and no capacity. The applicant states there are a total number of 36 spaces available spread across seven of the crèches listed as being within a 10 min drive time and as this development generates a similar requirement of 36 spaces, no crèche is needed. It is in my view unsustainable to rely on a scattered small number of crèches to support this future

population as suggested in the report. The report further states as an assumption that on the basis that a lot of people in the area commute to work in Cork city centre, Little Island, Ringaskiddy and Carrigtwohill, that people will avail of crèches in these areas instead of in the area of their home. This is an assumption which is not based on fact and I would query whether people are 'anecdotally' doing this because of a lack of provision locally as opposed to the applicant's assertion that people would rather commute with small children than have them cared for locally. This further has implications in terms of uptake of alternative modes of travel, including cycling, which this development strongly encourages and which would be unlikely have a high uptake among families if those with small children have to travel by car to avail of a crèche in other areas.

11.5.27. Having regard to all of the information submitted with the application, I consider that the lack of provision of a crèche facility is unacceptable in this instance. To address this issue, I am of the opinion, as supported by the apartment guidelines, that a crèche can be accommodated within the apartment development as a communal facility open to others. To this end, apartments 1A1 and 2A1 at the northwest of Block A (which are poorly designed as apartments which is discussed hereunder), should be omitted and in my view redesigned to cater for a crèche with the area to the front and side of the units utilised as a play area. I note that this may have implications for the layout of the undercroft area, the number of cycle spaces proposed, as well as requirement for a parking set-down, which could be addressed by way of condition. I consider this to be an appropriate location, with available space between the two apartments of approx. 160sqm, which should cater for in the range of 25 children to serve the proposed increase of 133 apartments proposed as part of this amended application and address the deficit of this social facility in the wider Eden development. It may be that the scale of the crèche at this location is insufficient to serve the needs of the community, in which case the planning authority/applicant may consider further the incorporation of two apartment units above 1A1 and 2A1 as part of the crèche to facilitate the development of a crèche of scale which would be more economically attractive. As this is the last block of land to be developed in the Eden area, provision of a crèche at this location is important to serve the needs of the wider community, which from the information submitted has to date accommodated 250 new residential units with no childcare facility.

11.6. Impact on Protected Structure

- 11.6.1. I have examined the proposed apartment developments in terms of their context within the curtilage of a protected structure, ACA and high landscape value area. The applicant has submitted an Architectural Heritage Impact Assessment Report which considers the proposal creates an appropriate composition which responds sensitively to the scale and layout of the 18th and 19th century convent buildings. The Cork City Council conservation officer's report supports the development of this block of apartments and considers it satisfactory in terms of massing, scale and design. This scheme is considered an improvement on the most recent permission for four storey duplexes along this edge which was considered to be problematic in that the proposal of lower height buildings would result in an unbalanced and incomplete layout around the garden.
- 11.6.2. I am satisfied that the development as proposed is appropriate within the context of the existing protected structure and the formal gardens along which it provides not only a strong edge visually but a positive presence for the continued surveillance and use of this quality amenity space. The amendments to the design of the garden are in my view acceptable. The proposal in terms of design and scale, as discussed above, does not in my view detract from the protected structure on site and will integrate comfortably within the existing landscape setting.

11.7. Impacts on Amenity

Impact on Surrounding Apartments/Housing and School Site

- 11.7.1. The potential impact of the proposed development on the residential amenity of neighbouring properties, including residents of Blackrock House apartments and Rockfield estate, has been raised in a number of submissions, as well as the impact on the school grounds. Concerns have been raised, *inter alia*, in relation to overlooking, overshadowing, loss of light, impacts on privacy and overbearance.
- 11.7.2. The applicant has submitted a photomontage report looking at various views of the proposal from outside the site and an Average Daylight Factors Report by Integrated Environmental Solutions.

- 11.7.3. With regard to Blackrock House, the Average Daylight Factors Report addresses the impact on the Blackrock House apartments, the rear formal garden and also the communal spaces within the scheme. The report states no impact on the apartments in Blackrock House. This is questioned by third parties given the images presented in the report.
- 11.7.4. Proposed Block A is 20m southwest of Blackrock House apartments, with the building comprising a seventh floor corner apartment at the northeast corner, which is the corner closest to Blackrock House. I acknowledge there will be some overshadowing as indicated on the submitted images, however, in terms of overall impact I am of the view that some degree of overshadowing is to be expected within this developing urban context, where the principle of a building of scale at this location has been permitted in the past and the level of impact is not in my view so significant as to warrant a refusal or the omission of a floor. Having regard to the separation distance between the blocks and the position of Block A relative to the rear building line of Blackrock House, I consider the impact in terms of overshadowing to be acceptable and while the outlook will change for existing residents of Blackrock House, Block A is not located directly to the side or rear of the building and the proposal will not in my view significantly impact on the privacy of existing apartments in Blackrock House.
- 11.7.5. Given separation distances to Rockfield Avenue and the existence of the existing landscaped greenway between the sites, I do not consider the proposal will have an overbearing impact on the existing residential context. Concerns are raised in relation to proposed plans to provide for a pedestrian link from the site to the greenway. The applicant has provided a pedestrian link up to the boundary with the greenway, which I consider is appropriate in terms of future proofing this as an option for improved connectivity and permeability with the surrounding area, however, the developer cannot provide the actual link given the adjoining land is not owned by the developer, therefore issues raised in relation to the impact of connecting this link to Rockfield avenue via a historic bridge associated with the old railway line are not relevant in this instance and such a connection would be subject to a separate public consultation/application process. The future proofing of the layout to facilitate potential future connections is in my view warranted in the design presented and is to be welcomed particularly in the context of the Draft Cork

Metropolitan Area Transport Study 2018 which indicates the potential alignment of a light rail in this area in addition to the existing pedestrian/cyclist facility.

- 11.7.6. The west/southwest elevation of Block B fronts onto the proposed pedestrian pathway which terminates at the boundary with the greenway. As raised by third parties, this elevation is blank at ground level, which is poor in terms of potential for passive surveillance in this area, particularly should a pedestrian link be facilitated to the greenway in the future. However the floor plans indicate a plant room/water store/switch room/bin store and bicycle store along this elevation with the remainder of this undercroft area utilised for parking. While not ideal in terms of passive surveillance, I note the permitted housing on the other side of the street faces this direction and I consider overall the layout is acceptable. In order to mitigate the blankness of this elevation, I am of the view that a green living wall or other design feature should be incorporated into this elevation, which would soften this edge to the existing greenway.
- 11.7.7. With regard to Block B and potential for impacts on permitted housing on the site, given the orientation of the housing to the south of Block B on the opposite side of the proposed new street, I do not consider there will be significant impacts in terms of daylight or overshadowing from the apartment block, and the level of potential overlooking from the upper apartment levels and the opposite housing is in my view acceptable in this developing urban context.
- 11.7.8. I do not consider the impact on the school playing field to the north to be a significant factor. I note the level of landscaping adjoining the boundary with the playing pitch. While there may be some overshadowing of the pitch, this will not impact on its use. I note the proximity of Block B to this boundary ranges from 1m – 2.9m. Such a space is sufficient to allow for maintenance of this peripheral green strip and I note there is a separation of 16m from this boundary to the actual playing pitch itself. I do not have concerns in relation to the proximity to the boundary in terms of overbearance, overshadowing or overlooking given the use of the neighbouring lands as a playing pitch.
- 11.7.9. Overall, having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. I have no information before me to

believe that the proposal, if permitted would lead to devaluation of property in the vicinity.

Amenity of Future Occupants

- 11.7.10. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed 274 apartments must comply. Schedules were submitted to demonstrate compliance with the standards. The schedules are overall consistent with the drawings with apartment sizes in line with the standards set out in the guidelines. I discuss further hereunder SPPR 4 in relation to dual aspect apartments and SPPR 6 in relation to number of units per core.
- 11.7.11. Within the document Average Daylight Factors Report by Integrated Environmental Solutions, a selection of the proposed apartments were examined, namely the ground floor apartments in Block A and Block B. It is stated that all meet the minimum required Average Daylight Factor of 1% for bedrooms and 1.5% for living room/kitchens. The lower floors only were tested as these were deemed to be the 'worst' case location, with rooms on the upper floors considered to generally have unobstructed views and should meet the BRE requirements. I accept the findings of the report.
- 11.7.12. With regard to the comment from the fire authority in relation to an 'inner bedroom' arrangement, matters to do with fire certificates are not within the remit of the Board to address and come within the scope of the building regulations. The layouts as proposed meet national planning standards and from a planning perspective are considered acceptable.

Dual Aspect Design

- 11.7.13. The apartment guidelines 2018 state: 'Dual-aspect apartments, as well as maximising the availability of sunlight, also provide for cross ventilation and should be provided where possible'. Specific Planning Policy Requirement 4 states 'In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality

design in response to the subject site characteristics and ensure good street frontage where appropriate.

- (ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

11.7.14. The applicant has submitted a layout identifying dual aspect and single aspect units within the scheme. It is stated that 50% of the units are dual aspect. I would question the dual aspect nature of some of the units in Block A, in particular apartment 3A1, apartments 5A1 and above, and apartment 12A3 and above, which equates to eleven apartments in Block A. These units are provided with a second side window to a balcony/living room which do not contribute to the apartment in terms of cross ventilation or contribution of a significant addition of light and they should not in my view be classified as dual aspect. These apartments as single aspect units are, however, acceptable in terms of design (with the exception of 3A1 which is discussed further hereunder), given their eastern orientation which benefits from overlooking of the formal garden, which is a significant amenity feature. I calculate in Block A and B that 46% of the units are dual aspect units. While this is below the minimum of 50% established by SPPR4, I note the guidelines state that they 'shall generally be a minimum of 50%', and given the site context and constraints of this last remaining block of development and considering the context of the site which is an accessible urban location, with an exceptional landscape setting, and a requirement to ensure an appropriately scaled and quality design to define the edge of this garden and develop a quality pedestrian priority streetscape / street frontage, I consider the achievement of above 33% acceptable and the figure of 46% to be marginally below the stated 50% figure. I consider SPPR4 has been achieved.

Single Aspect North Facing Units

11.8. With regard to north facing units, the apartment guidelines (2018) define north facing units as 'units that face predominantly* north, north-west or north-east and fall within a 45 degree angle of 0 degrees (due north)', and predominantly* is defined as 'over 50% of the façade'. It is further stated that north-facing single aspect apartments

may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature’.

11.8.1. Apartments 1A1 and 2A1 are located in the northwest corner of Block A, accessed via a side door off the car park entrance to the undercroft area. Apartment 1A1 has a side bedroom window facing onto the entrance to the undercroft parking. This east facing window will receive little light and would impact negatively on the residential amenity of future occupants of the apartment. Furthermore, the public path around the northwest corner of the building directly adjoins the patio level of apartment 1A1 with no privacy strip provided. The overall amenity for future occupants given its location and primarily north facing aspect is questionable, as is the level of light achievable within the unit. Furthermore both apartments 1A1 and 2A1 adjoin a 218 space undercroft bicycle store, with apartment 2A1 sharing its bedroom wall with this significant storage area. The external entrance to this bike storage also adjoins the west facing bedroom window to 2A1. The location and design of these units do not benefit from overlooking of a significant public park or other amenity feature and in my view should be omitted.

11.8.2. As discussed previously in this report, apartments 1A1 and 2A1 should be redesigned to accommodate a crèche, with the area to the north and west of the units utilised as a play area to support the crèche and the undercroft area redesigned to accommodate set down and other requirements associated with this use. Alternatively the Board may consider it appropriate to amalgamate the two apartment units to create one larger unit. I am minded however to support additional community space of a crèche at this location given the deficit in such a facility in the overall Eden development and this issue could be addressed by way of condition, should the Board be minded to grant permission

11.8.3. With regard to apartment 3A1, which is one bed apartment located on the other side of the parking entrance to 2A1, this unit adjoins the public footpath with a bedroom window directly at the footpath edge with no privacy strip provided, and also no privacy strip/landscaped edge between the patio and footpath. A second bedroom window is provided to this one bed unit, where a small side bedroom window is proposed onto the balcony, resulting in the categorisation of this unit as a dual aspect unit. I do not consider this to be a quality dual aspect unit. The bedroom element of this unit projects at ground level beyond the units above, which appears

to have been undertaken in order to fit a one bed unit into this space. Overall, I consider the design and location of this unit would result in a poor quality north facing unit, with no compensatory benefits to ameliorate the primarily north facing aspect of the unit. In my opinion this unit should be omitted from the scheme and apartment 3A1 amalgamated with apartment 4A1 to create one apartment, with the ground level projection omitted to allow the creation of a sufficient 1.8m landscaped edge along the northern boundary with the adjoining footpath.

- 11.8.4. With regard to Block B, I question the quality of the dual aspect design in terms of the level of light available to apartment 44B and the apartments above that. The scale of the northeast facing window to the open plan kitchen/living room is in my mind limited for the scale and angle of the room proposed. A similar type corner/angled apartment labelled 49B has two windows to a similar shaped room. I consider that an additional window could be placed along this boundary elevation to serve apartment 44B and those above it to improve the dual aspect design. I do not consider any additional overlooking of the school grounds to be a significant impact.

Apartments Per Core

- 11.8.5. Specific Planning Policy Requirement 6 states:

‘A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations’.

- 11.8.6. In Block A, the ground level is a mix of undercroft parking with apartments at the street edge of the block. Three cores serve the block. At ground level, given the access from the car parking area and linear layout of the apartments along the street edge, the corridor is not blocked between the cores, overall however there are a sufficient number of cores to serve the apartments and the layout is in my view acceptable. At the levels above, however, the middle section is served by 15 apartments to one core. To address this non-compliance with SPPR 6, I recommend the omission of the middle arm of apartments in Block 1, from level 01 to level 05, which will result in the loss of 4 apartments per floor, which equates to a loss in total of 20 apartments.

11.8.7. With regard to Block B, there is one central stair/lift core, with a second stairwell which has no associated lift. The floor plan at level 1 and above shows each floor with one corridor served by the central lift/stairwell and the northwestern stairwell only. There are 15 apartments per floor. I do not consider the arrangement in this regard satisfactory or in compliance with SPPR 6. I am of the view that a lift shaft is required with the second stairwell and the corridor layout must be amended to comply with SPPR6. I note that the stairwell at basement level adjoins a plant room and water store, which are larger in scale for this smaller apartment block than those in Block A, therefore there would appear to be sufficient space to cater for an additional lift shaft, however there are implications on the apartment layouts above which may result in the loss of some units. Overall however I consider this issue can be amended by way of condition within the footprint of the Block B as proposed and would not result in any material impacts on the amenity of neighbouring properties.

11.8.8. Conclusion – Impacts on Amenity

11.8.9. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable, subject to conditions, and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

Construction Phase Impact

11.8.10. I note concerns raised by third parties in relation to proposed construction hours of 7am-7pm Mon to Fri and 8am-5pm Sat, as stated by the applicant in the documentation submitted. The CE submission from Cork City Council proposed a condition relating to hours of operation of 0800-1800 Mon to Fri and 0800-1600 on Saturday. If the Board is disposed towards a grant of permission, I recommend that the issue of hours of construction be dealt with by means of condition, with standard hours as follows: 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site, with construction access

limited as being from the south, from Skehard Road, with deviation allowed for only in exceptional standards and subject to agreement with the planning authority.

11.9. Traffic and Transportation

- 11.9.1. Vehicular access is proposed via an extension to the existing access avenue from Blackrock Road to the north. A roundabout at the end of the access avenue serves the converted convent/‘Blackrock House’ apartments and the secondary school. There will be a new arm off this roundabout to facilitate access south to the development site. This route at the southern section of the site will connect into a cross roads with a permitted east-west street and north-south street in the adjoining sections of the development. It is proposed that the east-west street will continue with this application to serve Block B, the smaller of the two blocks. The north-south route proposed will connect into the existing north-south route constructed to the south of this application.
- 11.9.2. While the road network as proposed is not proposed to be significantly altered from that permitted under PL28.249400 (reg ref 16/37233), this application is for an intensification of the number of units previously permitted, therefore a new assessment of the infrastructure permitted and how it meets the needs of this proposed development is warranted.
- 11.9.3. The Stage 1/2 Road Safety Audit submitted with the application raises concerns in relation to the access to the site from the existing roundabout in terms of pedestrian/cyclist movement, as well as a number of points of design within the scheme, which require modifications to elements of the street design. With regard to the main access into the development from the existing roundabout, concerns are also raised by third parties and the transportation department notes the need to comply with the deficiencies as highlighted by the road safety audit, which is indicated can be achieved by way of condition. I note there is a pedestrian path into/out of the development proposed on one side only, and it would appear from the drawing submitted and referenced in the road safety audit, that the footpath is blocked adjoining the entrance to the school site given the presence of two trees in the middle of the footpath on either side of the entrance. This appears to be an existing problem for the school users as observed at site inspection and would be a significant issue for future occupants of the scheme. The applicant in the

documentation submitted does not appear to have responded to this or other issues raised in the road safety audit, albeit it is stated the roundabout has been amended from the previous application to ensure retention of more trees, although I am not clear from the drawings what exactly has been amended.

- 11.9.4. Given the scale of the development now proposed at this location and the requirement to ensure uptake of sustainable walking/cycling modes with reduced car parking requirements accepted on the basis of such uptake, it is important that safe infrastructure for pedestrians and cyclists is proposed within the site and connecting into the wider network. This issue may require a re-design/improvement to the existing roundabout system in place, signage, crossing facilities, and a re-examination of pedestrian/cyclist priorities across the application site. The planning authority recommends that all issues highlighted in the Stage 1/2 Road Safety Audit be signed off and incorporated within the development and similarly a Stage 3/4 Road Safety Audit should be undertaken and implemented. I am of the opinion that these issues can be resolved through consultation with the planning authority by way of condition, should the Board be minded to grant permission.
- 11.9.5. The transportation report from the Planning Authority questions how through access to Skehard Road is being eliminated. I noted upon site inspection that this street leading to the southwest corner of the site, labelled as Blackrock Crescent under the previous permission, was open for vehicles to Blackrock Avenue/Skehard Road to this portion of the site under construction, however the most recent permission PL28.249400 (reg ref 16/37233) indicates that this north-south route 'Blackrock Crescent' will be a cul-de-sac at the southwestern corner of the site with no vehicular connection to the adjoining apartments, although pedestrians can be accommodated. Access to Skehard Road is not, therefore, possible, provided the street network is finished in accordance with the permitted layout.
- 11.9.6. A Traffic and Transport Assessment (TTA) and Mobility Management Plan (MMP) have been submitted with the application. The TIA traffic counts were undertaken on Thursday 29th November 2018 and Friday 15th February 2019 in the AM peak (08.00 – 09.00) and PM peak (17.00 -18.00). Four traffic junctions were assessed using LINGSIG Analysis and a Trics database was used to calculate trip generation. The report assessed the proposal for 274 units and includes an additional 64 housing units permitted under a previous application. It is stated that access to the site will be

from Blackrock Road and there will be no vehicular access to Skehard Road. The TTA identifies the junction of Blackrock Road and Convent Road operating at highest capacity of 57.2% saturation with mean maximum queue of 0.7 cars in the am peak and concludes that all junctions will operate within capacity for the morning and evening peaks up to design year of 2036.

11.9.7. The Transportation department of the planning authority, while identifying some issues with the TTA, are overall satisfied with the conclusions of the TTA. Having regard to the history of this site and its developing context proximate to Cork City and alternative modes of transport, I consider the proposal, subject to condition, will not give rise to significant traffic congestion or result in road hazards.

Parking

11.9.8. In terms of car parking spaces, two undercroft areas are proposed to serve the apartments one serving Block A (82 car, 2 motorbike, and 218 bicycle spaces, for 194 proposed units) and one serving Block B (41 car, 2 motorbike and 174 bicycle spaces for 80 proposed units), in addition to surface parking along the western and southern boundary of the formal garden (as previously permitted) and sections of the street adjoining the buildings, in addition to surface parking west of the new entrance from the existing avenue. Overall 176 spaces (approx. 0.42 per unit) are proposed. I note that the internal road layout and parking arrangement is largely as was permitted under a previous application (ABP ref. PL28.249400). The transportation report has no objection to the level of parking proposed. Conditions are recommended in relation to the management of the spaces proposed.

11.9.9. The north-western corner of the site is within the area covered by the Supplementary Contribution Scheme for the Cork Suburban Rail Project. A section 49 supplementary development contribution condition is warranted, should the Board be minded to grant permission.

11.9.10. Car parking rates are raised as a concern for the proposed development with concerns in relation to parking pressures likely to result elsewhere within the development and on the surrounding street due to the limited number provided for the scale of the development. I note Cork City Development Plan is explicit that the standards set for residential development are maximum requirements in order to constrain car trip generation and promote patronage of "green" modes of transport.

The transportation and mobility division have raised no concerns in relation to the level of parking proposed and support modal shift with alternatives of the Go Car and link to the greenway route highlighted. The issue of parking management within the scheme and on the surrounding road network is for the management company/local authority to enforce.

11.9.11. Having regard to the location of the site and its proximity to quality public transport in addition to the proximity of the greenway facility and the marina links for pedestrian/cyclist modes, to which planned improvements are proposed, together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations, I consider that the quantum of spaces being provided is acceptable at this location. Furthermore, I note the draft Cork Metropolitan Transport Study 2018 shows an indicative alignment for a Light Rail system sharing the greenway route to the immediate west of the site, with other planned transportation upgrades that will benefit the Blackrock area.

11.9.12. In terms of cycle parking, the level of 558 cycle parking proposed is acceptable, however, I would have concerns in relation to the remote location of some of the spaces, notably the area to the northwest of the scheme for 24 spaces and also the lack of provision of cycle spaces at street level in proximity to the entrances of the building, with set down car parking spaces dominating the entrance areas to Blocks A and B, and no cycle spaces near the entrance to the formal garden, which is anticipated to attract visitors from the wider area. The applicant should be requested by condition to relocate some, if not all, of these spaces closer to the main pedestrian access areas to the buildings. This issue can be addressed in consultation with the planning authority by way of condition.

11.9.13. Given the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to traffic or transportation issues, subject to conditions. The transportation section of the planning authority raises no concerns in relation to such matters, subject to conditions. I acknowledge that there will be some increased traffic as a result of the proposed development, however there is a good road infrastructure in the vicinity of the site with good cycle/pedestrian facilities. Public transport is available in close proximity. While connection to the adjoining greenway route cannot be provided by the developer, the future proofing of such a provision has been included in the site layout plan and this is considered acceptable.

I also note the provisions outlined in the draft Cork Metropolitan Area Transport Study 2018-2040 in the wider area. Having regard to all of the above, I consider the proposal would not lead to the creation of excess traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

11.10. Drainage

11.10.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated.

11.10.2. The subject site is located within Flood Zone C. The OPW mapping website, www.opw.ie shows no recorded flooding in the vicinity of the site. The submitted Flood Risk Assessment concludes that the site historically has no recorded flood events as noted in the OPW's historical flood maps.

11.10.3. The planning authority request that additional SUDS measures being examined. I consider this reasonable in the context of the scale of development proposed. This issue can be addressed by way of condition, should the Board be minded to grant permission.

11.11. Appropriate Assessment Screening

11.11.1. A Habitats Directive screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to or connected with any Natura 2000 sites.

11.11.2. There are two Natura 2000 sites within an identified 15km of the proposed development, which is considered appropriate in this instance:

- Cork Harbour SPA (site code 004030) c.4.8km
- Great Island Channel SAC (site code 001058) 11.5km

11.11.3. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. The qualifying interests of Cork Harbour SPA and Great Island SAC are as follows:

Cork Harbour SPA	Great Island SAC
A004 Little Grebe <i>Tachybaptus ruficollis</i>	1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)
A005 Great Crested Grebe <i>Podiceps cristatus</i>	
A017 Cormorant <i>Phalacrocorax carbo</i>	
A028 Grey Heron <i>Ardea cinerea</i>	
A048 Shelduck <i>Tadorna tadorna</i>	
A050 Wigeon <i>Anas penelope</i>	
A052 Teal <i>Anas crecca</i>	
A054 Pintail <i>Anas acuta</i>	
A056 Shoveler <i>Anas clypeata</i>	
A069 Red-breasted Merganser <i>Mergus serrator</i>	
A130 Oystercatcher <i>Haematopus ostralegus</i>	
A140 Golden Plover <i>Pluvialis apricaria</i>	
A141 Grey Plover <i>Pluvialis squatarola</i>	
A142 Lapwing <i>Vanellus vanellus</i>	
A149 Dunlin <i>Calidris alpina alpina</i>	
A156 Black-tailed Godwit <i>Limosa limosa</i>	
A157 Bar-tailed Godwit <i>Limosa lapponica</i>	
A160 Curlew <i>Numenius arquata</i>	
A162 Redshank <i>Tringa totanus</i>	

A179 Black-headed Gull Chroicocephalus ridibundus	
A182 Common Gull Larus canus	
A183 Lesser Black-backed Gull Larus fuscus	
A193 Common Tern Sterna hirundo	
A999 Wetlands	

11.11.4. As outlined in the screening report there are no active drains, watercourse or waterbodies within the site and there is no robust hydrological connectivity between the proposed site and the Cork Harbour SPA, although they are located in the same groundwater body. Given the distance between both sites the potential for any impact by way of noise or disturbance to birds is negligible. A class II interceptor is proposed for surface water draining from the site. It is stated that construction will be undertaken in accordance with CIRCA Guidelines C532 Control of Pollution from Construction Sites and CIRIA Guidelines C741 Environmental Good Practice on Site Guide. The screening report concludes that the development either on its own or in combination with other developments will have no impact on designated sites.

11.11.5. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider 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 004030 (Cork Harbour SPA), 001058 (Great Island Channel SAC), or any other European site, in view of the sites conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

12.0 Recommendation

12.1. I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established urban area where a wide range of services and facilities exist. I have no information before me

to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the public open spaces will enhance the amenity of the area for both existing and future occupiers. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

13.0 Reasons and Considerations

Having regard to the following:

- (a) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (b) the provisions of the Urban Design Manual – A Best Practice Guide, 2009,
- (c) the Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (f) Architectural Heritage Protection, Guidelines for Planning Authorities, 2004
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the site's location close to Cork City centre on lands with a zoning objective for residential development in the Cork City Development Plan 2015-2021,
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social infrastructure,
- (k) the pattern of existing and permitted development in the area,

(l) the planning history within the area

(m) the report of the Inspector and the submissions and observations received

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detract from the character and setting of the Protected Structure or other nearby Protected structures, would be acceptable in terms of urban design, height and quantum of development 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.	<p>The 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, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) In order to comply with SPPR6, apartments in the central east-west arm of Block A from level 01 to level 05 shall be omitted, which relates to apartments 65A2, 66A2, 76A2, 77A2 on level 01, and the apartments directly above these units up to and including those on level 05, which equates to 20 units. The remaining area on level 01 shall be incorporated into the communal amenity area.</p>

- (b) The floorplans of Block B shall be amended to include a lift shaft along with the stairwell indicated to the northwest section of the building and the floorplan on each level shall be amended within the existing footprint in order to facilitate this lift shaft and to demonstrate compliance with SPPR6.
- (c) Apartments 3A1 and 4A1 shall be amalgamated and the extended ground level to apartment 3A1 shall be removed so that the ground level elevation is flush with the units directly above and the remaining space shall be incorporated as a continuation of the proposed privacy strip along this northern elevation.
- (d) Apartments 1A1 and 2A1 shall be omitted and the space redesigned for use as a crèche, with an extended private amenity/play area provided for along the northern and western elevation to serve the crèche, with the omission of the pedestrian route along the northwest corner of the building and the 24 bicycle spaces.
- (e) The ground level car park shall be amended as required to accommodate the requirements of the crèche facility.
- (f) The design and layout of the entrance to the site from the existing roundabout, which also serves Blackrock House apartments and the secondary school, shall be redesigned to ensure pedestrian/cyclist priority movement is integrated into the entrance and the access arrangements are in accordance with the requirements of DMURS.
- (g) A landscaped privacy strip shall adjoin all ground level patios to Block A and Block B.
- (h) The level 5 roof terraces in Block A shall provide for a landscaped privacy strip along the northern and southern boundary walls with the adjoining apartments, and the side windows serving the living room areas of apartments 50A1 and 54A3 shall be increased in size to maximise the dual aspect design of these units.
- (i) The opposing bedroom windows serving apartments 7A1 and 8A1 on level 02, and related windows to the apartments directly above

	<p>these units up to level 05, shall be staggered so they are not directly opposing windows.</p> <p>(j) An additional window shall be inserted on each floor in the northwest elevation of Block B, serving the combined living room/kitchen area of apartment 14B and the apartments on each floor above this unit, to improve the dual aspect design of these units.</p> <p>(k) Revised landscape drawings for the podium levels of Block A shall be submitted incorporating a privacy landscape strip where bedrooms windows are proposed directly onto to the podium.</p> <p>(l) Revised landscape drawings of the communal open space shall be provided identifying children’s play equipment for the needs of toddlers and children up to six as well as play areas for older/children teenagers.</p> <p>(m) Revised ground level southwest elevation to Block B shall be submitted which provides for a living green wall/ designed wall where the ground elevation to the greenway is designed as a blank façade.</p> <p>(n) Details of privacy screens which shall be provided between balconies.</p> <p>(o) Additional bicycle parking spaces shall be provided in proximity to the main pedestrian entrances to Blocks A and B and also in proximity to the entrances to the formal garden. Details shall be submitted for the written agreement of the planning authority</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanala for determination.</p> <p>Reason: In order to provide a satisfactory standard of residential accommodation and to comply with the recommendations of the Design Manual for Urban Roads and Streets.</p>
3.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the</p>

	<p>terms and conditions of the permission granted on 26/02/2018, under planning register reference number PL28.249400, and any agreements entered into thereunder.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
4.	<p>The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <p>(a) The findings of the Stage 1/2 Road Safety Audit and the undertaking of a Stage 3/4 Road Safety Audit and its findings, shall be closed out, signed off and incorporated into the development at the developer's expense. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.</p> <p>(b) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths, kerbs, pedestrian crossings and sight lines shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.</p> <p>(c) A revised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority and shall include committed mobility management measures, with defined targets and milestones and shall be monitored by a designated Mobility Manager. The revised plan shall be reviewed with the planning authority with revised targets agreed at yearly intervals.</p> <p>Reason: In the interest of traffic, cyclist and pedestrian safety.</p>
5.	<p>The following provisions in relation to the location and management of car parking spaces shall be incorporated within the development and details</p>

	<p>shall be submitted to and agreed in writing with the planning authority with prior to commencement of development:</p> <ul style="list-style-type: none"> (a) The 7 number surface car parking spaces located to the northwest of the site shall be reserved for the use by Go-Car only, or other similar car sharing clubs, unless otherwise agreed in writing with the planning authority. (b) The provision of details regarding the management of both short term and long term car parking spaces. (c) The provision of charge points in the parking area shall cater for up to 10% of spaces being allocated for Electric Vehicles and shall be designed by the developer whereby all costs associated shall be at the developer's expense. <p>Reason: To ensure adequate and secure parking provision is available to serve the proposed development and to cater for more sustainable energy use in line with national policies for the development of electric vehicles.</p>
6.	<p>Prior to the commencement of development a revised Landscape Plan shall be submitted to and agreed in writing with the planning authority and shall include, inter alia, the following:</p> <ul style="list-style-type: none"> (a) Identification of trees proposed for removal. Trees felling and clearing shall take place outside of the bird nesting season. (b) Identification of trees proposed for retention. (c) All mature trees along the railway line shall be retained where possible. If any tree is removed, uprooted or destroyed or dies another tree of appropriate species shall be planted at the same location. (d) All trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for

	<p>its full length, and shall be maintained until the development has been completed.</p> <p>(e) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(f) Existing trees proposed to be retained shall not be removed without the express prior written consent of the planning authority.</p> <p>(g) Measures to enhance existing landscaping across the site, specifically measures relating to the formal garden.</p> <p>(h) A maintenance plan for the site landscaping.</p> <p>(i) Detail in relation to a revised location and detailed design of the proposed playground, which shall be located in the northern half of the public open space north of the site, unless otherwise agreed in writing with the planning authority.</p> <p>The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: In the interests of amenity, ecology and sustainable development.</p>
7.	<p>Full details including samples of the materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development, and specifically the detailed finishes to the 'linear pedestrian priority plaza' street between Block A and the formal gardens, shall be</p>

	<p>submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
8.	<p>An updated management plan for the control of alien invasive plant species shall be submitted to and agreed in writing with the planning authority prior to commencement of development, with the Japanese Knotweed on the site to be treatment through application of chemicals, unless otherwise agreed in writing with the planning authority in consultation with the NPWS.</p> <p>Reason: In the interest of visual amenity and to prevent the spread of alien plant species.</p>
9.	<p>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 sensitive to bat species in the area.</p> <p>Reason: In the interest of amenity and public safety.</p>
10.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>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.</p> <p>Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.</p>

13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Prior to commencement of development, proposals for an apartment naming numbering, and associated signage scheme shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Reason: In the interest of orderly development.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
16.	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>

17.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<p>A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.</p>
19.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>

20.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
23.	<p>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, 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.</p> <p>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.</p>

Una O'Neill
Senior Planning Inspector

9th July 2019

APPENDIX A

Aengus O'Dalaigh

Aidan Macken

Aidan Morgan

Aideen Driscoll

Aine and Jim McGrath

Alec Morrogh

Angela McDonald

Audrey Burkley

Bart Doyle

Benjamin Girling

Blackrock Community Association

Brian Burke

Brigid McGrath

Catriona Heffernan

Claire Sullivan and Other

Colette O'Connell

Dave McArdle

Eleanor Driscoll

Fiona Costello

Gemma O'Sullivan

Gerard Downing

Gerard O'Mahony

Gillian and Matthew Spiller

Gillian Healy

Grace Coffey

Hazel Bowman and Others

Hugh Kavanagh

Irish Water

Joe Whelehan

Joseph O'Callaghan
Karen Connolly
Katie Golden
Ken Fitzgerald
Kevin Clarke and Margo O'Leary
Kieran Coughlan and Clare Riordan
Kieran McCarthy
Linda Keane
Lorna Swanton
Margaret O'Sullivan
Marian and Leo Conway
Mary Cullen
Mary O'Shea
Micheal Mulconry
Patrick McBeth
Paul Farrelly
Peter Horgan
Residents of Blackrock Avenue
Rian O'Dwyer and Other
Robert and Mary O'Connell
Sarah Farrelly
Seamus Gilroy and Other
Sean Dunne
Theresa Harrett
TII
Tom and Fiona Carroll
Tony Linehan
Tony Lynch
Ursuline Secondary School Student Council