



An
Bord
Pleanála

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

Inspector's Report ABP-305173-19

Strategic Housing Development

Construction of 118 build-to-rent no. apartments and associated site works.

Location

Site bounded by South Link Road (N27), Rockboro Road and Gasworks Road, Cork

Planning Authority

Cork City Council

Applicant

Seamus and Evelyn Scally

Prescribed Bodies

An Taisce

The Heritage Council

Department of Culture, Heritage and the Gaeltacht

Irish Water

Transport Infrastructure Ireland

Bord Gais/Gas Networks Ireland
Irish Aviation Authority
Health and Safety Authority

Observer(s)

18 submissions received- see
Appendix A

Date of Site Inspection(s)

05th November 2019

Inspector

Lorraine Dockery

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The Inspector's Report of ABP-304245-19 gives the following description of the site and its surroundings:

'The site is located in the centre of Cork City adjacent to the South City Link Road, a dual carriageway with the designation N27. The eastern portion of the site bounds the Rockboro Road behind a high stone wall. The southern boundary of the site is adjacent to the side and rear gardens of dwellings. The northern boundary of the site abuts a petrol filling station and the western boundary abuts the South City Link Road.'

The site is level with the South City Link Road and filling station, and is laid out with hardcore/aggregate. The site is much lower than Rockboro Road and this area of the site is characterised by rock face. There are the remnants of former railway infrastructure on the site and in the vicinity. A pedestrian footbridge is located to the north of the site and links Hibernian Road with Rockboro Road. The red line boundaries of the site extend to include a number of junctions and crossing points in the wider area'.

- 2.2. I would concur with the above description.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 118 residential units in two connected apartment blocks. The following tables set out some of the key elements of the proposed scheme:

Table 1: Stated Key Figures

Site Area	0.395 hectares (gross site area) 0.26 hectares (developable area)
No. of residential units	118 build-to-rent apartments
Density	454 units/ha (based on site area of 0.26 ha)
Plot ratio	3.3
Access	From Rockboro Road
Parking	5 car spaces/239 bicycle spaces
Resident Facilities/Amenities	2012m ²
Dual Aspect	59 units (50%)
Private Amenity Space	65 units (55%)
Height	59 metres
Part V	11 units (5 x two-bed duplex; 3 x one-bed apt; 3 x two-bed apt)

Table 2: Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	29	42	37	-	108
Duplex	-	-	5	5	10
Total	29	42	42	5	118
As % of total	24.5%	35.5%	35.5%	4.5%	100%

- 3.2. 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 was submitted with the application, as required. It states that subject a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated.
- 3.3. A letter of consent from Cork City Council (dated 5th April 2019) has been submitted with the application giving consent to make the planning application affecting lands in

the City Council's control and/or ownership so as to provide for the proposed pedestrian and vehicular access to the development site. A letter of consent from Drustan Ltd (dated 26th July 2019) giving consent to Seamus and Evelyn Scally to apply for permission on their land has been submitted (signed Seamus Scally).

- 3.4. A signed deed/agreement has been submitted with the application stating that agreement is given that the rented residential units remain in use as residential accommodation for a minimum period of 15 years.

4.0 Planning History

There is quite a protracted history on the subject site. Applications of note include:

19/38514

Clarification of Further Information requested in respect of application for retention permission for as-built petrol filling station, access and egress arrangements and all ancillary works

Noted that red line boundary of the above application overlaps within a "2D context" with the current SHD application.

15/36389

Permission GRANTED for alteration and amendments to petrol filling station

13/35563

Permission GRANTED for redevelopment of petrol filling station, new access arrangements and drive-thru restaurant

08/32982 (PL28.231407)

Permission GRANTED for demolition of existing structures, construction of mixed use retail, office and residential development, including 9 no. apartments, parking and ESB sub-station

5.0 Section 5 Pre Application Consultation

- 5.1. Two section 5 pre application consultations took place at the offices of Cork City Council in relation to this proposed development, namely on the 21st May 2019

(ABP- 304245-19) and 22nd November 2018 (ABP-302800-18). Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance at both meetings.

5.2. Following consideration of the issues raised during the consultation process on ABP-302800-18 and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to ABP. A subsequent pre-application consultation meeting was held under ABP-304245-19 and 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. The prospective applicant was advised that the following specific information was required with any application for permission:

1. The prospective applicant should satisfy themselves that the development proposed in any SHD application can be developed independently of any proposal for which permission has not yet been granted on lands in their ownership.
2. A suitably detailed report that addresses the criteria highlighted in section 3.2 of the Urban Development and Building Heights - Guidelines for Planning Authorities, December 2018.
3. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
4. Detailed contextual elevations and cross sections that show existing development in the vicinity, and how public realm improvements will be integrated.
5. a) A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed. Details relating to the materiality of the proposed courtyards and ground floor open spaces should also be submitted.

b) Detailed proposals and design rationale for any other areas of public realm improvement should be submitted together with the necessary legal consents.

In particular, in locations such as development connected with any works to the public footbridge.

6. The following reports that address all aspects of building appearance and durability:
 - (a) A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development.
 - (b) A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
7. A housing quality assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
8. A Daylight/Sunlight and Overshadowing analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units and in private, shared and public open space. Drawings should be suitably scaled and annotated.
9. A draft construction management plan and a draft waste management plan.
10. A detailed phasing plan that addresses the delivery of public realm improvements in the vicinity of the site such as pedestrian crossing points and rationalised car parking spaces.
11. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an

institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018).

12. A layout that shows areas to be taken in charge by the Council, if any.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion 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.

6.0 Relevant Planning Policy

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.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage
Department of Arts, Heritage, Gaeltacht and the Islands.

Local Planning Policy

The Cork City Development Plan 2015-2021 is the operative City Development Plan.

Zoning:

‘Objective Z0 2 City Centre Commercial Core Area (CCA)’ which seeks to ‘to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)’.

Chapter 13 outlines various policies and objectives relating to city centre and docklands area.

Paragraph 15.8 states that ‘The Commercial Core Area reflects the commercial and employment zone of the City Centre extending from the City Centre Retail Area. All uses are permitted throughout the CCA, except comparison retail uses, which are restricted to the City Centre retail Area. Retail uses serving local needs only are open for consideration in this zone’.

The site is located adjacent and to the north of an Architectural Conservation Area.

The site is located in the alignment of a Landscape/Townscape View, LT26 and LT27.

The City Development Plan includes a variety of policies and objectives in relation to the residential strategy, development management, urban design, development standards, density, plot ratio, residential design and apartment developments, building heights, visual impact assessment and design statements.

Section 16.41 - 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 CDP outlines policies with regard to Building Height in the City Centre and Inner Urban Areas and Tall Buildings, Objective 16.7 Tall Building Locations, designates locations considered to be appropriate for tall building.

Objective 16.4 Skyline and roofscapes

7.0 Third Party Submissions

In total, 18 submissions were received. A number of submissions were signed by multiple parties. They may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

- Policy- contravention of Cork City Development Plan; lack of justification for same; prematurity of proposed development; non-compliance with national and local policy; lack of commercial element is contrary to zoning objective
- Height, scale, massing, density
- Overdevelopment of the site; setting of precedent; incompatible use with petrol station
- Accuracy/lack of submitted documentation
- Lack of consultation/SHD process
- Parking and Access- removal of existing parking; lack of parking provision; lack of set-down areas; lack of access for HGVs; narrowing of Rockboro Road by provision of footpath; traffic congestion; cycle provision
- Inadequacy of public transport
- Lack of TIA

- Residential amenity- overlooking, overshadowing, overbearing, loss of light; privacy; antisocial behaviour; microclimatic impacts; loss of enjoyment of property; change of view; standard of accommodation proposed; lack of private open space provision; location of bookable party room and communal roof terrace; position of entrance plaza, waste storage areas; pedestrian bridge; gated development
- Visual amenity- impact on character of ACA; impact on architectural heritage; no proposal to protect historic arches of railway line; loss of existing stone wall on Rockboro Road
- Public realm improvements
- Concerns with build-to-rent nature of the scheme/impacts on sense of community/mix of unit types
- Lack of childcare provision/lack of amenities in wider area
- Other matters- construction phase concerns re: noise, dust, hours of work; vibration; health and safety; contamination of soil; location of gas pipe/petrol station in close proximity; works to boundaries; splitting of applications
- Potential for subsidence

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 08th October 2019. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the proposal, planning history, third party submissions, summary of relevant elected members, planning assessment, site zoning/principle of development, red boundary, residential density, plot ratio, principle of tall building on site, justification and consideration of building height, overlooking/overshadowing/impact on existing residential development, appraisal of

design, typology of dwelling, Part V, community facilities and childcare, precedence, traffic and transportation issues, parking flooding/drainage, conservation, architectural heritage and archaeology; environmental screening. Inter-departmental reports were included in Appendix B.

Summary of Inter-Departmental Reports

Traffic and Transportation (Bridge Section): Recommends that proposal as submitted not proceed

Traffic and Transportation (Main Section): No objection, subject to conditions

Roads Design (Planning): Condition attached

Housing Section: No objection in principle

City Archaeologist: No objections

City Architect: Considers the proposal to be a good addition both in urban design and architectural context for the city

Planning Policy, Strategic & Economic Development: Sufficient justification has not been made in terms of development management criteria for a Tall Building; impacts of specific proposal need to be considered more appropriately from a site-specific and plan-led approach at local level

Environment, Waste Management & Control: Conditions recommended

Drainage Section: No objections, subject to conditions

The main issues raised in the detailed assessment have been dealt with throughout my report and I note the report concludes as follows:

- Considers that proposed development is piecemeal in its current form and lacking collective and cohesive master planning to successfully integrate into the existing urban context
- Considers that proposal does not comply with wider strategic and national policy parameters as set out in NPF and Urban Development and Building Height Guidelines
- Not satisfied that the proposal accords with the relevant land-use zoning objectives and general strategic development objectives in the City

Development Plan and national planning guidance and is not accepted in principle

The report includes a summary of the views of relevant Elected Members, as expressed at a meeting held on 25/09/19 and are broadly summarised below:

- Accessibility, traffic and transport
- Housing type, community and Part V
- Height, density
- Fire safety
- Noise, air quality
- Heritage
- Other matters

9.0 Prescribed Bodies

9.1. 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:
- Transport Infrastructure Ireland:
- Bord Gais/Gas Network Ireland
- Irish Aviation Authority
- Health and Safety Authority

Three bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Irish Water:

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

An Taisce:

Proposal to increase density in inner suburban area is broadly acceptable if it enhances and is compatible with existing local communities and reinforces population of central areas of the city. Proposal does not complement and is not proportionate to existing area. Concerns expressed height of proposed taller element; considers building of height 5-7 storeys is more appropriate at this location.

Transport Infrastructure Ireland

Not party to any pre-application consultations, which may have proved productive

Expresses concerns in relation to existing cable stayed footbridge in terms of deflection, access, drainage, vertical clearance and containment. States that it is not feasible to design and construct a cantilever structure adjacent to the existing structure without requiring a connection to the existing circular steel sections or an expansion joint or deck plate between the two bridges to facilitate pedestrians and cyclists. A structural connection would change the loading on the existing cable-stayed bridge, which is not desirable. Requests the ABP consider the aesthetics of the different structural forms and types of existing and proposed. Works to TII structures on national roads require TII Technical Acceptance; no Technical Acceptance Report has been submitted. Significant structural and design considerations need to be addressed.

10.0 Assessment

10.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Cork City Development Plan 2015; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the Record of Section 5 Consultation Meetings; Inspector's Reports at Pre-Application Consultation stage and Recommended Opinions; together with the Notice of the Pre-Application Consultation Opinions. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of proposed development
- Design and layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Screening for EIA
- Appropriate Assessment

10.1.1. I draw the attention of the Bord to the fact that permission was granted under PL28.231407 for demolition of existing structures on site and construction of a mixed use retail, office and residential development with height five/six storey over basement (dated May 2009). In terms of the SHD process, it is noted that two pre-planning consultation meetings took place, prior to the lodging of this current application (detailed above in section 5.0 of this assessment).

10.2. Principle of Proposed Development

10.2.1. Having regard to the nature and scale of development proposed, namely an application for 118 residential units located on lands which are zoned as 'City Centre Commercial Core Area' and where all uses are permissible in principle, except for comparison retail uses, 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.

10.2.2. This is a zoned, serviceable site at an urban location, within the city centre commercial core, albeit at the edge of this core. It is well served with public transport links and is located in an established area where good services and facilities are available. It is noted that there is a concurrent application for retention of works to the adjacent petrol filling station, which is stated as being within the applicant's ownership (Ref. 19/38514). The planning authority have requested Further Information and Clarification of Further Information in relation to that proposal. I have examined these requests online. It is noted that there is some overlap of boundaries between the two development sites. I am not unduly concerned in relation to this matter. I draw the attention of the Bord however, that in my opinion, the comprehensive redevelopment of the entire land holding as one development site could lead to a more comprehensive form of development, less piecemeal in nature. This matter was raised at pre-application stage by ABP representatives, who were informed that such a comprehensive redevelopment was not an option at this time. Notwithstanding the above, I am of the opinion that the development as proposed is capable of being delivered as a successful, stand-alone development without requiring the lands associated with the petrol station. In time, if the petrol station lands are to be redeveloped, it would be possible to link future development with this current application. The incompatibility of use with the petrol station has been raised in some of the submissions received. I note that the main pedestrian access to the development is from Rockboro Road, with only limited vehicular access from South Link Road. The nature of urban environments is such that varying uses operate successfully adjacent to one another. I am not unduly concerned with regards to this matter.

10.2.3. The proposal is considered to be generally in compliance with the zoning objective for the area, as set out in the operative Cork City Development Plan. It is also noted that An Bord Pleanála have previously granted permission for residential development on this site. The development would not be contrary to objectives of the National Planning Framework in terms of making stronger urban places and planning

for urban growth. Having regard to all of the above, the principle of the proposed development is considered acceptable.

10.3. Design and Layout

- 10.3.1. The proposal involves the construction of 118 residential apartments in two no. blocks on a brownfield site adjacent to the South Link Road, Cork. This is a build-to-rent scheme. The proposal ranges from 3 to 17 storeys in height, with the lower elements fronting onto Rockboro Road. A courtyard is formed within the centre of the site and the historic stone arches associated with the railway line are being retained and integrated into the development. I acknowledge that this current proposal is an intensification of development from what was previously permitted on the overall lands, but this is not necessarily a negative. The maximum height previously permitted in 2009 was 5/6 storey over basement. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. I consider that, contrary to some opinions, the proposal does not represent overdevelopment of this site. Having visited the site and its environs, I am of the opinion that there is a distinct feeling of entering the city when one reaches this point on the South Link Road with the Elysian structure located in close proximity. Rockboro Road is more residential in nature, an enclave as such, although the number of commercial/industrial premises in close proximity gives it more of an inner urban character rather than a suburban character. The one-way system in place along Rockboro Road is an attempt to reduce the volume of traffic passing through this enclave. I consider the city centre zoning objective to be appropriate for this location.
- 10.3.2. Density at approximately 454 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. While this density is high relative to existing densities within the general vicinity, I would refer the Bord to the Urban Development and Building Height Guidelines (2018) which encourage consolidation and densification at appropriate locations. I consider this to be an appropriate location for the density proposed.
- 10.3.3. In terms of height, the proposed highest element is 17 storeys, stated as having a parapet height of 58.495 m (exclusive of plant element on roof). This height has been increased from 13 storeys at pre-application stage, which had a maximum

parapet height of 45.895m. The various iterations of the proposal have been submitted with the application documentation and it is my opinion that the proposal has improved significantly during the design process. A significant volume of material has been submitted by the applicants to demonstrate that the proposal is acceptable at this location. The analysis submitted with the application shows that this structure, if constructed, will be one of the higher buildings in the city. The Elysian building has a stated height of 73.0m while the recently approved Prism building has a height of 64.5 metres. I draw the attention of the Bord to the fact that both these structures are significantly higher than that proposed in this current application. It is not the height alone which forms the basis for my assessment of whether the proposed structure is appropriate for this location but also, *inter alia*, its form, scale and massing. No assessment is complete without questioning whether the proposal is of exceptionally high quality in terms of elevational treatment, materials and detailing and question will it become a positive landmark on the skyline of the city. I note the operative City Development Plan and the provisions contained therein in relation to building height and tall buildings, in particular sections 16.25 to 16.38 inclusive. It is noted that tall buildings are defined within section 16.25 of the operative City Development Plan as being 32 metres or higher, the approximate equivalent of a 10 storey building with a commercial ground floor and residential on the remaining floors. I have also had particular regard to the development management criteria, as set out in section 3.2 of the Urban Development and Building Height Guidelines in assessing this proposal.

10.3.4. The principle of a tall building on the site has been assessed in section 6.5 of the PA Opinion and they have expressed serious concerns regarding the principle of such a building at this location, although it is acknowledged within their report that tall buildings cannot be ruled out on principle having regard to national policy on building height. They further note that not all sites within the city centre can be or are suitable for a tall building and a comprehensive Tall Building Study was undertaken, as part of the City Development Plan process identifying those areas which are considered appropriate. They consider that the proposed location is unsuitable given its location on the very edge of the city centre, further south of a number of very low density, underdeveloped and poorly linked sites leading to more difficult connectivity overall and a detachment from local services needed to support any residential

development. With regards to the Elysian building, they further state that it provided a mix of uses at ground floor in a core central location and consisted of the development of a single urban block within the established urban context.

10.3.5. The applicant states in the application form and public notices that the proposal represents a material contravention of the operative City Development Plan and a statement to this effect has been submitted with the application. The material contravention is stated to relate to the height of the proposed development. Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites within existing urban areas. I consider this to be one such site. It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland’s five cities, which does not include for additional pent-up demand arising from under-supply of new housing in recent years. In the longer term to 2040, the NPF projects a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland’s five cities (Objective 3b). The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It 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.

10.3.6. I have assessed all of the information before me in relation to the suitability of this proposed structure at this location, including its overall height. I acknowledge the concerns expressed by the planning authority and I concur that every site within the city is not suitable for a higher structure. However, I am not opposed to the principle of a building of the height and scale proposed on this current site. I acknowledge that it is edge of city centre, but is in the city centre nonetheless with the zoning objective being 'City Centre Commercial Core Area'. I also acknowledge that there are a number of underutilised sites closer to the core than this current site but in time, it is likely that these sites will too be developed for higher density development. I would concur with the opinion of the City Architect in their report to PA when they state that the tower element of this proposal is appropriate as it acts with the Elysian development as entrance gates to the city. I am satisfied that if permitted as proposed, the development before me would make a positive contribution to the skyline of Cork city comprising a quality development that provides adequate levels of amenity for all.

10.3.7. The mix of units at 29 x studio, 42 x 1 bed, 42 x 2 bed and 5 x 3 bed units is considered acceptable, in particular given the fact that this is a build-to-rent scheme. This is an established area where the quantum of more traditional dwellings is noted. The proposed mix would cater to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. It would provide greater choice and flexibility to persons within an area where such units are not commonplace, in particular to those where home ownership may not be a priority. Unit size is also acceptable and most units are in excess of minimum standards. It is noted that 50% of units are dual aspect. Storage units at ground floor level are proposed to cater for a shortfall of space within individual units. This is considered acceptable and consistent with relevant section 28 guidelines. I draw the attention of the Bord to section 5 of Sustainable Urban Housing: Design Standards for New Apartments (2018), which specifically deals with build-to-rent developments. In particular, SPPR8 is noted with regards to degree of flexibility allowable in terms of dwelling mix, size storage, private amenity space and car parking. I note however the caveat which aims to ensure that the obligation will be on the project proposer to demonstrate the

overall quality of the facilities provided and that residents enjoy an enhanced overall standard of amenity.

10.3.8. Quality materials and finishes are proposed, with stone cladding, metal cladding and differing shades of brickwork proposed. The perforated corten steel sculptures along the South Link Road will be an interesting feature. Given the nature and scale of the proposal, it is imperative that quality materials and detailing are used and in this regard, exact details relating to same should be dealt by means of condition, if the Bord is disposed towards a grant of permission.

10.3.9. It is noted that private open space is not provided to all units. This is considered acceptable given the nature of the development proposed and the fact that a high quality public realm areas is being proposed. Again I refer the Bord to SPPR8 of the Sustainable Urban Housing guidelines in this regard. Communal open space is provided by way of two courtyard areas, together with two roof terrace areas- one at sixth floor and one at sixteenth floor. Given the elevated nature of the 16th floor terrace, I would have some doubts as to its usability/functionality as an enjoyable space to spend time given potential microclimatic impacts. A micro climate and usability study has been included within section 6.0 of the Design Report and I am generally satisfied with the information contained therein. Landscaping details and associated drawings have been submitted with the application. I am satisfied with the information before me with regards to the issue of landscaping and I note that a high quality scheme is proposed in this regard. A high degree of passive surveillance is noted. Permeability through the site is relatively good. Concerns have been raised with regards the stepped access from Rockboro Road, in terms of public accessibility. I note that there is currently stepped access available. Given the levels involved, I am of the opinion that the proposal before me represents a good compromise between accessibility for all and the provision of achievable access. The applicants will be required to comply with all relevant Building Regulations- such matters are outside the remit of this planning assessment.

10.3.10. The planning authority raise concerns regarding the provision or lack thereof of community facilities to cater for the development and the demand it will generate into the future. The resident amenities facilities being provided are noted. I also note that the site is located within the city centre, in an established, built-up area where services and facilities are available. As demand increases, it is likely that

further such facilities will be provided into the future. The planning authority also raise concerns in relation to creation to the wider sense of community at a larger scale. I have no information before me to believe that that the sense of community being fostered in this proposed development would be any less than any other apartment development at such a location. What is different in build-to-rent schemes as opposed to any other form of tenure in apartment blocks are the ownership and management structures in place as opposed to anything else.

10.3.11. In terms of public realm and ground floor uses, I note the comments of the planning authority and their concerns in particular for the design at street level and the lack of provision of ground floor uses onto South Link Road. Getting the balance correct at this location in terms of active ground floor uses and creation of streets with vibrancy and vitality is a difficult task. The South Link Road is a busy road, which forms one of the main spines into the city core. Traffic moves faster than the speed limit signs would imply and this location sets the marker as to where the city centre actually begins. I would question how successful commercial offering would be at this location, given the amount of footfall. Presently, it is not the most attractive place for pedestrians and it is partly for this reason that the main entrance into the scheme is from Rockboro Road. The proposed development would aid in the regeneration of this area of the city. Notwithstanding this, the creation of dead frontage is not in the interests of good planning and the applicants have attempted to address this by locating their gym and laundry at this location, giving a sense of vibrancy to this area behind extensive glazing. The success of this will be dependent on the glazing remaining clear, with no obscure elements and this matter should be dealt with by means of condition, if the Bord is disposed towards a grant of permission.

10.3.12. The planning authority in their Opinion raise concern that the existing pedestrian bridge is not being widened as part of the proposed development. I note that the bridge itself is quite attractive, however the area immediately in its vicinity is not the most welcoming for pedestrians and as a result, the bridge appears largely underutilised. I would question the need for its widening at this time but am of the opinion that the redevelopment of this site may bring greater footfall and usage for the bridge, making the area more attractive with greater supervision than currently exists. The proposed public realm improvements in the wider area are generally

positive and to be welcomed. There are some issues which require resolving. Given that there is no provision for a request for further information under the SHD legislation, I am of the opinion that the matters may be adequately dealt with by means of condition.

10.3.13. It is noted that a childcare facility is not proposed in this application. I note the argument put forward by the applicants in this regard. Having regard to the information before me, in particular with regards to the build-to-rent nature of the development and the mix of units proposed, many of them catering to one and two person households, I consider that the lack of such a facility to be acceptable in this instance.

10.3.14. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, close the city core in an existing serviced area. The site is located approximately 15 minute walk from Kent railway station and Parnell Place bus depot on foot/cycle. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands. With regards the issue of precedent raised in some of the submissions received, I note that each application is assessed on its own merits. Having regard to all of the above, I consider that the design, height, layout, density and unit mix to be acceptable in this instance. The layout is such that it respects the zoning of the site whilst at the same time, provides a high quality, compact and sustainable form of development.

10.4 Impacts on Amenity

10.4.1 The application is accompanied by verified CGIs and photomontages. The information contained therein is considered acceptable. In terms of visual amenity, I acknowledge that the proposal will be visible from both the immediate environs and the wider area of Cork city, given the height proposed. This is not necessarily a negative in my opinion. The site is located within the boundary of Cork city, in an

area where services and facilities are good. Public transport is available in the general area, with Kent train station and Parnell Place bus depot approximately 15 minute walk/cycle from the site. Public transport while available, could be improved upon within the wider city, however with greater densities this becomes more achievable. There is generally good connectivity to the wider area. The land use in the immediate vicinity is underutilised in my opinion, given its proximity to the city core. The area generally comprises single storey and two-storey residential properties, together with low rise commercial buildings. I would query whether this is the optimum use of land at this location. I acknowledge that the proposal before me differs significantly from the development that exists in the immediate area presently in terms of height, scale and design, although the close proximity of the site to the Elysian structure is noted. Again, I do not consider this to be a negative. I consider that the proposal before me to be generally appropriate for this location, given its locational context. In many cities throughout the world, we see newer developments of greater height and scale side by side with more traditional, historic development and this all adds to the character of the area and demonstrates the evolution of the city over time. As time passes, we may find that many of the lower grade commercial uses in the vicinity, together with the low rise residential development may be replaced with a more compact, denser form of development, in line with national guidance. I consider that the location of the site is such that it could be accurately described as a gateway to the city core, with there being a distinct sense that one is in the city as you reach this point on the South Link Road and therefore, in my opinion a building which appropriately expresses the prominence of the site should be considered at this location. The proposal before me may be considered to be an appropriate form of development at this location. I note the location of the site relative to the landscape/townscape views LT26 and LT27 and I am satisfied that, given the locational context and design proposal before me, that these views would not be excessively impacted upon.

- 10.4.2 The issues of impacts on amenity has been raised in many of the submissions received. Concerns have been raised, *inter alia*, in relation to overlooking, overshadowing, loss of light and impacts on privacy. At the outset I acknowledge that the outlook of many of the properties in the immediate area will be altered if the proposed development is permitted, with there being a significant change from this

being an underdeveloped brownfield site to that accommodating a development of the nature, height and scale proposed. I draw the attention of the Bord to the level differences involved in the general area and note that Rockboro Road is approximately 10 metres above the level of the site.

10.4.3 A Daylight, Sunlight and Overshadowing Study was submitted with the application and it contains a scientific and robust analysis, with which I am satisfied. The issue of Vertical Sky Components (VSC) in protecting light to existing buildings has been raised in one of the submissions received. This issue has been dealt with in the aforementioned study and I am satisfied with the results and conclusions outlined therein. The study acknowledges that the vertical sky component in a small number of window locations will be less than 0.8 times the former value of the existing situation or permitted development, as appropriate. The report highlights however that it should be taken into account that the existing situation is not typical of urban sites as these properties currently experience an unobstructed view and therefore any future development on the site will impact upon this. This argument is considered reasonable.

10.4.4 It is acknowledged that there is likely to be some increased overlooking of the properties in the immediate vicinity, or certainly perceived overlooking. The properties most likely to be affected have been acknowledged by the applicants as being No.s 18, 19 and 20 Rockboro Road and I would concur with this assertion. The same may be said for impacts on daylight/sunlight and overshadowing. However, this is an inner urban area where a certain degree of overlooking/overshadowing is to be anticipated as people live in close proximity to one another. I consider that the level of impact would not be so great as to warrant a refusal of permission. The applicants have attempted to address the matter in as far as possible with stepping of height, elevational design, perforated brick guarding, privacy surrounds and angling of windows. I also consider that impacts on privacy would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. This is an urban location and some degree of overlooking/overshadowing/loss of light is to be anticipated at such locations. I consider that the degree of overlooking/overshadowing/loss of light for nearby

properties is not substantially greater than if this were a five/six storey block being proposed.

- 10.4.5 The site at the present time adds little to the streetscape at this location. The entrance to the footbridge on either side is unattractive, poorly lit, not clearly visible/identifiable, is poorly supervised and some evidence of anti-social behaviour was evidenced during my site visit. I would not be entirely comfortable utilising it during the hours of darkness. For the duration of my site visit, I only witnessed one person utilising the bridge. A tent, assumed to be associated with homelessness was evidenced at the Hibernian Road end of the bridge. The proposed development has the potential to urbanise the area in a quality fashion, improving the public realm and this is to be welcomed in my opinion. I consider the proposal to be a positive intervention at this location. 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.
- 10.4.6 There may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note the details contained within the Construction Management Plan which deals with issues such as hours of operation, haulage routes, access for construction vehicles, air, noise, dust and the like. If the Bord is disposed towards a grant of permission, I recommend that such issues be dealt with by means of condition and that a final Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site.
- 10.4.7 The level of amenity being afforded to future occupants is considered good. I have had regard to the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' in undertaking this assessment and in particular I note section 5.5 in relation to Amenities, together with SPPR 7. The level of resident facilities being proposed is considered adequate to cater for the scale of development proposed. Facilities include work spaces/hotdesks, gym, laundry, dining/kitchen, meeting room and party room. The inclusion of plant/meter room and maintenance areas within the calculations for resident facilities is considered not to be appropriate. Concerns have been raised in some of the

submissions received with regards to impacts on amenity from the party rooms and communal terrace. In particular, I note the room/terrace at sixth floor level. If the Bord is disposed towards a grant of permission, I recommend that a condition be attached stipulating that the outdoor terrace not be available for use between the hours of 10pm and 8am. The appropriate management of this scheme is crucial and again, this matter may be dealt with by means of condition if the Bord is disposed towards a grant of permission. It is noted that the documentation states that 24/7 monitored security within the scheme with management in attendance during the day and night. This is considered acceptable.

10.4.8 The quality of the proposed development is considered acceptable in terms of the individual units. It is noted that a Housing Quality Assessment has been submitted with the application. Many of the units are above minimum floor areas and the number of dual aspect units is noted (50%) and accepted. Internal storage areas falls short in many cases, although flexibility in this regard is allowed for under SPPR 8 of the aforementioned guidelines. It is also noted that storage areas are provided at lower levels for use by some units. Adequate separation distances are proposed between blocks, together with design measures implemented to avoid issues of overshadowing or overlooking. I am not unduly concerned with regards traffic noise, given the urban location of the site and the mitigation measures proposed within the Traffic Noise Impact Assessment.

10.4.9 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 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. In my opinion, the proposal will enhance the existing Rockboro Road/South Link Road environs and this is to be welcomed.

10.5 Traffic and transportation

10.5.1 A Transport and Mobility Assessment Report and Road Safety Audit were submitted with the application. It is noted that there is currently an existing access from the site onto the N27. This will be utilised for construction traffic and removed post construction. The main pedestrian access to the proposed development is from Rockboro Road, while pedestrian /cycle access is also provided off the existing

pedestrian bridge via a proposed cantilever link bridge. Vehicular access is through the filling station via roller shutter door. The proposal includes for the provision of five no. vehicular spaces- three no. disabled spaces and 2 no. spaces for maintenance vehicles. The Transport and Mobility Assessment Report states that given that there will be no car use associated with the development, trips generated by the development will be from public transport, cycling and walking. It also examined the capacity of four road junctions as part of the assessment, for both AM and PM peak hours for 2019, using LinSig software tool. It was found that all junctions examined were operating well within capacity. Minimal car parking is being provided and therefore the impact of the development on the city road network is expected to be negligible.

- 10.5.2 The report of the Traffic and Transportation (Main Section) of the planning authority is noted. This states that they have no objections to the proposed development, subject to conditions. They welcome the limited parking provision. Some concerns have been raised in their report in relation to sufficient turning spaces and use of setdown area, but in my opinion these matters could be adequately dealt with by means of condition.
- 10.5.3 The proposed main pedestrian access to the development will be from Gasworks Road and Rockboro Road and it is proposed to provide a direct pedestrian/cycle connection to the existing footbridge which spans over the N27 South Link Road and links Gasworks Road with Hibernian Road. The main entrance to the proposed development is at second floor level and there will be a direct link from this entrance plaza area to the existing pedestrian bridge. It is stated within the documentation that the form of the cantilevered bridge has been derived by the need to avoid the existing overhead cables at the connection point. This cantilevered ramp, constructed of structural steel, will connect to but will not directly link up with the existing bridge and it will not rely structurally on the connection with the existing bridge. The main access to the development will be via the main entrance plaza, which will act as a new public space for the wider area. By locating the main pedestrian entrance at this location, pedestrians will have no requirement to walk near the petrol station of South Link Road, which would be somewhat undesirable for safety reasons. The report of the TII is noted in this regard which expresses concerns in relation to the proposed cantilevered bridge and the impact this may

have in the Hibernian Road Footbridge (Structure ID CB-N27-005.00). In summary, it states that in their opinion, it is not feasible to design and construct a cantilever structure adjacent to the existing structure without requiring a connection to the existing circular steel sections, or an expansion joint or deck plate between the two bridges to facilitate pedestrians and cyclists. A structural connection would change the loading on the existing cable-stayed bridge and this is not desirable. They also raise concerns in relation to durability and deck drainage. In their opinion, significant structural and design considerations need to be addressed. The above is noted. As the main access into the proposed development is via the proposed plaza with cantilevered bridge, it is imperative that the all details be worked out with the relevant bodies prior to the commencement of any works on site. I do not have issue with the aesthetics of the difference structural forms between the existing and proposed bridges. The existing bridge appears underutilised and I am of the opinion that this proposed development will improve accessibility from Rockboro Road across the existing bridge to Hibernian Road and will be a positive to the wider area. It would have been beneficial to all parties if the matter had been resolved, prior to lodging of the application. It may have been helpful to request Further Information in this regard, however there is no such provision for Further Information under the SHD legislation. While this matter is of utmost importance, from both planning and safety viewpoints, I am of the opinion that the matter could be adequately dealt with by means of condition.

- 10.5.4 The proposal includes for the provision of a 1.8m wide footpath along Rockboro Road and together with additional pedestrian facilities, this is to be welcomed in principle. However, I note that the vast bulk of the submissions received raise concerns in relation to parking, namely local residents currently park their vehicles in the area now demarcated for the proposed footpath. If the footpath is constructed as proposed, it is unclear where the residents will park their vehicles. Parking appears to take place somewhat ad hoc, with no spaces clearly demarcated on the road surface although it is noted that the area has the benefit of disc parking and parking restrictions. If the footpath is constructed as proposed, it is unclear where the residents will park their vehicles. This is considered to be a legitimate concern of the local residents. Concerns have been raised by the planning authority in relation to possible illegal parking and safety matters as a result of the removal of this area and

I would echo these concerns. While illegal parking is a matter for traffic enforcement, I am of the opinion that the suggestion by the planning authority that the area of Rockboro Road be finished as shared surface for its entire width so as to create a safer environment for all, in particular pedestrians, is a valid recommendation. Given the restricted width of the roadway, together with its residential nature, I consider that this would be the optimum solution for this area. The raised table would extend from the junction of the Old Blackrock Road to the northern edge of the site frontage on Rockboro Road, as suggested by the planning authority, and would allow for parking to continue within this area for existing residents/disc holders. The matter could easily be dealt with by means of condition and would appear to be a fair compromise for all.

10.5.5 The planning authority have also raised some issues in relation to other aspects of the proposal, in particular pedestrian crossings/accessibility, all of which could be adequately dealt with by means of condition. The proposed pedestrian crossing with raised table to provide access to Shalom Park on Rockboro Road has been highlighted to be of particular concern. The planning authority are of the opinion that the raised table should align with key desire lines and I would concur with this. The relocation of the raised table pedestrian crossing is a matter which could adequately be dealt with by means of condition.

10.5.6 I am satisfied with the information before me in this regard. The proposed development is to be located in an existing built-up urban area, where cycle and pedestrian facilities are good. I acknowledge that there will be limited increased traffic as a result of the proposed development, however 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. Public transport is available in close proximity. The proximity of the site to the city core is noted. The Planning Authority in their report are generally satisfied in relation to such matters, subject to condition. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

10.6 Drainage

- 10.6.1 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.
- 10.6.2 An Infrastructure Report, which includes details on flood risk, was submitted with the application. The information contained within these documents appears reasonable and robust. A report was received from Irish Water, at application stage, which raises no objections to the proposal, subject to condition. The report of the Drainage Department of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.

I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter can be adequately dealt with by means of condition.

11 Other Matters

- 11.4.1 The issue of subsidence has been raised in some of the submissions received. An Environmental Site Assessment, prepared by Viridus (dated Feb 2019) was submitted with the application and it is noted that section 2.6 of this aforementioned report deals with a Geotechnical Assessment of Rock Faces. It states that in early 2008 a geotechnical inspection of the exposed limestone rock face at the site took place, which concluded that the rock faces were generally stable. It was recommended at that time that the removal of vegetation from the eastern rock face was deemed a risk and trimming the vegetation was preferable to pulling it off. It was also recommended that a shot-crete face be applied to the existing brick walls prior to any development works be considered to minimize further widening of any potential structural cracks. I note that the Bord has previously been of the opinion that responsibility for assessment as well as investigation of ground conditions and the design and execution of remedial or precautionary measures rest with the developer and not with the Planning Authority. I recommended that no development

commence on site until a construction method statement to remediate any instability on the site has been prepared by a qualified structural engineer which shall be submitted to the Planning Authority for agreement and that a similarly worded condition be attached in any grant of permission.

- 11.4.2 Soil contamination has been raised in some of the submissions received. I note that a Construction Environmental and Waste Management Plan was submitted with the application, which deals with the issue of excavated soil and its re-use, together with the issue of hazardous waste. It is not anticipated that there will be hazardous waste on-site from initial inspections. It is noted that section 3.5.4 of the submitted Stage 1 Appropriate Assessment Screening Report states that a contamination assessment of the site was undertaken in 2011 and a further review undertaken in 2019. It is noted that an Environmental Site Assessment, prepared by Viridus (dated Feb 2019) is included in the Engineering Design Report and I refer the Bord to section 3.3 of same. It is noted that an assessment was also undertaken in 2008 of the subject site. It is stated that the assessment review concluded that there was no physical evidence of soil contamination beneath the proposed site. Analytical laboratory testing identified limited exceedances of lead, arsenic and polycyclic aromatic hydrocarbons (PAH's) in the soil but a significant risk was not identified. The shallow ground beneath the site was found to be slightly impacted by PAHs, however based on source-pathway-receptor model, the contamination risks were considered to be low. I am satisfied with this information. The matter of waste management and construction techniques should be dealt with by means of condition.
- 11.4.3 The issue of phasing has been dealt with in section 1.2 of the submitted Construction Environmental and Waste Management Plan. The detail submitted in this regard is generally considered acceptable. The matter should be dealt with by means of condition.
- 11.4.4 I note that some of the submissions received relate to boundary concerns. I can only undertake my assessment based on the information before me and I am satisfied that the applicant has demonstrated sufficient legal interest to make this application. Such issues are considered to be legal matters outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out

any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

- 11.4.5 An Archaeological and Built Heritage Assessment was submitted with the application, which states that the subject site formed part of a lime quarry and lime works in nineteenth century. It acknowledges that the most significant element of the site, in terms of cultural heritage merit, are the remains of a water storage facility in the form of four stone-built supporting arches and brick voussoirs. These arches are being incorporated into the proposed development to accommodate communal space, with a block of apartments located on top of the arches. No structures on the site are listed on the RPS in operative City Development Plan, nor are the arched supports listed in the NIAH. The arched structure supporting Gasworks Road is described in the NIAH as being of 'regional' importance (Ref. 20508401). It is not being impacted upon by the proposed works. Immediately to the south of the site is a small architectural conservation area, namely Rockboro Road ACA (18-20).
- 11.4.6 The report concludes that the site is not of any archaeological significance or potential as it consists of the remains of the former quarry and no pre-modern archaeological deposits survive on site. The nearest recorded archaeological site is located over 100 metres to the south. The site contains little in the way of built heritage or its former uses, aside from the aforementioned stone arches. The only architectural heritage constraint within the immediate vicinity is Rockboro Road ACA, which is located less than 5 metres to the south. The report acknowledges that while the proposal will alter the wider environs of the terrace, the development will not give rise to any direct negative impacts. The architectural expression of the existing terrace is not defined or moderated by the subject site. The proposed new building to Rockboro Road will present as a three-storey terrace with a separation of approximately 10 metres between the terrace and the new development. I am satisfied with the contents of this report and would concur with the conclusions contained therein. Some submissions received have expressed concerns with the loss of the stone wall along Rockboro Road. While the stone wall is attractive, it has no protection afforded to it and I do not have undue concerns in relation to its removal to facilitate the proposed development. I note that the City Archaeologist, as contained in PA Opinion, has expressed no objections to the proposed development.

I recommend that if the Bord is disposed towards a grant of permission, the issue of archaeology and built heritage could be dealt with by means of condition.

- 11.4.7 I note the Part V details submitted, together with the report of the Chief Executive of the planning authority in this regard. The Housing Department have not expressed concerns in relation to this matter. I have no issue with the proposal in this regard.
- 11.4.8 I note that some of the submissions received state that there was a lack of consultation with them by the applicants. It is noted that while it may have been beneficial to all parties, there is no statutory requirement to undertake such engagement. Issue was also raised in some submissions with regards the strategic housing process. In this regard, I note that the application has been lodged in accordance with the provisions of the relevant legislation.
- 11.4.9 An Ecology Report was submitted with the application, which states that the majority of the site is of negligible ecological value. The structures present to the south of the site do provide limited features of potential use by bats within cracks and crevices in between brickwork. No bats were recorded foraging within the site or its immediate environs during the site survey. The report concludes that provided mitigation measures provided within the report are effectively managed, it is not anticipated that there will be any significant negative ecological impacts as a result of the proposed development. This is considered acceptable.
- 11.4.10 Issues of anti-social behaviour within the public realm are a matter for An Garda Siochanna. The management of such schemes, as set out in the Management Plan and which should be copper fastened by means of condition, is such that issues of anti-social behaviour within the scheme are not anticipated.
- 11.4.11 Matters relating to waste disposal should be dealt with by means of condition, if the Board is disposed towards a grant of permission. I note that an Operational Waste Management Plan was submitted with the application, as was a Construction Management Plan and Construction Environmental Waste Management Plan.
- 11.4.12 The issue of deed of covenant in accordance with the aforementioned guidelines should be dealt with by means of condition. The deed of covenant submitted with the application is somewhat scant on detail.

11.4.13 I note some minor discrepancies in the submitted documentation. These are considered minor in nature and do not impact on the outcome of my recommendation.

12 Screening for Environmental Impact Assessment (EIA)

- 12.4.1 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Impact Assessment Screening Report. The Screening Assessment concludes that the EIA of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(iv) of the Planning and Development Regulations 2001-2017.
- 12.4.2 The current proposal is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The site area is stated as being 0.395 hectares and the proposal is for 118 residential units.
- 12.4.3 The proposed development would be located on brownfield lands beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site.
- 12.4.4 The development would result in works on zoned lands. The majority of the development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

13 Appropriate Assessment

13.4.1 The attention of the Bord is drawn to the fact that an Appropriate Assessment, Stage 1 Screening Report was submitted with the application, together with a Stage 2 Natura Impact Statement.

13.4.2 The Stage 1 Screening Report identifies two designated sites within 15km radius of the development site, namely

- Great Island Channel SAC (Site Code: 001058)
- Cork Harbour SPA (Site Code: 004030)

Table 3:

Designated Site	Site Code	Qualifying Interests	Distance
Great Island Channel SAC and pNHA	001058	Annex 1 Habitats Mudflats and sandflats, not covered by seawater at low tide (1140) Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) (1330)	8.3km
Cork Harbour SPA	004030	Bird Species: Little grebe (<i>Tachybaptus ruficollis</i>) [wintering] Great crested Grebe (<i>Podiceps cristatus</i>) [wintering] Cormorant (<i>Phalacrocorax carbo</i>) [wintering] Grey heron (<i>Ardea cinerea</i>) [wintering] Shelduck (<i>Tadorna tadorna</i>) [wintering] Wigeon (<i>Anas penelope</i>) [wintering] Teal (<i>Anas crecca</i>) [wintering] Pintail (<i>Anas acuta</i>) [wintering] Shoveler (<i>Anas clypeata</i>) [wintering] Red-breasted Merganser (<i>Mergus serrator</i>) [wintering] Oystercatcher (<i>Haematopus ostralegus</i>) [wintering] Golden Plover (<i>Pluvialis apricaria</i>)	2.1km

		[wintering] Grey Plover (<i>Pluvialis squatarola</i>) [wintering] Lapwing (<i>Vanellus vanellus</i>) [wintering] Dunlin (<i>Calidris alpina</i>) [wintering] Black-tailed Godwit (<i>Limosa limosa</i>) [wintering] Bar-tailed Godwit (<i>Limosa lapponica</i>) [wintering] Curlew (<i>Numenius arquata</i>) [wintering] Redshank (<i>Tringa totanus</i>) [wintering] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [wintering] Common Gull (<i>Larus canus</i>) [wintering] Lesser Black-backed Gull (<i>Larus fuscus</i>) [wintering] Common Tern (<i>Sterna hirundo</i>) [breeding] Wetlands	
--	--	---	--

13.4.3 The development site is comprised of buildings and artificial surfaces, with exposed calcareous rock bounding the site to the south and east. It is proposed to connect to public mains services for both foul and surface water drainage. Irish Water have expressed no capacity issues. Construction of the proposed development will be undertaken in full compliance with standard good practice methodologies. No physical evidence of soil contamination beneath the proposed site was observed during assessment undertaken and no significant risk identified.

13.4.4 There are no watercourses or waterbodies present within the site or its immediate environs. The proposed site is located within the Glasheen (Cork City) _SC_010 Water Framework Directive sub-catchment. The south channel of the River Lee flows through Cork city, circa 0.45km to the north of the proposed site. The River Lee then flows into Cork Harbour to the east. There is no connectivity between the development site and the River Lee. The Tramore River is located circa 1.9km to the south of the site and flows into Lough Mahon. There are no natural surface water features within the site or in close proximity to the boundary of the site. The proposed site is located within both the Lee Valley Gravels and Ballincollig

groundwater bodies- Lee Valley Gravels underlie the north of the site and Ballincollig groundwater underlies the south of the site. Both of these groundwater bodies are considered to be of high/extreme vulnerability and are assigned 'Good' status under the 2010-2015 WFD.

- 13.4.5 The Stage 1 Screening Assessment notes that Great Island SAC is located approximately 8.3km from the development site, and the Qualifying Interests of this designated site are habitats, not species and therefore any ex-situ disturbance impacts are not relevant to this designated site.
- 13.4.6 The Stage 1 Screening Assessment notes that Cork Harbour SPA, is located 2.1km from the development site and is of special conservation interests for wetlands and waterbirds. The development site is brownfield in nature, comprising built lands. There are no waterbodies, active drainage ditches or watercourses present on the development site or in close proximity. Therefore, the development site is not suitable to support the Qualifying Interests of Cork Harbour SPA. It is therefore considered that impacts on the Qualifying Interests of SPA as a result of the proposed development is extremely unlikely.
- 13.4.7 In terms of direct, indirect or secondary impacts, I note that the development site is not located within any designated sites and therefore no direct impacts in terms of land take or fragmentation of habitats will occur. I am satisfied that no significant adverse cumulative or in-combination effects are anticipated to designated sites.
- 13.4.8 As has been stated elsewhere in this assessment, the Environmental Assessment Review completed for the proposed development found limited exceedances of lead, arsenic and PAHs in the soil beneath the site and the shallow groundwater was found to be slightly impacted by PAHs. However, based on the source-pathway-receptor model the contamination risks are considered to be low to groundwater.
- 13.4.9 It is considered within the Stage 1 Screening Assessment that fuels, oils or soil contaminants could infiltrate to groundwater during the construction of the proposed development. Applying the precautionary principle, and in consideration of recent case law, it is stated that in the absence of mitigation measures to control groundwater pollution during construction, the potential for significant effects on Cork Harbour SPA and in turn Great Island Channel SAC cannot be ruled out. Therefore, the AA Screening Report screens in both Great Island SAC and Cork Harbour SPA

for Stage 2 Appropriate Assessment on these grounds and a Natura Impact Statement has been submitted with the application.

13.4.10 I note the following:

- Nature and characteristics of the proposal, located on a brownfield site in an urban context, on lands that have been zoned for development.
- Intervening urban environment which exists
- Distance from the designated sites (8.3km to Great Island Channel SAC and 2.1km to Cork Harbour SPA)
- Proposal to connect to public mains services for both foul and surface water drainage. Irish Water have expressed no capacity issues
- Development site is not located within any designated sites
- No direct impacts in terms of land take or fragmentation of habitats will occur
- No waterbodies, active drainage ditches or watercourses present on the development site or in close proximity.
- No direct hydrological connections from the development site to any designated sites,
- Environmental Assessment Review completed for the proposed development found that, based on the source-pathway-receptor model, the contamination risks to groundwater are considered to be low
- Construction of the proposed development will be undertaken in full compliance with standard good practice methodologies
- Likelihood/probability of such an event taking place, together with the scale of such an event required to have any significant effects on nearby designated sites

13.4.11 Therefore, having regard to the characteristics of the proposed development, to the lack of direct hydrological connectivity, to the distance from designated sites and the intervening urban development, together with the likelihood/probability of such an event taking place, I consider that the potential for significant effects on the SPA and SAC can be ruled out.

13.4.12 I consider that, notwithstanding the conclusion of the AA Screening Report submitted by the applicant, it is reasonable to conclude that on the basis of the information on the 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 European Sites Great Island SAC (001058) and Cork Harbour SPA (004030), or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

14 Recommendation

14.1 In conclusion, 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 certain cohort of the population. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.

14.2 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.

15 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to Cork city centre, within an established built-up area on lands with zoning objective Z0 2 City Centre commercial Core Area (CCA), which seeks to 'support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)' in the Cork City Development Plan 2015-2021
- (b) the policies set out in the Cork City Development Plan 2015,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (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) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (i) Architectural Heritage Protection, Guidelines for Planning Authorities, 2004
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport

infrastructure,

(l) the pattern of existing and permitted development in the area,

(m) the planning history within the area, and

(n) 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 in this urban location, would not seriously injure the residential or visual of the area, would not detract from the character and setting of the nearby Architectural Conservation Area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16. Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 15th day of August 2019 by Seamus and Evelyn Scally care of Cunnane Stratton Reynolds, Cotters Street, Cork.

Proposed Development:

A planning permission for a strategic housing development on site bounded by South City Link Road (N27), Rockboro Road and Gasworks Road, Cork.

The proposed development will consist of:

- 1) The construction of 118 no. build to rent apartments in two no. connected block ranging in height from 4-17 storeys comprising
 - 29 no. studio apartments
 - 42 no. 1-bed apartments
 - 37 no. 2-bed apartments
 - 5 no. 2-bed duplex units
 - 5 no. 3-bed duplex units

- 2) The provision of a double level courtyard at ground and first floor level with associated landscaping and communal roof terraces at 6th and 16th floor levels.

- 3) Proposed resident's facilities / amenities including concierge service, laundry room, mail room, games room, communal kitchen / dining area, storage area, gym, workspaces / hot desks, bookable rooms, bookable party room and a TV/ lounge area.

4) The provision of 239 no. internally located bicycle spaces, additional visitor bicycle spaces on Gasworks Road and 5 no. car parking spaces (including 3 no. disabled spaces and 2 no. spaces reserved for service vehicles including ducting for the provision of 2 no. E Car charging points) at ground floor level.

5) A new connection to the existing pedestrian bridge that traverses the N27 linking Hibernian Road and Rockboro Road / Gasworks Road. The connection to the bridge facilitates access to the proposed development at second floor (concierge) level.

6) Improvements to local footpaths, roads and the public realm including;

- New 1.8m footpath provided between the access to Rockboro Road and the junction with Old Blackrock Road
- New 1.8 footpath along Rockboro Road opposite the entrance to Gas Networks Ireland
- New uncontrolled pedestrian crossing with raised table on Rockboro Road providing access to Shalom Park
- Improvement to pedestrian facilities at the existing junction of Old Blackrock Road / Boreenmanna Road
- Improvement to pedestrian facilities at the existing junction of Old Blackrock Road / Rockboro Road
- Improvement to pedestrian/ cycle facilities and public realm at the eastern (Gasworks Road) and western (Hibernian Road) approaches to the existing pedestrian overbridge that traverses the N27.

7) The development includes a communal bin store, plant / meter room, maintenance room, service access and all associated infrastructure and site development works.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location close to Cork city centre, within an established built-up area on lands with zoning objective Z0 2 City Centre commercial Core Area (CCA), which seeks to 'support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)' in the Cork City Development Plan 2015-2021
- (b) the policies set out in the Cork City Development Plan 2015,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016,
- (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) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (i) Architectural Heritage Protection, Guidelines for Planning Authorities, 2004
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area, and
- (n) 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 in this urban location, would not seriously injure the residential or visual of the area, would not detract from the character and setting of the nearby Architectural Conservation Area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

17 Conditions

1. 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.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

3. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

4. Pedestrian access to the entrance plaza shall be permanently open to the public 24 hours a day. No gates, security barrier or security hut shall be permitted at the entrances to this development from Rockboro Road

Reason: In the interests of ensuring permeability, in accordance with national policy

5. Full details of the design, construction and operation of the proposed cantilevered ramp shall be agreed in writing with the planning authority, prior to the commencement of any works on site

Reason: In the interests of clarity and in the interests of public safety

6. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area and in the interests of clarity.

7. Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.

Reason: In the interests of proper planning and sustainable development of the area.

8. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity

9. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the management company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the

proposed Build-to-Rent scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

10. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

11. The outdoor terrace area at sixth floor level shall be unavailable to residents between the hours of 22.00 and 08.00

Reason: In the interests of protecting residential amenity

12. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) A shared surface shall be provided for the entire width of Rockboro Road from the junction with Old Blackrock Road to the northern edge of the site frontage on Rockboro Road. All amended vehicular and pedestrian access points and shared surfacing shall be designed in accordance with the Design Manual for Urban Roads and Streets. Full details of adequate parking provision for existing Rockboro Road residents shall also be submitted. All road modifications and improvements shall be carried out at the applicant's expense

(d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

(e) 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

(f) All parking spaces shall have a functional electric vehicle charging point.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

13. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. 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 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

14. All geotechnical works shall be carried out to the relevant Eurocode. This shall include temporary works which are required to be carried out in accordance with the requirements of the relevant Eurocode. Prior to the commencement of any works on site, a construction programme of works shall be submitted to, and agreed in writing with, the planning authority detailing:

(a) Details of any further site investigation which shall be undertaken on site.

- (b) Locations of monitoring which shall be undertaken, prior to the commencement of construction until a period of six months after construction is completed.

Reason: In the interest of safety and to protect the residential amenities of adjoining property.

15. All works to ensure the stability of the site boundaries shall be designed and supervised by a qualified engineer with professional indemnity insurance. A copy of the professional indemnity certificate and associated design drawings for the proposed works shall be submitted to the planning authority for its written agreement, prior to the commencement of any works on site.

Reason: In the interest of safety and of the proper planning and sustainable development of the area.

16. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

17. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, signage shall be restricted to individual lettering affixed directly to the building, without backlighting or internal illumination.

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

18. Glazing at ground floor level to South Link Road shall be permanently comprised of clear glass. No stickers, posters or advertisements shall be affixed to the glazing

Reason: in the interests of visual amenity

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

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

20. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

Reason: In order to safeguard the amenities of property in the vicinity.

21. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development

22. 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.

Reason: In the interest of orderly development and the visual amenities of the area.

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and

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

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

24. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of 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.

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.

25. 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.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

26. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

Reason: To provide for the orderly development of the site.

27. A Final Site Specific Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

28. 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.

Reason: In the interest of sustainable waste management.

29. 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 for construction traffic, parking machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity

30. 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, watermains, drains, 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.

Reason: To ensure the satisfactory completion of the development.

31. 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.

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.

Lorraine Dockery
Senior Planning Inspector

13th November 2019

APPENDIX A:

Kieran McCarthy

An Tasice

Ann and Aiden Twomey

Anne Marie Forrest and Robert Plant

Catherine Collins

Cathleen Callanan

Concerned Residents of Rockboro Road

Declan and Valerie Cahill

Denis O'Donovan

Dolan and Mary O'Hagan

Donnchadh O'Laoghaire

Irish Water

Lily Moloney

Mr and Mrs Walsh

Niamh Moloney

Niamh Murphy and Others

Transport Infrastructure Ireland

Timothy Cooper