



An
Bord
Pleanála

Inspector's Report ABP-309579-21

Development	The construction of a development comprising 16 residential units and all ancillary site works.
Location	Lake View, Ballyhooly New Road, Ballyvolane, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	20/39576
Applicant(s)	BallymacT Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 24 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Nicholas & Ann O'Riordan
Observer(s)	None
Date of Site Inspection	26 th May 2021
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the north central suburbs of Cork City. This site maintains a frontage onto Ballyhooley New Road (R614) along its north north-western boundary. This regional road extends to the north, where it forms a junction with the Northern Ring Road (R635) beyond which lies the Ballyvolane Shopping Centre, and to the south-west, where it ultimately forms a junction with the Lower Glanmire Road (N8) near to the city centre. On the northern side of Ballyhooley New Road, opposite the site, lies the Glen River Park, which extends westwards to Blackpool. On the southern side of this Road lie older established residential areas and newer maturing residential areas. The site is bound to the south south-east by an example of an older established residential area along Cathergal Avenue. It is bound to the north-east by an example, too, of a newer maturing residential area known as Oak Park.
- 1.2. The site itself is of regular shape. It rises at gentle/moderate gradients in a south south-easterly direction, i.e. from 58.40m OD at the front of the site to 67m OD at the rear. This site extends over an area of 0.28 hectares. It is wooded, predominantly around its perimeter, and it is presently vacant. Historically, the site formed the north-eastern half of the grounds to the dwelling house known as Lakeview/Aras Mhuire. This dwelling house is sited in the south-western half of the grounds in a position adjacent to the site's southernmost corner. Site boundaries comprise a stone wall to the north north-west, blockwork walls to the north-east and to the south south-east, and a wire mesh fence to the west south-west.

2.0 Proposed Development

- 2.1. The proposal would entail the development of the site to provide 16 residential units (1277.2 sqm) and all ancillary site works. These units would be provided in 3 three-storey buildings and they would comprise the following:
- 3 one-bed/two-person single storey apartments revised to 4,
 - 3 two-bed/three-person single storey apartments,
 - 2 two-bed/four-person single storey apartments,
 - 5 two-bed/four-person duplex apartments, and

- 3 three-bed/five-person duplex apartments revised to 2.

The buildings would be laid out with one (Block X) sited towards the northernmost corner of the site and the remaining two (Blocks Y & Z) sited across the southern half of the site.

- 2.2. Under further information, the design of the two buildings in the southern half of the site was changed with the omission of pitched roofs in favour of flat roofs. The larger of the two buildings (Block Z) was also altered at its south-western end by the omission of part of its second floor and the re-specification of unit No. 16 as a one-bed simplex apartment rather than a three-bed duplex apartment.
- 2.3. Ancillary site works would entail the provision of vehicular and pedestrian accesses off Ballyhooley New Road, which would serve a 7-space car park, including 1 mobility impaired space. These spaces would be laid out in a row opposite the vehicular access. A communal space would be laid out to the south of the car park and it would adjoin a bin storage area. This space and area would be accompanied by steps and ramps that would span the difference in levels between the front and the rear of the site. A covered bicycle storage facility would also be provided in a position adjacent to Blocks Y & Z.
- 2.4. Existing boundary treatments would be reworked as follows: The stone wall to the roadside frontage would be lowered and railings added, the blockwork wall to the north-east would be accompanied, where needed, by retaining walls, the blockwork wall to the south south-east would be accompanied/replaced by a weld mesh fence, and the wire mesh fence would be accompanied/replaced by a concrete post and panel fence and a weld mesh fence.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission granted, subject to 24 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- Respecify flat roofs instead of pitched ones on Blocks Y and Z.
- The south-western end of Block Z to be stepped down to two storeys.
- Demonstrate that first floor balconies to Block X would not overlook Oak Park.
- Clarify north-eastern boundary treatment.
- Clarify south-western boundary treatment.
- Address possible third-party foul sewer, which may traverse the site.
- Submit Construction Management Plan and Waste Management Plan.
- Submit details of raised table required at site entrance.
- Submit swept path analysis, Stage 1/2 Road Safety Audit, and Construction Management Traffic Plan. Submit road layout plan showing road markings.
- Submit public lighting scheme.
- Submit detailed parking breakdown and clarify bicycle parking provision.

3.2.2. Other Technical Reports

- Inland Fisheries Ireland: Defers to Irish Water
- Irish Water: No objection: Wide-ranging series of observations made, including with respect to contingencies, e.g. provision of pumping station, for possible loss of mains water pressure in the future.
- Cork City Council:
 - Environment: Following receipt of further information, no objection, subject to conditions.
 - Transport & Mobility: Following receipt of further information, no objection, subject to conditions.
 - Drainage: Following receipt of further information, no objection, subject to conditions, including one relating to a possible well on the site.
 - Contributions: General development contribution condition requested.

- Urban Roads & Street Design: Following receipt of further information, no objection, subjection to a condition.

4.0 Planning History

- 02/26608: 11 houses: Permitted, but unimplemented.
- 04/28663: 4 two-storey houses and 14 apartments in three-storey building: Refused on the grounds of lack of communal/private open space and inadequate standard of amenity for future residents.
- 05/29416: 4 two-storey houses, 2 two-storey houses with attics, and 4 apartments & 4 duplexes in three-storey building: Permitted at appeal PL28.212340, but unimplemented.
- 219/19 Pre-application consultation 01/08/19.

5.0 Policy and Context

5.1. Development Plan

Under the Cork City Development Plan 2015 – 2021, the site is zoned ZO 4, residential, local services, and institutional uses, wherein the objective is “To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.”

5.2. National Planning Guidelines

- Sustainable Urban Housing: Design Standards for New Apartments

5.3. Natural Heritage Designations

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

5.4. EIA

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed, the need for a mandatory EIA arises. The proposal is for the development of 16 new build dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Nicholas & Ann O’Riordan of 51 Oakpark, Ballyhooly Road, Ballyvolane, Cork

- The applicants’ residential property is not overlooked to the rear at present. Under the proposal, it would be overlooked with a consequent loss of privacy.
- The applicants’ residential property would, likewise, experience a loss of natural light.
- The environmental impact of any construction phase, which may be protracted, would be considerable upon the amenities of the applicants’ residential property.
- Conditions would be unlikely to be monitored.
- Concern is expressed that if the residential units are rented, the prospects for communal life to develop would be low, with an attendant higher risk of anti-social behaviour.
- The proposed boundary wall between the site and the applicants’ residential property would be too low and so it would pose a security risk.

The appellants conclude by saying that they do not oppose the development of the site, in principle, only they consider that this should be on the basis of two-storey dwelling houses that are orientated away from existing dwelling houses nearby. They

cite the example of ABP-308404-20 as a precedent for the Board refusing a recent housing scheme in Cork.

6.2. Applicant Response

- In relation to overlooking, the applicant draws attention to the north eastern side elevation of Block Y, which would correspond with the appellants' residential property. This elevation would be blank and so no overlooking would arise. The rear balconies to this Block would not correspond with this property and front windows would face north-west resulting in no appreciable overlooking.

The applicant also draws attention to the replacement of the originally proposed pitched roof with a flat one, under further information, thereby reducing the scale and bulk of Block Y.

The applicant further draws attention to Block X, which would not directly correspond with the applicants' residential property. Nevertheless, this Block would not have rear, as distinct from front balconies, and upper floor windows in its rear elevation would be of high-level form only.

- In relation to natural light, the applicant draws attention to the existing dense vegetation on site, which includes mature trees. Under the proposal, much of this vegetation would be removed and so the prospect exists that an improvement in the natural lighting of existing dwelling houses nearby would ensue.
- The applicant expresses the concern that the appellants may have overstated the environmental impact of any construction phase. In this respect, it draws attention to the submitted Construction and Waste Management Plans and to the conditions drafted by the Planning Authority to govern the construction phase.

It also draws attention to how efficiency considerations would ensure that this phase did not become protracted and to the applicant's favourable track record of construction projects that were completed in a timely manner.

- Housing tenure is not a material planning consideration. Renting is an increasingly popular and necessary component of the Irish housing market. The proposal would be overseen by an experienced property management company and it would be designed to ensure high levels of informal surveillance with respect to communal areas. Anti-social behaviour is thus not envisaged.
- The boundary wall in question would be 1.8m high, an appropriate height to safeguard neighbour privacy and security. If it were to be higher, then it would have greater visual and lighting impacts.
- The applicant considers that the issues pertaining to the appeal cited are such that it is not a comparable proposal to the current one and so the applicant's precedent contention is misplaced.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national policy, the Cork City Development Plan 2015 – 2021 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, density, and transportation,
- (ii) Visual and residential amenity,
- (iii) Housing mix and development standards,

(iv) Traffic, access, and parking,

(v) Water, and

(vi) Appropriate Assessment.

(i) Land use, density, and transportation

- 7.2. Under the CDP, the site is zoned ZO 4, residential, local services, and institutional uses, wherein the objective is “To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.” The proposed development of the site to provide for residential use would accord with this Objective.
- 7.3. The proposal would entail the provision of 16 residential units on a 0.28-hectare site. It would thus exhibit a density of 57.14 dwellings per hectare.
- 7.4. During my site visit, I observed that Ballyholley New Road is a bus route and one of the bus services, the No. 207, runs at half hour intervals between the city centre and Glenheights Road to the north-west of the site. I also observed that Ballyvolane Shopping Centre, which the CDP zones as a district centre, lies 0.4 km to the north of the site. Blackpool Shopping Centre/Retail Park and the employment area to the north-west lie 1.6 km and more away from the site and the city centre is 2 km away.
- 7.5. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, advice is given on the location of apartments. Three categories of urban locations are identified, along with their qualifying characteristics. Given the proximity of the above cited district centre, the relative proximity of Blackrock and the city centre, and the availability of a reasonably frequent bus service, I consider that the site can be fairly placed within the immediate urban location and so densities in excess of 45 dwellings per hectare are deemed to be appropriate in principle. At 57.14 dwellings per hectare the proposal would accord with this guideline.
- 7.6. I conclude that the proposal would be appropriate from a land use zoning perspective and its density would accord with advice in the relevant Guidelines. The site would be served by at least one reasonably frequent bus service to the city centre.

(ii) Visual and residential amenity

- 7.7. The proposal would entail the construction of 3 three-storey buildings on the site, which are denoted as Blocks X, Y & Z. Block X would be sited in the north eastern quadrant of the site. It would comprise ground floor apartments with duplexes above. The apartments would extend to the front and to the rear of the duplexes above. Blocks Y & Z would be sited across the southern, more elevated half of the site. As originally proposed, they would have had double pitched roofs. However, under further information, flat roofs were specified, and the south-western end of Block Z was reworked to omit the second floor/third storey. These revisions were requested to reduce the impact of the Blocks upon adjacent existing dwelling houses, especially the one to the south-west known as Lakeview/Aras Mhuire.
- 7.8. As revised, the Blocks would be of consistently contemporary design. The side elevations of Block X and the front elevations of Blocks Y & Z would be finished both in renders of different colour and texture and in brick. The roadside appearance of the former Block and the mass of the latter Blocks would be, variously, improved and relieved accordingly.
- 7.9. The opportunity to view the proposal with existing housing on Cathergal Avenue to the south and Oak Park to the east would be restricted by the trees that would be retained on and adjacent to the site. Thus, comparisons between the contemporary design of the proposal and the traditional/conventional design of existing housing would not be readily available.
- 7.10. Notwithstanding the revisions to the proposal under further information, the appellants express concern over the impact of this proposal upon their residential amenities at No. 51 Oak Park. Specifically, they cite overlooking, loss of natural light, noise and disturbance from the construction phase and, possibly, the operational phase, and security as being issues.
- 7.11. The applicant has responded to these matters as summarised below.
- 7.12. With respect to overlooking, attention is drawn to the blank north-eastern side elevation of Block Y, which would correspond to the rear, south-western elevation of the appellants' dwelling house. Windows in the front elevation of this Block would face north-west and so no appreciable overlooking of the appellants' residential property would result from their presence.

- 7.13. I note that the upper floor windows in the front elevation nearest to the appellants' residential property would serve a wc and bathroom, i.e. habitable room windows in this elevation would be further away and so the applicant's contention concerning overlooking is borne out. I note, too, that the first-floor balcony to the rear would have an exposed north-easterly side, which, while it would not overlook No. 51 would potentially overlook No. 50 Oak Park. I consider that a privacy screen should be added along this side of the balcony. By the same token, the equivalent exposed south-westerly first-floor balcony side to Apartment No. 16 in Block Z should be the subject of a privacy screen, too.
- 7.14. With respect to loss of natural light, attention is drawn to the mature trees that presently lie along the north-eastern boundary of the site and so affect the lighting of the appellants' residential property. The applicant expresses the view that, as under the proposal the majority of these trees would be removed, there may even be an improvement in the lighting of this property.
- 7.15. I note that the trees in question would lie within or adjacent to the footprint of Block Y, which would be sited in a position 13.7m to the south-west of the rear elevation of the appellants' dwelling house. These trees are mature deciduous ones and so the overshadowing that they create results in an attractive dappled light rather than solid shadow.
- 7.16. I note, too, that the conventional suburban separation distance between two-storey rear elevations and two-storey blank side elevations is 12.2m (40 feet). While the appellants' dwelling house is two-storeys, Block Y would be three-storeys. Under further information, its double pitched roof (8.45m eaves and 12.095 ridge) was replaced with a flat one (parapet 9.5m). Consequently, the height and extent of the presenting side elevation has been reduced. If this reduction and the above cited separation distance are weighed, along with the removal of existing mature deciduous trees, which are closer to the appellants' dwelling house than Block Y would be, then the natural lighting at the appellants' residential property can be considered to be not unduly affected by the revised proposal.
- 7.17. With respect to noise and disturbance during the construction phase, attention is drawn to the Construction and Waste Management Plans and to the conditions drafted by the Planning Authority to govern the construction phase. Attention is also

drawn to how efficiency considerations would ensure that this phase did not become protracted and to the applicant's favourable track record of construction projects that were completed in a timely manner.

- 7.18. With respect to noise and disturbance during the operational phase, the proposal would be overseen by an experienced property management company and it would be designed to ensure high levels of informal surveillance with respect to communal areas. Anti-social behaviour is thus not envisaged.
- 7.19. With respect to security, attention is drawn to the existing 1.8m high boundary wall between the site and the appellants' residential property. This height is the conventional one and it is designed to ensure neighbour privacy and security. If it were to be higher, then it would have greater visual and lighting impacts.
- 7.20. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(iii) Housing mix and development standards

- 7.21. Under SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, advice on housing mix requires that up to 50% of residential units can be one-bed dwellings. No minimum requirements pertain to two-bed and three-bed dwellings. Under the proposal, as originally submitted and as revised, only 3 (18.75%) or 4 (25%) of the residential units would be one-bed dwellings and so this advice would be reflected in the intended housing mix.
- 7.22. Appendix 1 of the Guidelines sets out the required minimum floor areas and standards for residential units. The applicant has submitted Housing Quality Assessments for the proposal, both as originally submitted and as revised, which show that the residential units would either meet or exceed the required areas and standards set out in Appendix 1.
- 7.23. The proposed private amenity areas would, likewise, exceed the required areas set out in Appendix 1 and, in most instances, the excess would be significant. By contrast, the usable community open space would have an area of 105 sqm, which would coincide with the minimum required under Appendix 1 for the proposal, as revised. Elsewhere, the applicant's landscaping master plan shows the retention of trees along predominantly the southern and western boundaries. Trees along the former boundary especially would be augmented with new tree planting.

Considerable tree loss would occur along the northern and eastern boundaries of the site.

- 7.24. Qualitatively, each of the residential units would be dual aspect. Block X would be orientated on a west south-west/east north-east axis and Blocks Y & Z would be orientated on north north-west/south south-east axes. The sunken form of the envisaged site to the rear of Block X has prompted the applicant to specify rear yards to the ground floor apartments in this Block. These yards would be the subject of 2m high retaining walls with the existing 1.8m high concrete blockwork boundary wall beyond. Consequently, they would receive only limited light and outlooks from within them would, likewise, be restricted. Elsewhere, the tree-lined embankment to the rear of Blocks Y & Z would limit the lighting to and outlook from habitable room openings in ground floor apartments, especially, and their accompanying private amenity areas.
- 7.25. The above cited lighting and outlook issues would be eased by the specification of 2.7m floor-to-ceiling heights in the ground floor apartments and by the fact that they would be dual aspect or better.
- 7.26. I conclude that the proposal would exhibit a good housing mix and it would accord with the relevant quantifiable areas and standards set out in the Guidelines. Qualitatively, while the existing/proposed topography of the site would limit the lighting to and outlook from the rear of ground floor apartments, each would have 2.7m floor-to-ceiling heights and be dual aspect or better.

(iv) Traffic, access, and parking

- 7.27. The proposal is for 16 residential units and so it would generate vehicular traffic. As discussed under the first heading of my assessment, the site is situated in an intermediate urban location, and so, under the Sustainable Urban Housing: Development Standards for New Apartments Guidelines, “planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.”
- 7.28. By contrast, the Guidelines advise that, in central and/or accessible urban locations, “the default policy is for car parking provisions to be minimised, substantially reduced or wholly eliminated in certain circumstances” and, in peripheral and/or less accessible urban locations, “one car parking space per unit, together with an element

of visitor parking, such as one space for every 3 – 4 apartments, should generally be required.” Arguing from the greater to the lesser, it is therefore clear that 16 residents’ spaces and 4 – 5 visitor spaces, i.e. a total of 21 spaces, would be excessive for the proposal, which would be on a site at an intermediate urban location.

7.29. Under the CDP car parking standards, the site lies within Zone 3, wherein one/two-bed units should be accompanied by 1 space each for residents plus 0.25 for visitors and three-bed units should be accompanied by 2 spaces each plus 0.25 for visitors.

7.30. As revised the proposal would comprise 14 one/two-bed units and 2 three-bed units. If the CDP standards are applied, then 22.5 spaces would be required - say 23, i.e. 18 for residents and 5 for visitors. Under the proposal, 7 spaces, including 1 mobility-impaired space would be provided, i.e. 30% of the CDP’s requirement.

7.31. During my site visit, I observed that the site is accessed directly off Ballyholley New Road (R614), a two-lane road, which widens out to include a cycle lane on the nearside and a bus/cycle lane on the far side as it passes the site. On-street parking does not therefore occur along this road and side streets are at some considerable remove. A public car park for Glen River Park lies 100m to the west of the site, but clearly it is intended for use by recreational users of the park. In these circumstances, the site needs to be able to meet the likely parking needs of future residents and their visitors.

7.32. With respect to the above cited review of the level of car parking provision, I note that the site comes within the definition of intermediate urban location on the basis of one of three criteria cited, i.e. its proximity to a district centre. Accordingly, the level of car parking provision should at least represent a mid-point or better of the provision that would be required were the site to be in a central and/or accessible urban location or a peripheral and/or less accessible urban location, i.e. the mid-point between 0 and 21 would be 11 spaces. Seven spaces represent 64% of this mid-point. *Prima facie* the level of provision would be inadequate.

7.33. Under further information, the applicant commented upon its proposed provision of car parking to the effect that the residential units would be “marketed primarily to non-car owners living in the city” and the allocation of the available spaces would be “an operational matter”. These commitments have the potential to relieve the above

cited inadequacy. In this respect, the Planning Authority's absence of objection is consistent with its promotion of sustainable modes of transport.

- 7.34. Under the above cited Guidelines, cycle storage facilities should be provided at a rate of 1 cycle space per bedroom for residents and 1 cycle space per every 2 residential units for visitors. On this basis, 30 cycle spaces for residents and 8 for visitors should be provided.
- 7.35. Under the proposal, a 26-space cycle shed would be provided centrally within the site. The applicant intends that this shed would be used by residents of the upper floor residential units. Residents of 5 of the 8 ground floor units would have "access to their own yard/garden spaces to the rear for bicycle storage." While on this basis the proposed cycle shed would be adequate, I consider that the applicant should provide a design for cycle storage facilities that could be incorporated in the aforementioned yard/garden spaces.
- 7.36. Under further information, the applicant revised the design of the proposed vehicular access to accord with a stage 1/2 RSA. The revised plans show, amongst other things, a raised table at the site entrance and differentiated surface finishes. These plans show a pedestrian access on the eastern side of the vehicular entrance only. One on the western side should be formed, too.
- 7.37. I conclude that the apparent inadequacy in car parking provision would potentially be relieved by the applicant's proposed marketing/management strategy. I conclude, too, that, subject to conditions, the revised access arrangements to the site and the clarified cycle parking facilities for the proposal would be satisfactory.

(v) Water

- 7.38. The applicant proposes that the development would be connected to the public mains water supply and the public foul and surface water sewerage system.
- 7.39. While Irish Water has raised no objection to the proposal, it has set out in a wide-ranging series of observations its requirements, including contingencies, e.g. provision of pumping station, for possible loss of mains water pressure in the future.
- 7.40. The applicant would install an on-site surface water drainage system, which would incorporate an attenuation tank, sized to handle 1 in 30-year rainfall events plus an allowance of 10% for climate change. Discharge from this tank to the public surface

water sewer would be at the green field run-off rate, which is calculated to be 2.4 l/s. The Planning Authority's Drainage Engineer has raised no objection to this drainage system.

- 7.41. Under further information, the issue of a foul drain within the site from an adjacent residential property was resolved by the applicant undertaking to connect this property to its proposed foul water drainage network. An open well in the south-eastern corner of the site remains to be investigated. Condition No. 11 of the Planning Authority's permission requires that such investigation be undertaken, and its Rural Water Section be advised of any findings.
- 7.42. Under the OPW's flood maps, the site is shown as not being the subject of any identified flood risk.
- 7.43. I conclude that the proposal would raise no insurmountable water issues.

(vi) Appropriate Assessment

- 7.44. The site is a suburban one and the proposal is for its development to provide for residential use in accord with the predominant surrounding land use. This site is not in nor beside a European Site. The nearest such sites are in Cork Harbour, i.e. Cork Harbour SPA and Great Island Channel SAC.
- 7.45. The Glen River passes c. 0.1 km to the north north-west of the site. This River flows into the River Bride, which in turn flows into the River Lee and Cork Harbour. Notionally, the site could be linked hydrologically to the aforementioned European Sites via these Rivers. However, "on the ground", Ballyholley New Road has recently been constructed between the site and the Glen River. This Road is enclosed by walls on either side and it is the subject of a modern surface water drainage system. I, therefore, share the view expressed by the case planner that Ballyholley New Road would form a barrier between the site and the Glen River. Accordingly, no source/pathway/receptor route would arise.
- 7.46. I am not aware of any capacity issues relating to Cork City's WWTPs.
- 7.47. Having regard to the nature, scale and location of the proposal, the nature of the receiving environment, and the proximity of the site to the nearest European Sites, it is concluded that no Appropriate Assessment issues arise as the proposal would not

be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Sustainable Urban Housing: Design Standards for New Apartments and the Cork City Development Plan 2015 – 2021, the proposed residential development would comply with the zoning of the site for the provision of residential use and its density would be appropriate for the site's location as an intermediate urban site. This development would, subject to conditions, be compatible with the visual and residential amenities of the area and it would afford a satisfactory standard of amenity to future residents. Access and parking arrangements would, likewise, be satisfactory and no water or Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 21 st day of December 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The proposed development shall be amended as follows:

	<p>(a) Privacy screens shall be installed along the exposed north-eastern side to the balcony to proposed residential unit No. 6 and the exposed south-western side to the balcony to proposed residential unit no. 16.</p> <p>(b) Details of footpath connections to the public footpath on the nearside of Ballyhooly New Road, i.e. one to the east and one to the west of the proposed vehicular access to the site, and details of the raised table top form to the vehicular access itself.</p> <p>(c) Details of how adequate space shall be made available in the layout of the car park to ensure that, ultimately, each space is capable of facilitating the charging of electric vehicles.</p> <p>(d) Details of the bicycle storage facilities for each of the ground floor residential units, which would have such dedicated facilities.</p> <p>(e) Details of an investigation of an open well that may exist in the south-eastern corner of the site. If confirmed, then details of its de-commissioning to be provided.</p> <p>(e) A copy of the marketing strategy for the proposal.</p> <p>(f) A copy of the car park management protocol for the proposal.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity, the promotion of sustainable modes of transport, and the efficient use of the car park.</p>
3.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may</p>

	<p>be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed residential blocks and the hard surfaces comprised in the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>Proposals for an estate/street name, dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility.</p>

9.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
10.	<p>The landscaping scheme shown on drg no. 20395-2-101, as submitted to the planning authority on the 21st day of December 2020 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted</p>

	<p>management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
12.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
13.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

	<p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

15.	<p>Stage 3 and Stage 4 Road Safety Audits to be undertaken of the proposed access arrangements to the site. Any recommendations to be submitted to the planning authority for agreement.</p> <p>Reason: In the interest of road safety.</p>
16.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution of €34,913 (thirty-four thousand, nine hundred and thirteen euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Hugh D. Morrison
Planning Inspector

20th July 2021