



An  
Bord  
Pleanála

## Inspector's Report ABP 312412-22

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<b>Development</b>	Permission for the construction of a 100 no. bed space nursing home and 47 no. independent living units and all associated site development works at Clarke's Hill, Rochestown, Co. Cork.
<b>Location</b>	Clarke's Hill, Rochestown, Cork.
<b>Planning Authority</b>	Cork County Council.
<b>Planning Authority Reg. Ref.</b>	21/40135
<b>Applicant(s)</b>	Aperee Living Rochestown Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sylvester Cotter. Kate O'Byrne, Andrew Keane & Family. Helen Harrington. Eric and Ann Waterman.
<b>Observer(s)</b>	None

**Date of Site Inspection**

27<sup>th</sup> April 2022.

**Inspector**

Brendan Coyne.

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## 1.0 Site Location and Description

1.1. The proposed development site is located on the southern side of Rochestown Road (R610) and the eastern side of Clarke's Hill Road (L-2471) in the suburb of Rochestown, Cork City. The site, which has an area of 2.97 hectares, is accessible via both roads, with the main access point via Clarke's Hill Road. The site's eastern section contains a detached, two-storey house that is currently unoccupied, with a single-storey garage located to its side. The site is characterized by a long tree-lined driveway off Clarke's Hill Road, providing vehicular access to the property. The property's south, east and north-east sections contain dense mature trees, while the remaining boundaries are defined by dense mature trees, hedgerows and vegetation. The site's topography slopes from a high point of c. 58.6m OD at the south-eastern corner, dropping to 27.5m OD at the north-western corner and c. 13.5m OD at the roadside entrance along Rochestown Road. The highest/southern section of the site provides panoramic views to the north. The site is bound to the north by detached residential dwellings fronting onto The Close cul-de-sac and the rear gardens of dwellings fronting onto Rochestown Road. Land adjoining the eastern boundary contains dwellings at the end of the cul-de-sac's Charlemont Heights and Willowmere. Lands adjoining the southern and north-western boundaries contain detached dwellings named 'Hill House' and 'Treetops'. A detached dwelling named 'Mount Oval' adjoins the north-western corner of the site, accessed via Clarke's Hill Road. Mount Oval Village is located c. 900m (5 min walk) to the southwest, and Douglas Village Centre is located c. 2.5km (35 min walk / 5 min drive) to the northwest of the site. Cork City bus stops are located along Rochestown Road (R610) near the junction with Clarke's Hill Road, serving bus route Nos. 216 and 223.

## 2.0 Proposed Development

### 2.1. Application as lodged to the Planning Authority on 27/04/2021.

2.1.1. Permission sought for the following (as described in public notices);

- Construction of a 100 no. bed space nursing home and
- 47 no. independent living units,

- All associated site development works.

2.1.2. The proposed development comprises the following;

- The demolition of an existing dwelling and all associated structures,
- The construction of a 2 storey over basement level nursing home building,
- 20 no. townhouse units,
- 27 no. Apartments in 2 no. three storeys over basement level blocks.
- Photovoltaic panels at roof level,
- New vehicle access from Clarke's Hill Road,
- All associated landscaping, car parking, bicycle storage and signage.
- Construction of an ESB substation,
- 2 no. external bin stores,
- Installation of an underground water storage tank and external plant enclosure.

2.1.3. **Revised Proposal as submitted by way of Significant Further Information on 25/08/2021 (as stated);**

2.1.4. Revised Site Layout Plan providing the following:

- Omission of 2 no. townhouse units (Unit Nos. 8 and 20), reducing the overall no. of independent living units to 45 no. dwelling units.
- Increase in setbacks from the northern and southern boundaries,
- Repositioning of the proposed nursing home further south,
- Modifications to the design of the proposed nursing home.

2.1.5. **Further Information Documentation submitted:**

- Site Layout Plan, Section Drawings, Floor Plans, Sightlines, Site Entrance details,
- Landscape Masterplans and Landscape Planting Information
- Boundary Treatment Report
- Tree Survey Report and Layout

- Noise Impact Assessment
- Waste Management Plan
- Public Lighting Report and Drawings
- Solicitors Letter
- Updated viewpoints
- Updated Photomontages
- Asbestos Survey
- Draft 47 Agreement

**2.1.6. Revised Proposal as submitted by way of Clarification of Further Information on the 10/11/2021.**

- Omission of 1. no. townhouse unit, reducing the overall no. of independent living units to 44 no. dwelling units.

**2.1.7. Clarification of Further Information Documentation submitted:**

- Architectural drawings
- Housing quality assessment
- Engineering details
- Landscaping Masterplan, landscaping information,
- Tree Survey Plans and northern boundary information drawings
- Tree Survey Report and Tree Work Method Statement

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Cork City Council GRANTED permission for the proposed development subject to 36 No. Conditions. Noted Conditions include:

- C.3** Design details of the development access junction, pedestrian crossings, internal road and pedestrian route from Rochestown Road shall be carried out as per RFU Dwg. No. 18173\_P671\_00. These works shall be carried out by the Applicant at their own expense.
- C.4** Public lighting requirements.
- C.5** External lighting requirements, including lighting associated with the construction stage.
- C.6** The total parking supply on the site shall be as follows;
- a) Car Parking - Nursing Home:
- The provision of a maximum of 57 car parking spaces inclusive of 3 disabled parking spaces and 6 EV charging spaces. The provision of 6 motorcycle parking spaces.
- b) Car Parking – Apartments:
- The provision of a maximum of 29 car parking spaces inclusive of 3 EV charging spaces.
- c) Car Parking - Independent Living Units:
- The provision of a maximum of 23 car parking spaces inclusive of 2 EV charging spaces.
- d) All car parking spaces shall be constructed to be capable of accommodating future EV charging points.
- A total of 80 cycle parking spaces are to be provided for the full development inclusive of 42 private spaces for the residential element and 38 visitor spaces.
- C.7** All findings of the Road Safety Audit shall be closed out, signed off and incorporated into the development. A Stage 3/4 Road Safety Audit shall also be undertaken, closed out, signed off and acted upon at the appropriate stage of development. All costs associated with this condition shall be borne by the Applicant.
- C.8** Prior to commencement of development, the Applicant shall agree the details and the extent of all road markings and signage requirements on the L2471 Clarks Hill Road with the Planning Authority.

- C. 9** Construction Traffic Management Plan requirements.
- C. 10** The entrance shall be designed, and roadside boundaries altered so as to provide sight distances of 70 meters in both directions at a point 2.4 meters back from the edge of the public road.
- C.15** Exact details on the wall location shall be agreed upon with the Planning Authority prior to construction commencing. The wall should be a minimum of 2 meters from the existing and the proposed kerbside edges.
- C.17** The existing entrance should be converted to a pedestrian entrance and suitable measures deployed to prevent car access. Details to be agreed with the Planning Authority prior to commencement of development.
- C.18** Proposed entrance and sightline upgrades are to be undertaken as Phase 1 of the project to ensure safe access/egress is available for construction vehicles. The applicant/developer shall appoint and retain the services of a qualified arborist for the entire period of construction.
- C. 20** Tree bond requirements.
- C.21** All tree work shall be undertaken outside the bird season (1st of March - 31st of August).
- C.22** Tree protection measures.
- C.23** Prior to the commencement of development, the Applicant shall submit for the written agreement with the Planning Authority full details of the proposed paladin boundary fence.
- C.24** Drainage and storm water connection requirements.
- C. 25** Storm water drainage infrastructure requirements.
- C.26** Submit details of the proposed AquaCell attenuation tank design and specifications for the written agreement of the Planning Authority prior to commencement of development.
- C.27** Construction waste and asbestos disposal requirements.
- C.28** Noise level and hours of construction requirements.
- C.31** Tree felling and clearing requirements.



**C.33** The light trespass into windows of houses shall be limited to a maximum of 10 Ev (vertical luminance in lux) before 11:00 PM and 2 EV after 11 PM.

**C.34** Section 47 Agreement requirements.

**C.36** Development Contributions required.

## 3.2. Planning Authority Reports

### 3.2.1. First Report (21/06/2021)

#### 3.2.1.1. Principle of Development

- The site is zoned as ZU 3, which falls under the "Existing Built-Up Area" category, making the proposed nursing home and independent living units acceptable in principle according to the zoning regulations.
- The lands are designated as an area of "High Landscape Value" and are considered to be an important aspect of the surrounding area.
- The landscape type of the site is identified in the Development Plan as "City Harbour and Estuary," which is considered to be of very high landscape value, very high sensitivity, and an area of national importance.
- The site boasts a rich biodiversity, despite some tree felling that has taken place in the south-eastern section. Many trees and distinctive hedgerows are still present on the property.
- The northern and eastern boundaries of the site remain largely untouched, as do the planting at the site entrance and along the avenue leading to the existing house, which adds to the preservation of the site's natural beauty.
- The site offers significant views from the house across the estuary to the north, which is an added aesthetic benefit.
- The site is clearly visible from locations such as Bessboro and Mahon, making it an important aspect of the local landscape.

#### 3.2.1.2. Site Layout

- The proposed 100-bed nursing home is situated in the lower/northern section of the site, providing a convenient location for residents and staff.
- The primary access to the nursing home is located on its western elevation, providing easy accessibility for residents, staff, and visitors.
- Vehicular access runs along the northern boundary of the nursing home building, providing additional on-street parallel parking and access to apartment blocks A and B.
- A small car park is proposed at the western end of the site, adjacent to the site entrance off Clarke's Hill and adjacent to a recently built two-storey property off Clarke's Hill, ensuring ample parking for residents, staff, and visitors.
- Parking is also proposed adjacent to the proposed nursing home's western elevation/main entrance for the convenience of residents and visitors.
- The service area for the nursing home building is located at its eastern end, providing easy access for staff and maintenance.
- The extent of the site coverage is excessive, given the site's landscape sensitivities, the proposed building's proximity to existing residential properties adjacent to the northern site boundary, and the site's steep slope.
- A 10-meter landscape buffer zone should be provided along the full extent of the northern boundary. This would allow for the protection of the existing trees and hedgerows along this boundary and additional planting/replanting.
- This would require a redesign of the proposed nursing home building and the access road along the northern boundary and possibly a further setting back of Apartment Blocks A and B, ensuring that the proposed development does not negatively impact the surrounding landscape.

### 3.2.1.3. Scale, Mass, Design and Visual Impact

- Subject to the setbacks outlined above, the proposed height of the nursing home would be considered acceptable.

- The living accommodation within the proposed nursing home is two storeys in nature, which would not result in an unacceptable level of overlooking of neighbouring properties located to the north, given the nature of the proposed use.
- The proposed three-storey apartment buildings are considered acceptable given the extent of the rear gardens of dwellings on Rochestown Road and the setback of approximately 100 meters.
- The site layout of the proposed two-storey independent living units in the south-eastern section of the site is considered acceptable. However, there are concerns regarding the proximity of dwelling Nos. 8 and 20 to adjacent residential dwellings and the lack of an adequate landscape buffer zone at this location.
- To address these concerns, it is recommended that dwellings Nos. 8 and 20 be omitted, and a landscape buffer is provided along the boundary between Charlemont Heights and the proposed development to ensure that the development does not negatively impact the surrounding area.

#### 3.2.1.4. Landscape and Biodiversity Sensitivities of the Site:

- The area is rich in biodiversity as it has remained largely untouched for many years.
- Comments from the Senior Parks Officer report are noted, and its request for further information.
- Some rear gardens within the proposal do not comply with the minimum DoEHLG Standards for private open space.

#### 3.2.1.5. Traffic and Car Parking Provision:

- The Council's Traffic and Transport Section are satisfied with the proposed development apart from a request for details on public lighting.

#### 3.2.1.6. Road Design / Infrastructure:

- The Council's Infrastructure Section has advised that a Part 8 Junction/Road Improvement Scheme has been developed for the Clarke's Hill/ Rochestown Road junction.
- Further information requested by the Road Design Engineer.

### 3.2.1.7. Part V Housing

- The proposal is acceptable to the Housing Section subject to a Part V agreement being entered into prior to the commencement of development.

### 3.2.2. **Further information was requested on the 21/06/2021 requiring the following:**

1. A revised proposal providing 10m landscape setbacks from the northern boundary.
2. A Tree Survey Site Plan showing all existing trees and hedgerows in relation to the proposed development.
3. A Landscape Report providing a full site analysis and assessment of the impact of the proposed development on existing shared hedgerows in the short, medium and long term.
4. A review of the Tree Survey in the context of site boundaries and statements by third parties.
5. The omission of houses nos. 8 and 20 and the provision of an additional landscape buffer along the eastern boundary adjoining Charlemont Heights. Details to be submitted should provide proposals for landscape screening and reinforcing the trees along the northern and eastern boundaries.
6. Provisions for the repair/reinstatement of the stone boundary wall along the south-eastern boundary in the area of Charlemont Heights.
7. Provide minimum standard adequate private amenity space for the proposed dwellings and a minimum garden depth of 7m for house Nos. 15-20 inclusive.
8. A revised site layout plan providing a 10m setback from the western boundary, re. house Nos. 11-14 inclusive.
9. Provide details regarding the security/management of the pedestrian access for the proposed development. The Planning Authority is of the opinion that the entrance should be gated. In addition, there should be security control, a maintenance contract, and no access between the hours of 10:00 PM and 7:00 AM.
10. Revised drawings of the proposed vehicular access junction showing the provision of dropped kerbs and tactile paving appropriate to the controlled crossing to align

with the desire lines, in order to reduce crossing distances for pedestrians, particularly those with mobility impairments.

11. Provide and demonstrate appropriate designated crossing and wayfinding within the car parking areas for pedestrians accessing the development and from the proposed vehicular access junction.
12. Clarify and demonstrate tie-in details to the existing pedestrian network on Rochestown Road from the proposed development's pedestrian-only access. The access should be clearly identifiable as a pedestrian route only. This could be achieved by narrowing the entrance to the development from Rochestown Road.
13. The NTA has recently requested a 2m wide uphill cycle lane to be considered as part of the infrastructure improvement schemes for Clarke's Hill. The Applicant is requested to liaise with the Infrastructure Section of the Council to discuss the alignment of the proposed development with the proposed road widening for Clarke's Hill and the provision of a proposed uphill cycle lane.
14. Submit Land Registry details confirming the ownership of the northern boundary and correction of anomalies in the documentation submitted.
15. Submit an asbestos report regarding the demolition of the existing house.
16. Submit details regarding waste management for the proposed development/
17. Submit a legally binding agreement/covenant, undertaking that the proposed development of 'independent living units' will
  - a) be used solely for accommodation for elderly people,
  - b) that the development will be ancillary to the use of the nursing home as a health care facility and,
  - c) that the residential units will not be sold separately in the future.
18. Submit a Noise Impact Assessment.
19. The proposed 1.5m high fence in various locations shall be replaced with a 2m high fence.
20. Submit a public lighting design and liaise with the Council regarding the agreement of the design.

21. Submit a detailed lighting design which addresses the concerns of third-party observers.
22. Provide details of the proposed ESB substation, including its location, size and noise levels.

### 3.2.3. **Second Report (06/10/2021)**

- Significant Further Information was received.
- The location of the proposed nursing home and apartment blocks has been moved further south on the site to increase the separation distance from the northern boundary.
- A 10m landscape buffer zone has been provided, but the positioning of car parking in this zone reduces the buffer zone to 7.5m to 8m in these areas. The Planning Authority requests clarification to ensure a continuous 10m buffer zone is maintained along the northern boundary.
- The Planning Authority is concerned about the impact of the proposed development on the privacy of the adjacent dwelling to the north, due to its relocation to a higher section of the site.
- Detailed landscape and boundary treatment plans have been submitted, but full details of the northern boundary treatment, including proposed tree and hedge heights, are requested.
- The Senior Parks and Landscape Officer of the Parks and Recreation Section has raised concerns about discrepancies between the Arborist Report and Landscape Plan regarding tree retention. Clarification is requested to ascertain which trees will be retained.
- The existing stone boundary wall along the south-eastern boundary in the Charlemont Heights area should be retained and repaired, with a 1.5m buffer zone to protect the existing flora.
- The revised site layout plan indicates that a minimum garden depth of 7m would be provided for certain units, but clarification is requested regarding private amenity space for all units to ensure compliance with standards.

- The revised site layout plan shows a distance of over 11m between certain units from the western boundary, but measurements for the distance between another unit and the western boundary are not provided. Clarification is requested.
- The revised site layout includes a controlled security gate at the pedestrian entrance, with access restricted during certain hours. The road widening and cycle lane proposed by the applicant is acceptable to the Urban Roads and Street Design Section.
- The Applicant has submitted details of their legal interest in the site. Section 34(13) of the Planning and Development Act 2000 (as amended) applies.
- The Asbestos Survey Report, Waste Management Plan, and Noise Impact Assessment submitted are acceptable.
- The boundary treatment plan, public lighting design and Section 47 agreement submitted are also acceptable.

**3.2.4. Clarification of Further Information was requested on the 07/10/2021 requiring the following:**

1. A revised proposal addressing car parking within the buffer zone along the site's northern boundary. Details should include the proposed boundary treatment along the northern boundary, including trees to be retained/proposed and their proposed maintenance heights.
2. Clarify discrepancies between the Arborist Report and the Landscape Plan submitted regarding trees to be retained. Details to be submitted should include a tree protection plan and tree impact assessment clarifying trees proposed to be removed/retained.
3. Provision of adequate private amenity space for all dwellings in accordance with the standards required.
4. Provide a setback of 10m between Unit 13 and the western boundary and reposition the dwelling unit if required.

### 3.2.5. **Third Report (07/12/2021)**

- The revised drawings and landscape plan submitted detail a continuous landscape buffer of 10m along the northern boundary with any car-parking outside of this buffer zone. This is acceptable.
- The landscape and planting plan for the northern boundary is acceptable.
- The revised Landscape Masterplan submitted is acceptable.
- The private amenity space for all dwellings now meets the required standards.
- The revised site layout plan submitted shows a setback of 10m between all units and the western boundary of the site. This is acceptable.

### 3.3. **Other Technical Reports**

**Environment Department - Final Report:** No objection subject to a condition requiring that details of the proposed paladin fence be submitted for approval.

**Transport and Mobility Section - Final Report:** No objection subject to Conditions.

**Infrastructure:** No objection subject to Conditions.

**Urban Roads and Street Design Section – Final Report:** No objection subject to Conditions.

**Area Engineer report:** No objection subject to Conditions.

**Drainage Report:** No objection subject to Conditions.

**Tree Officer Report:** No objection subject to Conditions.

**Development Contributions Report:** No objection subject to condition requiring a development contribution of €488,614.42.

**Housing Report:** No objection subject to standard Condition.

### 3.4. **Prescribed Bodies**

**Transport Infrastructure Ireland:** No objection subject to Conditions.

**Inland Fisheries Ireland:** The Report requests that Irish Water signify that the capacity of the public sewer is sufficient so as not to overload hydraulically or



organically existing treatment facilities or result in the discharge of polluting materials into waterways.

## 4.0 Planning History

There is no recent planning history on the subject site.

## 5.0 Policy and Context

### 5.1. Development Plan

**Cork City Council Development Plan 2022-2028** is the statutory plan for the area. The following provisions are considered relevant:

**Zoning:** The site is zoned 'ZO 01, Sustainable Residential Neighbourhoods' with the objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. (Map 14 and Section 12.24).

**Roads Objective** There is a Roads Objective along part of the Rochestown Road to provide for: the 'M28 Cork to Ringaskiddy Project ITM 280921'.

Relevant Provisions of the Cork City Council Development Plan 2022-2028 are referenced as follows;

Section 3.22 Residential Density

Section 3.27 Delivering a Good Mix of Housing

Section 3.47 Specialist Housing Provision

Objective 3.3 New Housing Supply

Objective 3.4 Compact Growth

Objective 3.5 Residential Density

Objective 3.6 Housing Mix

Objective 3.10 Housing and Community for Older People

Objective 3.11 Housing for Older People (Age Friendly Housing)

Chapter 4 Table 4.6: Car Parking Zones. The Appeal site is located in Zone 3.

Objective 4.5 Permeability

Chapter 5 Table 5.1: Policy objectives that play a key role in mitigating and adapting to climate change.

Section 6.19 Landscape Preservation Zones

Table 6.5: Landscape Preservation Zone Landscape Assets Categories.

Section 6.21 Areas of High Landscape Value

Table 6.13: Strategic Biodiversity Goals.

Table 6.14: EU and National Designated Sites.

Section 6.69 Trees and Woodlands

Objective 6.5 Trees & Urban Woodland

Objective 6.13 Areas of High Landscape Value

Objective 7.8 Mobility Management Plans

Chapter 11 Placemaking and Managing Development

Section 11.61 Residential Development

Section 11.66 New Residential Development

Section 11.69 Residential Density

Objective 11.3 Housing Quality and Standards

Section 11.108 Private Space for New Houses

Objective 11.5 Private Amenity Space for Houses

Objective 11.8 Older Persons and Specialist and Supported Living Accommodation

Section 11.171 Nursing Homes/ Housing for the Elderly

Section 11.237 Car Parking Zone 3

Table 11.13: Maximum Car Parking Standards.

Section 11.241 Disabled Car Parking

Section 11.242 Electric Vehicle Parking

Section 11.245 Bicycle Parking

Table 11.14: Bicycle Parking Requirements.

## Chapter 12 Land Use Zoning Objectives

### Section 12.24 Zoning Objective 1: Sustainable Community and Neighbourhood Development

#### 5.1.1. Relevant Studies pertaining to the site include the following:

Cork Landscape Study 2008

Cork City Urban Density and Building Height Study 2021

#### 5.2. **Relevant Government Policy / Guidelines**

National Planning Framework – Project Ireland 2040

Housing for All - A New Housing Plan for Ireland

Southern Region Spatial and Economic Strategy (RSES)

Development Management, Guidelines for Planning Authorities (2007)

Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and accompanying Urban Design Manual: A Best Practice Guide (2009).

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)

Urban Design Manual - A Best Practice Guide (2009)

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011).

Urban Development and Building Height Guidelines for Planning Authorities (2020).

Design Manual for Urban Roads and Streets (2019).

Traffic and Transport Assessment Guidelines (2014)

## 6.0 **Natural Heritage Designations**

#### 6.1.1. The nearest Natura 2000 European Site to the appeal site is Cork Harbour SPA (Site Code: 004030), c. 250m north of the site.

## 7.0 EIA Screening

7.1.1. The proposed development falls within the category of 'Infrastructural Projects', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

*10(b) (i) Construction of more than 500 dwelling units.*

*(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*

7.1.2. The proposal is for the construction of a 100 no. bed-space nursing home and 44 no. independent living housing units, on a stated site area of 2.97 Ha. The proposed development falls below the above-outlined development thresholds, and mandatory EIA is therefore not required.

7.1.3. In the case of sub-threshold development, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

7.1.4. No EIA Screening Report was provided as part of the application. In this instance, where the subject site comprises residential zoned lands in the suburbs of Cork City and where the site is not located in or immediately adjacent to any environmentally designated sites, I consider the development would not be likely to have significant effects on the environment. An environmental impact assessment report for the proposed development is, therefore, not required.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

8.1.1. Third-party appeals against the decision of the Planning Authority were received from the following;

- Coakley O'Neill Planning Ltd. on behalf of Ms. Helen Harrington, Riverdale, The Close, Rochestown Road, Cork.

- TPlan Planning Consultants on behalf of Eric and Ann Waterman, Loughmahon View, The Close, Rochestown Road, Cork.
- Kate O'Byrne, Andrew Keane & Family, Iniscleire, The Close, Rochestown Road, Cork.
- McCormick Consulting Engineers on behalf of Sylvester Cotter, Hill House, Clarke's Hill, Rochestown, Cork.

8.1.2. The grounds of appeal of the Appellants are summarised under the headings below accordingly.

#### 8.1.2.1. Layout

- The proposed development of the site is excessive and would result in significant cut and fill work.
- The proposed buildings in Rochestown Ridge would have a detrimental impact on the area's landscape and visual appeal, particularly in an area designated as high in landscape value.
- The proposal would negatively impact the potential future development of Hill House.
- The "independent living units" should be evaluated as standard residential uses.
- The proposed accommodation must meet all necessary standards.
- The proposed housing density sets an undesirable precedent for future development in the area.
- Despite previous clearance work, the site has important landscape and biodiversity value.
- The proposed 10-metre buffer zone along the northern boundary is insufficient to protect the landscape and wildlife in the area.
- The proposed buildings along the northern boundary are not in line with the character of the area and would have an excessively negative impact on existing residential properties in the area.

- The redesign of the proposal by the Planning Authority does not adequately address these issues.
- There is a risk that the northern boundary will be removed during construction, damaging existing trees that protect residential amenities.
- If planning permission is granted, the Board should consider reducing the size and extent of the proposed buildings and moving them further from the northern boundary.

#### 8.1.2.2. Design and Visual Impact

- The proposed development calls for significant excavation and the provision of an underground storage tank, which should be minimized and better integrated into the site.
- The proposed 3-storey nursing home with an area of 6,372 sq.m. will be substantially larger than existing buildings in the area and will present a significant and imposing elevation to properties along the northern boundary.
- The parapet height of the nursing home has been increased from the original submission by the applicant, which should be taken into consideration.

#### 8.1.2.3. Overlooking

- The proposed independent living accommodation consists of apartments for residents over 55, who are likely to be active and mobile, and should therefore be evaluated similarly to any standard residential development in terms of potential overlooking and light intrusion.
- The revised plans have raised the parapet height of proposed apartment buildings A and B by 2.4 meters, which may increase overshadowing and overlooking.
- The Planning Report notes that repositioning the proposed nursing home to a higher section of the site may impact the privacy of nearby houses to the north.
- A site section drawing should have been submitted showing the closest neighbouring dwelling, 'Iniscleire,' The Close, along the northern boundary, which has none of the existing mature trees shown in Fig. 1.

- The proposed nursing home would be located 27.5 meters from the back door of 'Iniscleire,' The Close and would tower over and look directly into the habitable rooms, adversely impacting the privacy of this dwelling.
- Although the nursing home complex has been relocated slightly further up the hill, it will now be situated at a higher elevation, exacerbating concerns about privacy intrusions.
- There are no existing trees to provide screening to 'Iniscleire,' The Close and the proposed mesh fence and hedge would not be sufficient screening measures.
- The proposed trees along the northern boundary would not be tall or dense enough to prevent significant, unobstructed, and direct overlooking of 'Iniscleire,' The Close.
- The tree species listed under landscape planting information are all deciduous trees and would not serve their screening purpose for a large part of the year.
- The height of the new trees is unclear from the planning documents, but the height of 4.5 meters depicted in the landscape planting information document would not provide adequate screening for the two-story dwelling, 'Iniscleire,' The Close.
- Property numbers 13 to 17 would result in overlooking of neighbouring dwelling Hill House and should be omitted in favour of a more suitable layout.

#### 8.1.2.4. Daylight and Sunlight

- The proposed 3-storey structure will be built directly south of Loughmahon View, resulting in a loss of sunlight to the property.
- The height and elevation of the proposal would significantly impact the amount of sunlight entering the garden of 'Iniscleire,' The Close, during the winter months, making it less usable as an outdoor space.
- The proposal would also affect the amount of light reaching the habitable rooms at the rear of 'Iniscleire,' The Close.
- Several of the proposed houses along the Hill House boundary will lose direct sunlight and experience daylight interference due to the height and proximity of the trees.

#### 8.1.2.5. Trees

- The proposal would involve the loss of trees and hedgerows, which are high-value habitats.
- The Tree Survey lacks detail about the spread of tree crowns.
- Trees along the shared boundary with Hill House overhang the property by up to 10 meters, causing a nuisance and significant loss of land use.
- These trees will likely become dangerous in the future and need to be removed, with no obligation for the developer to mitigate the loss.
- Several of the proposed houses will lose direct sunlight and experience daylight interference due to the height and proximity of these trees.
- The Conditions imposed by the Council regarding tree works and protection are based on inaccurate information.
- The leylandii tree is non-native to Ireland and has little merit in terms of landscaping. If the Council had been aware of these issues, they may have considered the retention of the trees differently and required the developer to mitigate their loss. Should the development proceed, it is requested that this approach be appropriately conditioned.

#### 8.1.2.6. Traffic

- The limited capacity of Clarke's Hill Road and its services should be considered before approval is granted for the proposed development; it may be necessary to look into the redevelopment of Clarke's Hill Road first.
- The development's predicted traffic movement figures of 218 per day appear to be very conservative.
- In 2015, residents near a 35-bed nursing home in Burley, Hampshire, in England, measured actual movement versus predicted movement. They counted 113 movements as opposed to the predicted 77.
- An Appellant estimates that the proposed nursing home would generate 274 traffic movements per day, which does not include movements associated with the apartment building or housing units, which will only increase this figure.



- Clarke's Hill infrastructure is under pressure and unable to support the increased traffic volume, even before the proposed Part 8 upgrade works, which did not include consideration of the proposed development.

#### 8.1.2.7. Drainage / Infrastructure

- It is unclear whether Irish Water has confirmed adequate capacity or when it will be available.

#### 8.1.2.8. Connectivity

- The pedestrian access to the site from Rochestown Road is not on level ground and will require a certain level of fitness by the occupants of the nursing home.
- The existing Douglas/City-bound bus stop to the east is approximately 372 meters from the nearest dwelling and has only a partial footpath obstructed by a road's hard shoulder and parked vehicles, making it difficult for pedestrians to access.
- There are no proposed or existing pedestrian crossings across the heavily trafficked Rochestown Rd R610 to provide access to Monkstown-bound bus stops, making it difficult for occupants of the nursing home to access public transportation.

#### 8.1.2.9. Ecology

- The site is located in an area designated as being of high landscape value of national importance.
- The Council's Senior Parks Officer has requested additional information, including a tree survey site map depicting all existing trees and hedgerows in relation to the proposed development, as well as a landscape report containing a full site analysis and an assessment of the impact of the proposed development on existing shared hedgerows in the short, medium, and long term.
- Every year, Shelducks nest in the field and the copse to the rear of the house regularly houses Jays (birds), indicating the importance of the site for wildlife.

- The Bat Survey was conducted on a single day and the presence of a bat colony cannot be ruled out, further investigations should have been conducted to determine the presence of bat colonies in the area.

#### 8.1.2.10. Viability

- According to the report submitted with the application, the Aparee organisation was founded in 2019, and while senior management has experience in nursing homes, this appears to be the company's first entirely purpose-built facility.
- The proposed development will be costly to build and operate at a much higher capacity than their existing nursing homes in Cork.
- There are concerns regarding the viability of the proposed development, as the company's lack of experience in building and operating large-scale facilities may make it difficult to sustain the proposed development in the long term.

#### 8.1.2.11. EIA Screening reports

- The reference for BoCCI (Birds of Conservation Concern in Ireland) in Section 2.2.5 of the EIA is outdated and should be updated to reflect the revised version that was released in 2021 to ensure the assessment is accurate and up to date.
- Section 3.2.2 of the EIA states that there will be no impact on the Douglas River Estuary NHA, but there is a lack of explanation or justification for this conclusion. It is recommended that the EIA includes a detailed analysis and explanation on how this conclusion was reached to ensure transparency and credibility.
- The screening out of Woodland for further assessment under Section 3.3.8 of the EIA is not adequately explained, and it is unclear why this decision was made. To ensure proper tree protection measures are implemented, a thorough tree survey should be conducted to gather information on the mature/semi-mature status of the trees and other relevant details.
- The EIA screening does not include a summer bat survey or any recommendations for one, despite the potential for roosting, foraging, and commuting habitats. To effectively mitigate the impact on bats, lighting mitigation measures should be

detailed and specific to the site and take into account a worst-case scenario approach without the need of a bat survey.

#### 8.1.2.12. AA Screening Report

- While the site is relatively far from any watercourses, it is on a slope, and drainage will flow north towards the Douglas River estuary and Cork Harbour SPA, which is a protected area. The EIA should consider the potential impact of surface water runoff on the protected area during construction and operation.
- The Rochestown stream flows 380 meters west of the site and connects to the estuary of the Douglas river, which is a part of the Cork Harbour SPA. The EIA report does not contain specific details about proposed surface water plans, so it is not possible to rule out a potential hydrological connection to the Cork Harbour SPA.
- Section 2.4 of the EIA report includes mitigation measures that will be implemented during construction, but it is unclear whether these measures were considered during the AA screening process that led to the conclusion that there will be no significant impact on the protected area.
- The EIA report does not provide information on the potential impact of wastewater discharges from the site on the conservation objectives of the Cork Harbour SPA.
- The AA screening process did not consider all potential pathways, such as surface water and wastewater discharges, which means that cumulative (in-combination) effects cannot be ruled out. Therefore, the EIA should consider these potential pathways and the potential cumulative effects on the Cork Harbour SPA.

#### 8.1.2.13. Noise

- The accuracy of the Noise Impact Assessment Report submitted is questionable, particularly regarding Measurement Location 2, which is said to be near the referenced L6887 dwellings to the north. However, this location is elevated within the northern site boundary in comparison to the rear of the dwellings on Rochestown Road, which is at a lower elevation than the application site. This could lead to an underestimation of the noise impacts on the dwelling.

- Loughmahon View is well screened from Rochestown Road and Clarke's Hill by residential development on Rochestown Road and established tree cover on Clarke's Hill. This means it benefits from some noise absorption provided by its secluded surroundings. There are concerns that the noise measurements do not accurately represent the current noise levels at Loughmahon View.
- The Noise Impact Assessment Report states that the anticipated noise impacts of the referenced L6687 homes would be caused by plant room equipment and heat pumps. However, there is no mention of the traffic and/or roller shutter doors depicted in the drawings, nor of the pumping system associated with the water storage tank or the ESB substation. These sources of noise should be considered in the report.
- The loss of tree cover at the rear of Loughmahon House and the potential impact on the existing trees on the boundary will not be compensated for by the proposed new planting of deciduous wild cherry trees. These trees will provide no wintertime screening from the proposed development.
- The proposed commercial development is less than 30 meters from Loughmahon House and includes a significant number of noise-generating components, such as air conditioning units, lift motors, garage doors, kitchen vents, stacks, and motors. It also includes a proposed substantial storm water chamber and pump system close to the residence.
- Between the rear boundary of Loughmahon House and the main structures, there will be vehicular traffic along the proposed roadway, including vehicles of residents, visitors, and service personnel. The road would be part of commercial development and would have to be lit 24 hours a day to commercial vehicle standards. This could generate significant noise levels that should be considered in the report.

## 8.2. Applicant Response

8.2.1. The response received from McCutcheon Halley Planning Consultants, representing the Applicant, is addressed under the headings below;

### 8.2.1.1. Privacy / Overlooking

- The proposed design and repositioning of the nursing home will result in slightly taller buildings than the original plans.
- Great care was taken to minimise impacts on adjacent properties while allowing for sustainable urban infill development.
- During the process of submitting documentation to the Planning Authority to address Cork City Council's requests for further information and clarification, the Applicant provided several revisions, including an additional setback, a reduction of independent living units, and contextual elevational drawings to illustrate the proposed development's relationship with nearby amenities.
- The revisions ensure the development respects existing landscaping and mature trees and reduce the potential impact on neighbouring properties.
- The nearest house (Appellant Kate O'Byrne at Iniscleire, The Close) would be approximately 27.4m from the proposed nursing home building.
- As part of the development, it is proposed to retain the majority of trees along the northern boundary and supplement additional trees as outlined in the Landscape Drawing (Dwg No. LA-CFI-01).
- According to the Council's Senior Parks and Landscape Officer, the revised Landscape Master Plan and proposed northern boundary treatment are satisfactory.
- The proposed development's additional setback and the existing and proposed trees on the northern boundary would screen views into the rear of properties, and the proposed separation distances would prevent overlooking.
- Significant consideration was given to the adjacent residential properties during the development of the scheme, as evidenced by the large number of additional trees proposed in the area closest to the adjacent residential properties.
- The proposed residential units comply with standards for both apartments and dwellings, as well as incorporating additional accessibility features, such as provisions for future lifts in house types A and Am.

- Residents' needs for amenity and community space are met by providing a communal room in Block A's basement, next to an open plaza and an amenity walk with seating areas.
- The proposed apartment Block A and Block B have a 100-meter setback due to the large rear gardens of houses fronting onto Rochestown Rd.
- The Applicant omitted 3 no. independent living units as part of the further information response to the Council. This provided an increased setback between the proposed development and existing boundaries.
- The revised layout ensures that all independent living units comply with the minimum development standards for private open space.
- The revised layout allows for the provision of a landscaping buffer and the retention of existing trees between Claremont Heights and the proposed independent living units.
- The proposed nursing home and independent living units provide a housing choice with adequate amenities for nursing home residents and private amenity space for independent living unit residents.
- The scheme is purpose designed and designated for older people to live independently.
- The Appellants have provided visuals to outline the potential impact of the proposed development. However, they fail to give an accurate representation and exclude the proposed boundary treatment along the existing boundary.
- As part of this response, the Applicant has provided accurate CGIs prepared by GNET3d.
- The CGI visuals provide more information about the tree species and their size when planted.
- The CGI visuals depict the proposed development accurately and do not minimise the visual impact from viewpoints.
- The proposed landscaping along the northern boundary consists of native hedging and a mix of deciduous trees to ensure a biodiverse landscape boundary.

- The CGIs illustrate the proposed development would not result in overlooking neighbouring properties.
- If the Board wishes to provide more evergreen landscaping along the boundary, the Applicant is willing to propose a mix of ligustrum hedges and betula pubescens trees within this area.

#### 8.2.1.2. Sunlight

- The appeal submission includes a sunlight, daylight and shadow assessment impact on neighbours, included in Appendix B of the submission.
- It is acknowledged that by virtue of its location, the subject site occupies an elevated position higher than the residential properties located to the north of the site.
- The sunlight, daylight and shadow assessment report concluded that all tested neighbouring amenity spaces passed the BRE requirements relating to the area receiving two hours of sunlight on the 21<sup>st</sup> of March.
- As a result of further information and clarification requested from Cork City Council, the development was revised to increase the setback from the site's northern boundary.
- Due to the site's topography, the revised plans resulted in the proposed building being slightly higher than the original design, with modest changes to the nursing home design being provided to reflect the repositioning of the building.
- An updated sunlight and shadow assessment was submitted with the appeal response to ensure no impact on neighbours.
- The proposed amended development was reviewed for its impact on neighbouring windows in terms of daylight, sunlight, and shadow.
- The Report outlines the development has been successfully designed to minimise the impact on existing buildings.
- The Report has been prepared by a competent person specialising in sunlight, daylight and overshadowing analysis.

- The 3D model was modelled from survey information and drawings provided in plans, elevation and section formats.
- The proposed model was geo-referenced to its current location, and an accurate solar daylight system was provided.
- The Report's findings confirm that the proposed development complies with the BRE guidelines in maintaining daylight availability and annual and winter sunlight availability for neighbouring properties.
- The proposed development complies with the BRE guidelines in terms of shadow/sunlight in gardens and open spaces.
- The Report provides a shadow plot analysis for specific days (March/September equinoxes and December and June solstices), which illustrates the shadow impact is minimal.
- Some of the existing vegetation on the northern boundary is taller than the proposed development. It would, therefore, not create any additional overshadowing to the adjoining sites, which is currently being experienced by the existing vegetation on site.
- As demonstrated within the shadow analysis, the proposed development granted by Cork City Council has minimal impact on adjoining properties.
- As stated in the Sunlight Report, the design adheres to the criteria outlined in the BRE guide. The layout has also included specific design measures to minimise the possibility of overlooking adjacent residential properties.
- These measures include a further setback to the northern, southwestern, and southeastern boundaries and a revised boundary treatment along the northern boundary to ensure as many trees as possible are retained while also proposing an additional 40 trees within this area.
- The development proposes landscaping and landscaping buffers within all existing boundaries to strengthen the boundary treatment.



### 8.2.1.3. Landscaping/ Biodiversity

- The Applicant acknowledges that there was a discrepancy in the Tree Survey and that this was corrected, submitted and assessed by Cork City Council prior to their decision to grant permission.
- As a result of further information and clarification requests from the Council, the development was revised to increase the setback of the proposed development from the northern boundary of the site. This was to facilitate a landscape buffer between the proposed development and the adjoining residential properties.
- Boundary treatment along the northern boundary was discussed with Cork City Council.
- The revised landscaping plan proposes to retain several existing trees and proposes 40 new trees and native hedging along the northern boundary.
- The submitted Tree Survey Report was updated to align with the proposed landscaping and tree survey plans regarding the retention of trees.
- Any trees to be removed were outlined further in the Tree Survey. This survey confirms there is no merit in retaining some of the existing trees on-site or if they need to be removed to facilitate the proposed development.
- The revised plans will result in an additional 40 new trees along the northern boundary.
- The layout submitted on the 10<sup>th</sup> November 2021 to Cork City Council provided a revised layout which illustrates a minimum setback of 10.065 meters along the entire extent of the northern boundary. In some areas, this has been increased further to 11.075 meters from the northern boundary.
- The revised layout provides a continuous landscape buffer along the northern boundary.
- The rationale sets out how the proposed Landscaping Master Plan responds sympathetically to the surrounding landscape.
- The revised Landscape Masterplan detailing the proposed treatment of the northern boundary was acceptable to the Council's Senior Parks Officer.

- The Planning Authority has conditioned the Applicant to appoint a qualified Arborist during the period of construction to monitor the trees and ensure they are adequately protected (Condition No. 19).
- An Appellant incorrectly states that an EIA was submitted.
- An Ecological Impact Assessment Report was submitted, which included a site walkover and the inspection involved searching for signs of bat presence and potential roosts. Roost features were evaluated using the criteria set out in the Bat Conservation Trust Guidelines.
- The Ecologist inspected the existing residential house externally and internally for potential roost features.
- Trees within the site were evaluated as being of negligible suitability to support roosting bats.
- While no mitigation measures are required in the EclA, it does recommend that best practices for exterior lighting design should seek to minimise glare and light spillage, which has been fully considered in the submitted lighting plan.

#### 8.2.1.4. Density and Scale

- The established urban grain in the immediate vicinity is two-storey residential houses.
- The development comprises a contemporary two-storey over a basement-level structure which nestles into the existing hillside where possible.
- An Appellant incorrectly states that the development is a 3-4 storey building.
- The ground level of the site and surrounding area increases in height in a north-to-south direction, and the form of the proposed development has been designed having regard to the topography of the site.
- The general proportions of the independent living units are similar to those of the adjacent dwellings, and the proposed development would be in keeping with the style of the surrounding area.

- There is a significant contour level difference across the site due to the topography. The site varies from 58m at the south-eastern corner to 27m at the northwestern corner of the site.
- Due to the topography of the sites, cut and fill will be required to facilitate the proposed development.
- The proposed scheme has been designed to minimise the amount of cut required while also addressing the setbacks needed and ensuring that the gradients of the roads and footpaths are within an acceptable level.
- A construction management plan was submitted, which ensures maximum recycling, reuse and recovery of waste from landfill occurs where possible.
- The proposed development acknowledges the existing pattern development in the surrounding area of Rochestown and will be well located within the area's urban fabric.
- The proposed development has been designed and is cognitive of the surrounding residential area.
- The proposal considers the needs of older people from a health, community and social inclusion perspective by providing age-friendly accommodation which supports independent living.
- Overall, the design of the nursing home development and independent living units respects the scale of adjacent development and leverages the site's topography.
- The density and scale of the proposed development are consistent with the principles of sustainable development, given the site's location within Cork City.
- Based on a site area of 2.97 Ha and a minimum density of 35 units per hectare, a typical residential scheme designed to today's minimum density requirements would result in c. 100 no. units on this site.
- The proposed development corresponds well with the prevailing character of the surrounding area while also proposing a design that respects the site's topography.

#### 8.2.1.5. Traffic and Services

- The Appellant's reference to the traffic movements of a nursing home in the UK is irrelevant.
- The traffic assessment undertaken by an Appellant is unfounded and bears no weight to the proposed development as it does not consider the existing environment of the site, nor does it follow the correct methodology as set out in the NRA Transport Assessment Guidelines.
- A comprehensive Traffic and Transportation Assessment, Mobility Management Plan and Road Safety Audit were undertaken by MHL Consulting Engineers, who are qualified and competent traffic engineers. These assessments were based on the proposed development of a 100-bed nursing home and 47 independent living units.
- At the request of the Planning Authority, the design was revised and now proposes a 100-bed nursing home and 44 independent living units, which will result in less traffic movements than forecasted initially as part of the original design.
- According to the Council's Senior Executive Engineer report, traffic movement at Junction 2 Rochestown Rd/Clarke's Hill junction is over capacity with or without the development in place, and the proposed development would contribute to a 0.5 to 0.7% increase with minimal impact on traffic. Furthermore, the Council's proposed update to the junction will increase its capacity.
- A Part 8 junction road improvement scheme has been developed for the Clarke's Hill/ Rochestown Rd junction, which is due to commence Q3 of 2022, subject to land acquisition and funding.
- Work will include widening the roadway to 6 meters, constructing 2 no. two-meter wide footpaths, signalling the intersection of Clarke's Hill and Rochestown Road and creating turning lanes from Rochestown Road to Clarke's Hill.
- The proposed development encourages sustainable travel modes and reduces traffic by extending the site's existing footpath infrastructure and connecting to Rochestown Road via an existing entrance. This will improve connectivity for cycle

and pedestrian travel modes and allow site users to use this sustainable mode of transportation safely.

- The proposed pedestrian access will be for pedestrian use only, allowing direct access to the site for staff and visitors.

#### 8.2.1.6. Ecology and Appropriate Assessment

- An EIA Screening Report was not submitted with the application.
- Cork City Council did not request an EIA Screening report.
- Appellants interpreted the Ecological Impact Assessment incorrectly as an EIA Screening report.
- The Ecological Impact Assessment was prepared by suitably qualified ecological consultants in accordance with the Chartered Institute of Ecology and Environmental Management: *Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland* (CIEEM 2018).
- The Ecological Impact Assessment included a site walkover survey and an assessment of potential impacts on habitats and species.
- Potential cumulative impacts were considered, and measures to mitigate any significant impacts were proposed where necessary.
- The boundary of Cork Harbour SPA is located c.250m north of the site. It is separated from the site by the R610 Rochestown Road and a row of residential houses with large gardens.
- A site visit was undertaken as part of the Ecological Impact Assessment on the 19<sup>th</sup> March 2021, and a habitat map was also prepared (Fig. 2 of the EclA).
- Water courses are drains that could provide hydrological connectivity to the Douglas River pNHA or the Rochestown Stream, which discharges to the Douglas River were identified.
- The proposed development will not result in any loss of habitat or direct impacts to the Cork Harbour SPA given the distance between the site and the SPA.

- Given the location of the site within an urban area, it is reasonable to assume that the development will connect to the existing services, including existing surface water and foul water sewers.
- Surface/stormwater will have to be managed within the site in accordance with the objectives of the Cork City Council Development Plan.
- It is not anticipated that the discharge of contaminated surface waters associated with the operation of the nursing home will have significant negative effects on Cork Harbour SPA.
- The AA Screening Report identifies that a summary of the construction phase activities and management of the construction waste includes measures to manage dust, waste, noise and potential discharge to surface waters.
- The AA Screening Report notes that during the construction phase, standard construction phase silt and petrochemical interception will be used on all runoff and pumped water from site works.
- These measures are standard and are not identified as mitigation measures nor are they relied on to protect the Cork Harbour SPA from potential significant impacts - referred to Heather Hill Management Company clg & Anvor v An Bord Pleanála & Anor (2019) IEHC 450 and 2019 20 JR.
- Given the nature of the development and the location within an urban environment, it is reasonable to assume the development will connect to the existing foul sewer and that foul water will be directed to and treated at the Carrigrennan wastewater treatment plant.
- As Cork Harbour SPA is designated for winter birds, it is unlikely that the additional load caused by the operation of the nursing home on the Carrigrennan wastewater treatment plant will have a significant negative impact on the Cork Harbour SPA's conservation objectives.
- All potential pathways that may connect the site to the Cork Harbour SPA were identified, the zone of influence was correctly assessed, and the assessment of potential cumulative impacts was correct.

- In the assessment of the potential impacts and effects of the proposed development on Cork Harbour SPA, the AA Screening Report states, "In addition, the habitats found on the development site are in a built-up urban environment, and there is no suitable grazing habitat, i.e., short, open, and relatively undisturbed grassland fields, likely to be used by these birds, within or immediately adjacent to the site."

#### 8.2.1.7. Noise

- The noise impact assessment was undertaken by a planning consultant as the Applicant was unable to source a noise expert during the time of the appeal.
- A noise impact assessment was provided outlining the likely impact of the development in terms of noise from plants such as air condition units, kitchen vents, pump stations and service traffic.
- According to the noise impact assessment, the site is located in an area with a relatively moderate ambient noise level due to its proximity to Rochestown Road to the north and the N28 to the west.
- Qualified professionals conducted the survey.
- Measurements were taken at each location on a 15-minute cyclical basis to ensure survey accuracy.
- It is fair and reasonable to conduct the noise measurements in the vicinity of the closest noise-sensitive locations.
- An Appellant incorrectly states there was no assessment of noise impact from the ESB substation.
- All primary building services plants are assessed under Section 5.1 of the Noise Impact Assessment.
- The Noise Impact Assessment noted two internal plant rooms exceeded the noise emissions. It was recommended to include mitigation measures to address noise generated from the proposed plant and ensure the degree of impact will be prevented at the source. These included acoustic louvres in the openings of the plant rooms to reduce the noise levels at the noise-sensitive receptors.

- The proposed development was revised to ensure acoustic louvres were provided and compliant with the recommendations of the noise impact assessment.
- Conditions in relation to noise from the premises have been applied by the planning authority as part of the grant permission that the Applicant welcomes.

#### 8.2.2. **Documentation submitted with an appeal includes;**

- Sunlight, Daylight and Shadow Assessment (Impact Neighbours).

### 8.3. **Planning Authority Response**

The Planning Authority confirms its decision to grant permission is consistent with the Cork City Council Development Plan and the proper planning and sustainable development of the area.

### 8.4. **Observations**

None

### 8.5. **Further Responses**

8.5.1. In response to the Applicant's submission, further responses were received from the following Appellants;

- McCormick Consulting Engineers on behalf of Sylvester Cotter, Hill House, Clarke's Hill, Rochestown, Cork.
- TPlan Planning Consultants on behalf of Eric Waterman and Ann Clarke, Loughmahon View, The Close, Rochestown Road, Cork.
- Kate O'Byrne, Andrew Keane & Family, Iniscleire, The Close, Rochestown Road, Cork.

8.5.2. Issues raised are summarised as follows;

- Sylvester Cotter of Hill House, Clarke's Hill does not object to the proposed nursing home.



- Concerns are expressed regarding privacy and the lack of a 22m separation distance provided, which the surrounding property adheres to.
- The Planning Authority is setting a precedent by reducing the general 11m separation distance between the rear of a property and its rear boundary to 7m.
- If the Council reverts to the standard 22-metre separation distance in the future when Hill House is developed, this will devalue the Hill House property to the Applicant's benefit.
- The Applicant fails to acknowledge that the independent living units are clustered into a corner of the site, less than 1 Ha in size.
- The area is zoned as a high-value landscape area, but a substantial portion of woodland was removed without consulting the Council.
- The initial tree survey provided was inadequate.
- The proposed landscaping demonstrated a considerable lack of consideration for the surrounding properties.
- The spread of the Leylandii trees along the boundary with Hill House was not detailed. These trees overhang the adjoining property and have been cut back on the side of the appeal site.
- The Leylandii trees have a limited lifespan and should be removed and replaced with an appropriate setback from the boundary.
- The proposed independent living units would be impacted by daylight and sunlight due to their proximity (10m) to the Leylandii trees.
- The development will block winter sunlight to the dwelling Loughmahon View, The Close.
- The light spill from the windows and lights will interfere with the residential amenity of Loughmahon View, The Close.
- The noise from the premises and traffic would interfere with the residential amenity of the surrounding area.
- Residents and staff of the proposed development will overlook the rear garden of Loughmahon View, The Close.

- The proposed development will adversely affect a bat colony.
- The proposal will result in overlooking the rear of Iniscleire, The Close.
- The skylight to habitable rooms in Iniscleire, The Close are close to the VSC minimum required ratio of 0.8.
- The back wall of Iniscleire, The Close would be overshadowed during winter months.
- The skylight value of Iniscleire's living room would be reduced to 0.75 times its current value. This would be contrary to BRE Guidelines, which state that if an existing room's skylight value reduces to 0.8 times its former value, the occupants will notice, and more of the room will appear poorly lit.
- The proposal would comprise serious overdevelopment of a site of this size, gradient and amenity.

## 9.0 Assessment

9.1.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority was satisfied that the proposed development accords with the policies and objectives of the Cork City Development Plan for the area. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. The main issues in this appeal are those raised in the grounds of appeal. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The main issues in this appeal are as follows;

- Layout, Design and Visual Impact,
- Overlooking,
- Daylight, Sunlight and Overshadowing,
- Impact on Trees and Biodiversity.
- Roads / Traffic Issues
- Connectivity

- Noise
- Appropriate Assessment

These issues are addressed below accordingly.

## 9.2. **Layout, Design and Visual Impact**

- 9.2.1. Submissions received object to the proposed development on the grounds that the proposal would adversely impact the landscape and visual amenities of the area, which is designated as an area of high landscape value. Submissions express concern that the proposal would require significant cut and fill in Rochestown Ridge, and the proposal's density would set an undesirable precedent for future development. The scale, extent, and proximity of the proposed buildings along the northern boundary are said to be inconsistent with the area's character and would adversely impact the amenities of existing residential properties. The nursing home, with an area of 6,372 sq.m., is seen as being substantially larger than existing buildings in the area and would present a significant and imposing elevation to properties along the northern boundary, with its parapet height having increased from the initial submission by the Applicant. It is suggested that the proposed "independent living units" should be treated as standard residential uses and meet all required standards. The redesign of the proposal, as requested by the Planning Authority, is said to not effectively address issues of concern, and there is a risk that the proposal would negatively impact the future development potential of Hill House. The proximity of the buildings and road infrastructure to existing trees along the northern boundary is also a concern, as there is a risk that the boundary could be removed during construction, impacting residential amenities.
- 9.2.2. The Applicant contests these grounds of appeal, as detailed in Section 6.2 above. In summary the Applicant states that the proposed nursing is a two-storey over basement level structure located in an area of two-storey residential houses. The Applicant asserts that the size of the independent living units is comparable to those of nearby homes and in line with the style of the surrounding area. The Applicant contends that the development is well located within the urban fabric of Rochestown, taking into consideration the existing pattern of development in the area. The Applicant considers the design of the nursing home and independent living units respects the scale of

nearby buildings while also utilising the topography of the site. The Applicant notes that an Appellant incorrectly claimed that the development is a 3-4 storey building.

9.2.3. Regarding cut and fill, the Applicant states that the site's topography, which increases from north to south, has been taken into account in the design of the proposed development. The Applicant notes a significant difference in contour level across the site, ranging from 58m at the southeast corner to 27m at the northwest corner, which requires cutting and filling for the proposed development. The Applicant states that the design aims to minimise excavations and ensure acceptable gradients for roads and footpaths. The Applicant details that a construction management plan has been submitted, which seeks to maximise the recycling, reuse, and recovery of waste. The Applicant asserts that the proposed development is consistent with the character of the surrounding area and respects the site's topography.

9.2.4. The Applicant states that the density and scale of the proposed development are consistent with principles of sustainable development, given its location in Cork City. The Applicant calculates that the site, which is 2.97 hectares in size, would typically support a residential development of at least 35 units per hectare, resulting in approximately 100 units.

9.2.5. Arising out of the above, I consider the main issues of concern are (i) the principle of the proposed development, (ii) density, (iii) impact on topography and landscape value and (iv) layout. These are addressed below accordingly.

#### 9.2.5.1. The principle of the proposed development

9.2.6. The site is zoned 'ZO 01, Sustainable Residential Neighbourhoods' with the objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. Section ZO 1.3 under Chapter 12 of the Development Plan states that primary uses in this zone include (inter alia) residential use. Given the residential nature of the proposed development, I consider the proposal acceptable in principle, subject to compliance with relevant policies, objective and standards in the Cork City Development Plan 2022-2028. The provision of 'independent living' dwelling units is consistent with Objective 3.10 of Cork City Council Development Plan, which seeks (inter alia) to actively meet the housing and community needs of older persons by supporting mainstream housing options for older people and persons with disabilities and promoting opportunities for right sizing

/downsizing by older people within their neighbourhoods to enable sustainable social networks and support to be maintained. The provision of a nursing home at this location is consistent with Section 11.171 of the Development Plan, which states that there is a continuing and growing need for nursing and elder care homes and that such facilities should be integrated, whenever possible, into the established residential areas of the city where residents can expect reasonable access to public transport and local services.

#### 9.2.6.1. Density:

9.2.7. The site has a stated area of 2.97 hectares, and the proposed development, as amended in response to further information requested by the Planning Authority, comprises the construction of a 100 no. bed space nursing home and 44 no. independent living units. The independent living units consist of 17 no. townhouse units and 27 no. apartments. Taking solely the number of independent living units into consideration, the proposed development has a density of c. 15 dwelling units per hectare. Taking into consideration the 100-bed space nursing home and the 44 no. dwelling units, the density of the proposed development is c. 48.5 units per hectare. Given the integrated nature of the nursing home, I am satisfied that the density of the proposed development complies with the Cork City Urban Density and Building Height Study, which seeks a target density range of 25-60 dwellings per hectare in outer suburban areas, as required under Section 2.53 of the Development Plan. On this basis, I do not consider the density of the proposed development excessive or that it comprises overdevelopment of the site, as submitted in objections received.

#### 9.2.7.1. Impact on Topography and Landscape Value

9.2.8. The proposed nursing home is a three-storey building with a flat roof and a parapet height of 10.8 meters, as viewed from the north. The two proposed apartment blocks are four storeys tall, with flat roofs and parapet heights of 13.8 meters, also as viewed from the north. The proposed independent living townhouses are two storeys tall as viewed from their front, with pitched roofs and overall ridge heights of 8.85 meters.

9.2.9. The site slopes from south to north, with the highest point at the southernmost corner at a ground level of c. 58.6m OD and the lowest point at the northwest corner at a

ground level of c. 27.5 m OD. The roadside entrance along Rochestown Road has a ground level of c. 13.5m OD.

9.2.10. The slope of the site through the middle of the proposed nursing home is moderately steep, dropping from c. 42m OD along the southern boundary to c. 28m OD along the northern boundary over a distance of approximately 85 meters. In order to create a level site for the nursing home, a maximum depth of 5.3 meters below the existing ground level will be required, with the depth decreasing in a northerly direction. The section drawings submitted to the Planning Authority show the existing ground levels and the excavations needed to create a split-level site for the nursing home, as well as the proposed roads and footpaths.

9.2.11. Similarly, the slope of the site through the middle of the proposed independent living units at the southern section of the site is moderately steep, dropping from c. 58m OD along the southern boundary to c. 46m OD along the road to the north of the existing house that will be demolished. In order to create a level site for the independent living units, infilling of land to a maximum height of approximately 4 meters will be required. The section drawings also show the existing ground levels and the excavations needed for the proposed Apartment Block B, with a maximum depth of 4.4 meters.

9.2.12. The elevation profile of Clarke's Hill rises from approximately 13.5m OD at the roadside entrance along Rochestown Road to c. 66m OD along Dewberry Road to the south. Notwithstanding the height of the proposed development and the need for excavations / cut and fill into the hillside, it is my view that the proposed development would not adversely impact the visual amenity of the surrounding area due to its location within the context of the surrounding buildings, the presence of existing trees and proposed tree planting along the northern boundary and throughout the site, and the fact that it will not break the skyline of Clarke's Hill. The site is not designated as an Area of High Landscape Value or a Landscape Preservation Zone according to Map 14 of the Cork City Council Development Plan 2022-2028.

#### 9.2.12.1. Layout

9.2.13. The proposal for the construction of a nursing home with 100 bedrooms, 27 apartments in two blocks (A and B), and 17 independent living townhouse units, as well as all associated site development works, has been designed with careful consideration of the layout and orientation of the buildings. The proposed structures

have been placed to align with the site's contours, with an east/northeast to west/southwest orientation, with the exception of the 5 no. B Type independent living townhouses at the southern section of the site, which have a northwest/southeast orientation.

- 9.2.14. The proposal includes new vehicular access to the site via a new T-junction onto Clarke's Hill Road, as well as the retention of the existing vehicular access as pedestrian-only access to the south. Pedestrian-only access is proposed via the existing access along Rochestown Road.
- 9.2.15. The layout of the proposal includes internal access roads serving the nursing home, apartment blocks and independent-living townhouses. An internal access road is provided along the southern boundary to serve the proposed independent living townhouse units, and another internal access road is provided parallel to the northern boundary to serve the proposed nursing home and two apartment blocks. A minimum setback of 10 meters is provided from the northern boundary, and car parking areas are located to the west of the nursing home, to the east of Apartment Block B, and along the northern side of the access road.
- 9.2.16. The proposal includes accessible footpaths connecting all buildings on the site and pedestrian access points into the site. The Design Statement submitted contains details on the gradient ratios of the footpaths, with most paths having a gentle slope (gradients < 1:20) and ramps and stairs designed to be steeper. Seating areas are provided along the southern internal access road and to the north of the independent living units Type B. The main entrance to the nursing home is located along its western elevation, and accessible bike storage is provided adjacent to the entrance. A service area, heat pumps, and communal bin stores are located between the nursing home and Apartment Block A, and a communal bin store and ESB substation are provided to the northern side of the terrace of townhouse Type B. Overall, it is my view that the proposed development has been designed with a well thought out layout that is well-suited to the needs of the various user groups and the site itself.

### 9.3. **Overlooking**

- 9.3.1. Several Appellants object to the proposed development on the grounds that the proposed development would result in overlooking and loss of privacy of the

neighbouring property. Concerns are raised that the proposed nursing home has been relocated slightly further up the hill in accordance with Cork City Council's requirements, but it will now be at a higher elevation, potentially further impacting the privacy of nearby homes. Additionally, the revised plans for the apartment buildings have increased their height, which could exacerbate these issues. It is submitted that the proposed mesh fence and hedge along the northern boundary would not provide sufficient screening for the dwelling 'Iniscleire', The Close, and the proposed new trees may not be tall enough to provide adequate screening. It is also stated that the tree species listed under landscape planting information are all deciduous trees, which would not serve their screening purpose for a large part of the year. Additionally, the layout of townhouse numbers 13 to 17 may result in overlooking the neighbouring dwelling Hill House.

- 9.3.2. The Applicant contests the grounds of appeal for the proposed development, as detailed in Section 6.2 above. In summary, the Applicant states that great care was taken to minimise impacts on adjacent properties and allow for sustainable urban infill development. The Applicant details how the proposed development was revised further to requests by the Planning Authority, including an additional setback, reduction of independent living units, and the provision of contextual elevational drawings. The Applicant states that these revisions ensure that the development respects existing landscaping and trees and reduces the potential impact on neighbouring properties. The Applicant notes that the nearest house to the proposed nursing home building would be approximately 27.4m away. The Applicant describes how the proposed development keeps most of the trees along the northern boundary and adds new trees, which was deemed satisfactory by the Council's Senior Parks and Landscape Officer. The Applicant asserts that the proposed development's additional setback and the existing and proposed trees on the northern boundary would screen views into the rear of properties and prevent overlooking. The Applicant notes that the proposed apartment blocks have a 100-meter setback due to the large rear gardens of houses fronting Rochestown Road. The Applicant details how the revised layout ensures that all independent living units comply with minimum development standards for private open space and provides a landscaping buffer and retention of existing trees between Claremont Heights and the proposed independent living units.



- 9.3.3. The Applicant states that the Appellants' visuals do not accurately represent the potential impact of the proposed development and exclude the proposed boundary treatment along the existing boundary. The Applicant states that the CGI visuals submitted with the appeal accurately depict the proposed development and do not minimise the visual impact from viewpoints. The Applicant notes that the proposed landscaping along the northern boundary includes native hedging and a mix of deciduous trees to ensure a biodiverse landscape boundary. The Applicant states that the CGI visuals illustrate that the proposed development would not result in overlooking neighbouring properties.
- 9.3.4. The proposed nursing home presents a three-storey elevation when viewed from the north, with a flat roof and parapet height of 10.8 meters. According to section drawings of the revised proposal, the ground level of the nursing home is approximately 30.5m OD. The nursing home has been amended in response to further information requested by the Planning Authority and would maintain a separation distance of approximately 27.46 meters between its northern elevation and the rear elevation of the nearest dwelling, "Iniscleire," which is located to the north of the site. "Iniscleire" is a two-storey dwelling with a ground level of c. 28m OD.
- 9.3.5. In response to the clarification of further information requested by the Planning Authority, the Applicant has submitted a landscape masterplan detailing the proposed measures to mitigate the potential impact of the nursing home on the amenity of "Iniscleire" and neighbouring properties along the northern boundary. These measures include the installation of a 2-meter high green paladin fence along the northern boundary, retaining existing boundary trees, and planting additional trees and native hedging to create a 'buffer zone' along the northern boundary. A minimum separation distance of 10 meters would be maintained between the proposed northern internal access road and the northern site boundary. The landscape masterplan also outlines the planting of additional trees along the entire length of the buffer zone, in addition to the retention of existing trees. The proposed tree planting includes sycamore, alder, hazel, beech, wild cherry, bird cherry, and oak (all deciduous). The proposed hedging includes hazel, hawthorn, holly, and blackthorn. I note that the proposed trees are expected to grow to the following heights: sycamore (*Acer pseudoplatanus*) 30-35 meters, alder (*Alnus glutinosa*) 20 meters, hazel (*Corylus avellana*) 10 meters, beech

(*Fagus sylvatica*) 25 meters, wild cherry (*Prunus avium*) 15 meters, bird cherry (*Prunus padus*) 10-15 meters, and oak (*Quercus robur*) 20-40 meters tall.

- 9.3.6. Based on the information submitted, it is my view that the proposed nursing home would not adversely impact the amenity of "Iniscleire" and neighbouring properties to either side by way of overlooking. The significant separation distance of 27.46 meters between the nursing home and the closest dwelling, "Iniscleire," as well as the proposed measures to further mitigate the impact of the nursing home, such as the installation of a green paladin fence and the planting of additional trees and hedges, would provide sufficient screening and prevent overlooking of the neighbouring dwellings along the northern boundary.
- 9.3.7. The proposed apartment blocks A and B will have a four-storey elevation when viewed from the north, with a flat roof and a parapet height of 10.8 meters. Apartment Block A will be located 18.8 meters from the northern boundary and approximately 98.6 meters from the closest neighbouring dwelling to the north. Similarly, Apartment Block B will be situated c. 21.1 meters from the northern boundary and c. 93.4 meters from the closest neighbouring dwelling to the north.
- 9.3.8. Considering the significant separation distance between the proposed apartment blocks and the nearest neighbouring dwellings to the north, as well as the proposed screening measures along the northern boundary (including the 2-meter high green paladin fence, retention of existing trees, and planting of additional trees and hedges), it is my view that the proposed apartment blocks will not negatively impact the residential amenity of the neighbouring dwellings to the north.
- 9.3.9. A separation distance of 24 meters will be maintained between the single-storey rear elevation of independent living townhouse unit No. 8 (Type B) and the closest neighbouring dwelling to the northeast. A separation distance of 21.8 meters will be maintained between the two-storey side elevation of independent living townhouse unit No. 17 and the rear elevation of the closest neighbouring dwelling to the northeast. The single-storey independent living townhouse unit No. 9 will maintain a separation distance of 57.8 meters from 'Hill House', located on adjoining lands to the southwest. The Landscape Masterplan details the provision of a 2m high green paladin fence along the eastern boundary, the retention of existing trees, and the planting of additional trees along the eastern and western boundaries adjacent to the proposed

independent living townhouse units. Based on the separation distances and the proposed screening measures (including the 2-meter high green paladin fence, retention of existing trees, and planting of additional trees), I am satisfied that the proposed independent living units would not adversely impact the residential amenity of neighbouring dwellings by way of overlooking.

- 9.3.10. In conclusion, it is my view that the proposed nursing home, apartment blocks, and independent living townhouse units will not impact the residential amenity of neighbouring properties by way of overlooking. The significant separation distances between the proposed buildings and the neighbouring dwellings, as well as the proposed screening measures along the boundaries, including the 2m high green paladin fencing, retention of existing trees and proposed tree planting, will provide sufficient protection against overlooking. Therefore, based on the information provided, it is my view that the proposed development will not negatively impact the residential amenity of neighbouring dwellings and should not be refused permission on these grounds.

#### 9.4. **Daylight, Sunlight and Overshadowing**

##### Daylight and Sunlight

- 9.4.1. Several submissions object to the proposed development on the grounds that it will cause overshadowing, loss of daylight, and loss of sunlight for neighbouring properties. It is claimed that several of the proposed townhouses will lose direct sunlight and have their daylight interrupted due to the height of trees and their proximity to the proposed dwellings. It is also alleged that the height of the proposed nursing home will significantly impact the sunlight entering the garden of "Iniscleire" and affect the light reaching the habitable rooms at the rear of the dwelling. A submission also raises concerns about the loss of sunlight to the dwelling "Loughmahon View," which is located along the northern boundary of the site.
- 9.4.2. The Applicant disputes these objections and cites the updated sunlight, daylight and shadow assessment Addendum 1 that was submitted with the appeal response. In summary, the applicant states that the report, which was prepared by a specialist in sunlight, daylight, and overshadowing analysis, found that the proposed development successfully minimises impact on existing buildings and complies with the BRE

guidelines for maintaining daylight availability and annual and winter sunlight availability for neighbouring properties. The Applicant describes how the report includes a shadow plot analysis that shows minimal shadow impact on specific days, and that some existing trees along the northern boundary are taller than the proposed development and will not create additional overshadowing. The Applicant also describes how the revised development includes measures such as further setbacks from the northern, southwestern, and south-eastern boundaries.

9.4.3. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing, and height of proposed developments should be carefully modulated in order to maximise access to natural daylight, ventilation, and views, and minimise overshadowing and loss of light. The guidelines state that "appropriate and reasonable regard" should be taken of quantitative performance approaches to daylight provision outlined in guides such as the BRE "Site Layout Planning for Daylight and Sunlight" (2nd edition) and BS 8206-2: 2008, "Lighting for Buildings – Part 2: Code of Practice for Daylighting." If a proposal is unable to fully meet all the requirements of the daylight provisions, this must be clearly identified, and a rationale for any alternative, compensatory design solutions must be provided. The planning authority or An Bord Pleanála should then apply their discretion in regard to these solutions, taking into account local factors such as specific site constraints and the balancing of this assessment against the desirability of achieving wider planning objectives, which may include comprehensive urban regeneration and effective urban design and streetscape solutions.

9.4.4. I have considered the Sunlight, Daylight and Shadow Assessment report that was submitted with the application, as well as the Addendum 1 Sunlight, Daylight and Shadow Assessment report that was submitted with the appeal. I have also had regard to BS 8206-2:2008 and BRE 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011). While I acknowledge the publication of the updated British Standard (BS EN 17037:2018 "Daylight in Buildings"), I consider that it does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Height Guidelines. I have conducted a site inspection and have taken into account the interface between the proposed development and its surroundings, as well as the

third-party appeals and observations that have raised concerns regarding daylight and sunlight.

9.4.5. The Building Research Establishment (BRE) guidelines recognise the importance of preserving daylight in surrounding buildings when designing new developments. As stated in Objective 11.4 of the Development Plan, a daylight and sunlight assessment should be conducted to evaluate the potential impact of the proposed development on nearby properties and amenity areas outside the site boundary.

9.4.6. According to the BRE guidelines, rooms in adjacent dwellings that require daylight, such as living rooms, kitchens, and bedrooms, should be considered when assessing the impact of the new development. The BRE guidelines provide a series of tests to assist in this evaluation, which are as follows:

(i) Is the separation distance between the new building and the main window of the adjacent dwelling greater than three times the height of the new building above the centre of the main window? If not, proceed to test 2.

(ii) Does the new development subtend an angle greater than  $25^{\circ}$  to the horizontal as measured from the center of the lowest window to a main living room window? If yes, proceed to test 3.

(iii) Is the Vertical Sky Component (VSC) less than 27% for any main window? If yes, proceed to test 4.

(iv) Is the VSC less than 0.8 times its original value? If yes, proceed to test 5.

(v) In the room, is the area of the working plane that can see the sky less than 0.8 times its original value? If yes, daylighting is likely to be significantly affected.

9.4.7. Section 2.2.7 of the BRE 209 "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2011) recommends that if the VSC is greater than 27%, then sufficient skylight should reach the windows of the existing building. Any reduction below this level should be minimized. If the VSC with the new development in place is both less than 27% and less than 0.8 times its original value, the occupants of the existing building will likely notice a reduction in the amount of skylight, resulting in a gloomier appearance and increased reliance on electric lighting.

9.4.8. Additionally, Section 3.1.10 of the BRE 209 recommends that interiors that are expected to receive sunlight should receive at least 25% of annual probable sunlight

hours (APSH), including at least 5% of winter probable sunlight hours (WPSH) between September 21 and March 21.

- 9.4.9. It should be noted that the tests and recommendations provided in the BRE guidelines are intended to serve as a general guide and that judgement and the balance of considerations may be required in some cases. Figure 20 of the BRE guidelines outlines these tests. The guidelines aim to maximise sunlight and daylight for future residents and mitigate the worst potential impacts for existing residents.
- 9.4.10. The Sunlight, Daylight and Shadow Assessment Addendum 1 report submitted with the appeal response analysed the properties most affected by daylight and sunlight, including Loughmahon View and Inniscleir, which are located near the northern boundary of the site opposite the proposed nursing home. The report found that all tested windows at these properties had a Vertical Sky Component (VSC) greater than 27% and greater than 0.8 times their original values.
- 9.4.11. Additionally, the Sunlight, Daylight and Shadow Assessment report found that all tested windows at these properties received at least 25% of annual probable sunlight hours (APSH), including at least 5% of winter probable sunlight hours (WPSH) between September 21 and March 21. Based on these findings, I conclude that the daylight and sunlight of these neighbouring dwellings would not be significantly impacted by the proposed development. Therefore, I consider that the proposal meets the BRE recommendations for daylight and sunlight and should not be refused permission on this basis.
- 9.4.12. Regarding the independent living units proposed in the development, the Sunlight, Daylight and Shadow Assessment report and Addendum 1 report do not provide testing of the windows for these dwellings. However, based on the northeast-southwest orientation of unit numbers 9-12, the depth of their rear gardens and more than 10-meter setback from the southwestern boundary, and the dual aspect nature of these dwellings, it is my view these dwellings will receive adequate levels of daylight and sunlight in accordance with BRE guidelines. Similarly, the independent living units numbered 13-17 have southeast-facing rear elevations with minimum rear garden depths of 9 meters. Without evidence to the contrary, I consider these dual-aspect dwellings will also receive adequate levels of daylight and sunlight as per the BRE guidelines. While some overshadowing of the rear gardens of these dwellings from

trees along the boundary may occur, I do not consider this sufficient grounds for refusal given the south-westerly and south-easterly rear elevation orientations of these units, respectively.

### Overshadowing

- 9.4.13. The Sunlight, Daylight and Shadow Assessment Addendum 1 report analyses the impact of the proposed development on the private gardens of adjacent residential properties along the northern boundary. As stated in Section 3.3.17 of the BRE Guidelines, it is recommended that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on the 21st of March. If, as a result of new development, an existing garden or amenity area does not meet this requirement and the area that can receive two hours of sun on the 21st of March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on the 21st of March.
- 9.4.14. According to the overshadowing analysis, all private gardens of the adjacent residential properties along the northern boundary will meet BRE criteria, as their values will not change by more than 20% from their current levels. Having reviewed the overshadowing drawings in the Sunlight, Daylight and Shadow Assessment report, which show affected plan views of existing and proposed sun hours on the ground on the 21st of March and the shadow to amenity space results presented, it is my view that that the proposed development would have a minimal impact on the private gardens adjoining the northern boundary of the site.

## **9.5. Impact on Trees and Biodiversity**

- 9.5.1. Submissions received object to the proposed development on the grounds that it would involve the loss of trees and hedgerows, which are high-value habitats. A submission notes that the tree survey omits details about the spread of the crowns of the trees along the boundary shared with Hill House and that these trees overhang the property of Hill House by up to 10 meters, causing a nuisance and resulting in a significant loss of land use. According to the submission, these trees are likely to

become dangerous and will need to be removed in the future, and the developer will not be required to mitigate their loss. It is submitted that the conditions imposed by the Council regarding tree works and protection are based on inaccurate information. It is stated that the leylandii tree is non-native to Ireland and has little merit in terms of landscaping. If the Council had been aware of these issues, they might have considered the retention of the trees differently, resulting in their removal and requiring the developer to mitigate their loss. According to a submission, despite previous clearance work, the site has significant landscape and biodiversity value, and the proposed 10-meter buffer zone along the northern boundary will not effectively create a landscape or wildlife buffer. Concerns are also raised that the bat survey was conducted on a single day, and more investigations should have been conducted.

9.5.2. The Applicant contests these grounds of appeal, stating that the proposed development has been revised in order to increase the setback from the northern boundary and create a landscape buffer between the proposed development and the adjoining residential properties. The Applicant states that the revised landscaping plan includes the retention of a number of existing trees and the addition of 40 new trees and native hedging along the northern boundary. The Applicant states that the Tree Survey Report was updated to align with the revised plans, and any trees to be removed are outlined in the survey. The Applicant describes how the revised layout provides a minimum setback of 10.065 meters along the entire extent of the northern boundary, with some areas increased to 11.075 meters. The Applicant contends the revised Landscape Master Plan was acceptable to the Council's Senior Parks and Landscape Officer and that the permitted development has been conditioned to appoint a qualified arborist to monitor and ensure the protection of the trees during construction.

9.5.3. An Ecological Impact Assessment Report was submitted, which included a site walkover and an evaluation of potential roosts for bats. The Applicant states that the ecologist inspected the existing residential house and garage for potential bat roost features, and the trees on the site were deemed to be of negligible suitability for supporting roosting bats. The Applicant notes that while no mitigation measures are required, the Report recommends best practices for exterior lighting design to minimise glare and light spillage, which has been considered in the submitted lighting plan.



- 9.5.4. In response to the Planning Authority's request for additional information, a Tree Survey was submitted, which discussed the survey of the area that occurred in January and March 2021. This report included the species of trees, detailed measurements (height, stem diameter, spread and life stage), survey notes/general observations, categories of preservation, root protection areas (RPA), and the proposed actions that need to be taken before, during, and after the construction work. The survey also proposed a variety of protection options during the construction process and suggested that an arborist should be consulted in the pre-construction phase to provide guidance on ground works that would help to preserve the trees and prevent damage. Additionally, the survey recommended regular monitoring of the trees.
- 9.5.5. Comprehensive drawings have been submitted outlining the trees to be retained, as well as those to be removed and replaced, along with detailed references for each tree. These drawings also include the location of protective fencing to be erected during construction. In addition, the Landscape Information Drawing provides specific information on each tree to be retained, removed, or planted, as well as hedge, bulb, and grass planting plans. The Proposed Landscape Plan clearly indicates existing trees and hedges that will be retained, and the locations where new trees and hedgerows will be planted. To ensure the safe and proper execution of tree-related work, a Tree Work Method Statement has been submitted, which outlines specific tree protection measures and the proposed sequence of work
- 9.5.6. It is evident from the Tree Survey Drawings that the proposal seeks to retain as many trees as possible along the site boundaries and supplement these with additional tree and hedgerow planting. It is stated that any trees to be removed are on the grounds of health and safety reasons (poor quality/condition) or to facilitate the proposed development.
- 9.5.7. Having reviewed the drawings and documentation submitted, I am satisfied that the proposed development seeks to protect trees worthy of protection and enhance these trees with additional tree and hedgerow planting. This aligns with Objectives 6.5 and 6.9 of the Cork City Council Development Plan 2022-2028. Additionally, the proposed 10-meter buffer zone along the northern boundary will effectively maintain a vital wildlife corridor in keeping with Cork City's Green and Blue Infrastructure Biodiversity, as outlined in Section 6.7 of the Development Plan.

- 9.5.8. In my view, the encroachment of existing trees from one property onto another is not a planning issue but instead falls under the jurisdiction of civil law, specifically the principle of "nuisance".
- 9.5.9. Specific Conditions imposed by the Planning Authority relating to trees include Condition Nos. 20, 21, 22 and 31.
- 9.5.10. Condition No. 20 requires that a tree bond in the amount of €40,000 be lodged with the Planning Authority prior to the commencement of any development on the site. This is to ensure that any damage caused to the trees during construction can be repaired. Additionally, a retained consultant arborist will carry out a post-construction assessment and certification (12 months after practical completion) of the trees that have been scheduled for retention, and this will be submitted for the approval of the Planning Authority.
- 9.5.11. Condition No. 21 stipulates that all tree work must be undertaken outside of the bird season, as specified under the Wildlife Act 1976 and 2000. This ensures that the tree work complies with BS3998:2010, the arboricultural method statement, and the tree report that was submitted. Any additional tree work that is proposed outside of the approved documents will require written rationale from the appointed arborist and written approval from the Planning Authority. In case of additional tree work, the developer will be required to mitigate any damage or loss based on the value of the trees.
- 9.5.12. Condition No. 22 requires that prior to the commencement of development (including any ground clearance, tree works, demolition or construction), the applicant must erect tree protection measures as identified in the tree protection plan and arboricultural method statement and provide an arborist certificate that tree protection has been erected correctly for the approval of the Planning Authority.
- 9.5.13. Condition No. 31 requires that tree felling and clearing of vegetation takes place outside of the bird nesting season. This ensures protection of biodiversity in those locations.
- 9.5.14. It is my opinion that the conditions imposed by the Planning Authority are both appropriate and necessary to safeguard the protection of trees during and after the construction period, as well as ensure the preservation of biodiversity at the site. I recommend that these conditions be imposed if the Board is minded granting

permission for the proposed development. They will ensure the long-term preservation and enhancement of the valuable trees and the biodiversity at the site.

- 9.5.15. The Ecological Impact Assessment report submitted provides detailed information regarding the inspection of the residential house and adjoining garage for potential roost features of bats. The internal and external inspection of the structure revealed no evidence of bat activity or presence within the building and garage. Additionally, trees within the site were evaluated for their suitability to support roosting and foraging bats and were determined to be of negligible suitability.
- 9.5.16. The report notes that the proposed development will result in a slight loss of low-suitability foraging habitat in the form of scattered trees and hedgerows. However, the report notes that the small scale of habitat loss and the availability of alternative habitats in the surrounding area are not considered to be a significant effect.
- 9.5.17. In terms of potential effects on bats, the report notes that no potential roosts were identified within the site. However, the report notes that the proposed development's lighting design could have a significant effect on bats if they are present in the area. To mitigate this potential impact, the report recommends that any additional lighting should be designed in accordance with best guidance for bats (Bat Conservation Trust 2018) and that external lighting should minimise glare and light spillage, deflecting light downwards.
- 9.5.18. I note the public lighting report submitted in response to clarification of further information requested by the Planning Authority. This report details specifications of proposed luminaires, including (inter alia) height, angle, tilt, outreach and lamp flux levels. Layout plans identify the location and ID reference numbers of each proposed luminaire and the horizontal illuminance (lux) levels of each.
- 9.5.19. The Council's Parks Report raised no objections to the revised Landscape Masterplan subject to a condition that details of the proposed boundary fence be submitted for consideration and approval. Additionally, the Council's Environment Reports raised no objections to the proposed development, subject to Conditions including (inter alia) a condition requiring that the light trespass into windows of houses shall be limited to a max of 10Ev (vertical luminance in lux) before 11 pm and 2Ev after 11pm. No concerns were raised regarding the impact of lights on bats.

9.5.20. Based on the information available and in the absence of evidence to the contrary, it is my view that the proposed development would not have a significant impact on bats, which are protected under the Wildlife Act 1976 and the European Habitats Directive 92/43/EEC. This conclusion is contingent upon the strict adherence to a condition requiring the submission and implementation of a lighting plan that directs external lights away from trees and hedgerows that serve as vital ecological corridors for bat feeding. Failure to comply with this condition may result in a significant impact on bats and could violate the legal protections afforded to them.

## **9.6. Roads / Traffic and Connectivity**

9.6.1. Submissions received object to the proposed development due to concerns about the capacity of the existing infrastructure at Clarke's Hill to support the increased traffic volume that the proposed development would generate. There are concerns that the predicted traffic movement figures of 218 per day may be too conservative, with one submission estimating that the proposed nursing home alone would generate 274 traffic movements per day. This submission notes that this calculation does not include any additional movements associated with the apartment building or housing units, which would further increase the traffic volume.

9.6.2. The Applicant contests these grounds of appeal, arguing that the traffic assessment provided by the Appellant is unfounded and does not take into consideration the existing environment of the site or follow the correct methodology as outlined in the NRA Transport Assessment Guidelines. In contrast, the Applicant details how they have provided a comprehensive Traffic and Transportation Assessment, Mobility Management Plan, and Road Safety Audit, which were all conducted by qualified and competent traffic engineers. The Applicant describes how these assessments were based on the original design of the development, which included a 100-bed nursing home and 47 independent living units. However, at the request of the Planning Authority, the design has been revised to propose a 100-bed nursing home and 44 independent living units, which will result in fewer traffic movements than initially forecasted.

9.6.3. The Applicant refers to the Report from the Council's Senior Executive Engineer, which details how the traffic movement at the Clarke's Hill/Rochestown Road junction is already over capacity, with or without the proposed development in place. This Report

notes that the proposed development is expected to contribute to a 0.5 to 0.7% increase in traffic, with minimal impact. Additionally, the Council has proposed an update to the junction that is expected to increase its capacity. The Applicant notes how a Part 8 junction road improvement scheme has been developed for the Clarke's Hill/Rochestown Road junction, which is scheduled to commence in Q3 2022, subject to land acquisition and funding. The work will include widening the roadway to 6 meters, constructing two 2-meter wide footpaths, signalling the intersection, and creating turning lanes from Rochestown Road to Clarke's Hill.

- 9.6.4. The Applicant states that the proposed development encourages sustainable modes of travel and aims to reduce traffic by extending the site's existing footpath infrastructure and connecting to Rochestown Road via an existing entrance. This will improve connectivity for pedestrian and cycling travel and allow site users to safely utilise these sustainable modes of transportation. The Applicant notes that the proposed pedestrian access will be for pedestrian use only, providing direct access to the site for staff and visitors.
- 9.6.5. Arising out of the above, I consider the main issues of concern are (i) the capacity of the existing infrastructure at Clarke's Hill to support the increased traffic volume that the proposed development would generate, (ii) the current and projected traffic volume in the area, (iii) the potential for traffic congestion and delays due to the proposed development, (iv) potential for long-term impacts from the proposed development, (v) the appropriateness and accuracy of the traffic assessments conducted for the proposed development and (vi) the feasibility of the proposed Part 8 junction road improvement scheme.
- 9.6.6. It is proposed to access the development via a new priority T-junction onto Clarke's Hill Road (L-2471) and provide pedestrian-only access at the existing vehicular entrance to its south. The Traffic and Transport Assessment (TTA) submitted with the original application details the existing road infrastructure in the vicinity of the site. The traffic capacity of several junctions is analysed, including (i) the proposed development access along Clarke's Hill Road (L-2471), (ii) the junction of Clarke's Hill Road (L-2471) and the Rochestown Road (R610) and (iii) the junction of the Clarke's Hill Road (L-2471) and Garryduff Road (L2472). Traffic surveys were undertaken on these junctions during morning and evening peak hours.

- 9.6.7. The proposed development includes ample parking for both cars and bicycles, with 57 spaces allocated for the nursing home, 29 spaces for apartments, and 23 spaces for independent living units. Additionally, 24 spaces have been allocated for bicycle parking for the nursing home and 56 spaces for the apartments (42 private spaces in the basement and 14 visitor spaces). The proposed vehicular and bicycle parking spaces comply with the standards of the Cork City Council Development Plan, as detailed in Tables 11.13 and Tables 11.14 (Chapter 11).
- 9.6.8. The Trip Generation analysis finds that the proposal would generate 24 total trips at AM peak times and 33 total trips at PM peak times. The Traffic and Transport Assessment also provides traffic forecasting for the years 2021 (base year), 2023 (opening year), 2028 (opening year +5) and 2038 (opening year+5) using modal split and PICADY Analysis.
- 9.6.9. The TTA highlights how the Rochestown Road / Clarke's Hill Road Junction is currently operating at above capacity for the year of assessment (2021). The survey found a Ratio of Flow to Capacity (RFC) of 86% for this junction for the AM in 2021. The report identifies that the most heavily congested arms are the northbound approach to the junction along Clarke's Hill Road in the AM peak and the right turn movement from Rochestown Road to Clarke's Hill Road in the PM peak.
- 9.6.10. The Traffic and Transport Assessment (TTA) estimates that the proposed development will result in a minimal increase in vehicular movements at the Rochestown Road / Clarke's Hill Road Junction, with 12 additional movements during the AM peak hour and 16 additional movements during the PM peak hour for each of the future year models. This equates to an increase of 0.5% traffic at the junction during the AM peak hour and 0.7% during the PM peak hour. Despite this minimal increase, the TTA notes that the junction will continue to operate over capacity for all future design year scenarios. As such, the TTA recommends that the significant upgrade works proposed by Cork City Council are necessary in the short term to alleviate congestion at this junction. Additionally, the TTA states that the junction of Clarke's Hill Road and Garryduff Road will operate under capacity for all future year design scenarios. The proposed development will result in 12 additional traffic movements during the AM peak hour and 16 vehicular movements during the PM peak hour, an increase of 1.1% and 1.8% traffic, respectively.

- 9.6.11. A Road Safety Audit has been submitted in connection with the proposed development, identifying potential road safety issues, including inadequate signage and road markings at the proposed site entrance along the L2471, insufficient public lighting, lack of a pedestrian crossing and tactile paving/dropped kerbs at the proposed site entrance, and safety concerns along the pedestrian route onto the R610, as well as internal road markings. The Road Safety Audit provides specific recommendations for addressing these issues, ensuring that all necessary measures are implemented to improve road safety.
- 9.6.12. In response to the Road Safety Audit, the Council's Traffic Regulation and Safety Report has stated that there are no objections to the proposed development, subject to the implementation of the recommended conditions. Similarly, the Council's Urban Roads and Street Design Report and Traffic Regulation and Safety Report also outline no objections to the proposed development, subject to the implementation of the recommended conditions.
- 9.6.13. Based on a thorough review of the documentation on file, it is my view that the Traffic and Transport Assessment submitted is in compliance with the Traffic and Transport Assessment Guidelines (2014). The assessment has considered the existing road infrastructure in the vicinity of the site, including the proposed access point along the L2471 Clarke's Hill Road, as well as the capacity of the junctions at Clarke's Hill Road and the R610 Rochestown Road, and Clarke's Hill Road and Garryduff Road. Additionally, the assessment has taken into account the anticipated increase in traffic generated by the proposed development and has determined that this increase would not have an adverse impact on the surrounding road network.
- 9.6.14. Furthermore, the capacity of the existing infrastructure at Clarke's Hill has been evaluated to support the increased traffic volume that the proposed development would generate, the current and projected traffic volume in the area, the available capacity of the existing infrastructure, the potential for traffic congestion and delays due to the proposed development, potential for long-term impacts from the proposed development, and the feasibility of the proposed Part 8 junction road improvement scheme.
- 9.6.15. Given the pending Clarke's Hill Road Improvement Scheme in 2023, it is my view that the increase in traffic generated by the proposed development would not have a

significant impact on the surrounding road network, and would be manageable with the proposed Part 8 junction road improvement scheme. On this basis, and given that the proposed development complies with relevant guidelines and Development Plan policy, I recommend that the proposed development is not refused permission on this basis.

## 9.7. Connectivity

- 9.7.1. The proposed development has received objections due to concerns about pedestrian connectivity. A submission raises how the pedestrian access to the site from Rochestown Road is not on level ground and may be difficult for the occupants of the nursing home to navigate. Furthermore, it is claimed that the existing Douglas/City-bound bus stop is approximately 372 meters from the nearest proposed dwelling, which is served by a partial footpath obstructed by a road's hard shoulder and parked vehicles. A submission raises how there are no existing or proposed crossings across the heavily travelled Rochestown Road to provide access to the Monkstown bound bus stop.
- 9.7.2. The Applicant contests these grounds of appeal, stating that a Part 8 junction road improvement scheme has been developed for the Clarke's Hill/Rochestown Road junction, which was scheduled to commence in Q3 2022, subject to land acquisition and funding. The Applicant describes how the proposed road improvement scheme includes the widening of the roadway to 6 meters, the construction of 2 no. two-meter wide footpaths, the signalisation of the intersection of Clarke's Hill and Rochestown Road, and the creation of turning lanes from Rochestown Road to Clarke's Hill. The Applicant asserts that the development aims to encourage sustainable modes of travel and reduce traffic by improving connectivity for pedestrian and cycling modes and providing direct pedestrian access to the site. This will improve the safety of sustainable transportation options for site users. The Applicant states the proposed pedestrian access will be for pedestrian use only, allowing direct access to the site for staff and visitors.
- 9.7.3. The entrance to the site on Rochestown Road is approximately 330 meters, or a 3–5 minute walk, from the nearest bus stops located on either side of the road. These bus stops serve route nos. 216 and 223. Route 216 provides frequent service from Mount Oval to Cork University Hospital via the city center, with a frequency of every 30



minutes on weekdays and hourly on Sundays. Route 223 connects Cork to Monkstown, Ringaskiddy, and Haulbowline, with a frequency of every 60 minutes on weekdays, hourly on Saturdays, and every two hours on Sundays. Overall, I am satisfied that the site offers convenient access to reliable and frequent public transportation.

9.7.4. The Applicant has submitted a Mobility Management Plan as part of their application, which outlines a variety of proposed initiatives aimed at promoting sustainable transportation options. The Plan includes the appointment of a Mobility Manager to implement its recommendations. Some of the key responsibilities of the Mobility Manager, as outlined in Section 4.2 of the Report, include:

- Collecting and disseminating information about local public transportation routes and schedules
- Coordinating with local transportation providers, staff, and visitors to address transportation-related issues and identify potential improvements
- Collaborating with Cork City Council on sustainable travel initiatives
- Encouraging carpooling and other sustainable transportation options among staff
- Providing in-house initiatives to promote modal shift to sustainable modes
- Ensuring the availability of appropriate lockers and bike storage facilities for staff who may wish to cycle to work
- Monitoring road safety for various modes of transportation in and around the facility
- Developing a plan for managing taxi drop-offs in order to minimize impact on the busy Clarke's Hill Road
- Providing adequate cycle parking and maintaining pedestrian and cyclist facilities
- Promoting public transportation, including providing information on routes, schedules, and maps
- Administering commuter ticket schemes
- Enforcing parking regulations and monitoring on-site parking
- Providing information on local and national travel initiatives

9.7.5. Overall, I consider the Mobility Management Plan is aligned with Objective 7.8 of the Development Plan, which prioritises the use of sustainable transportation options. I

am satisfied that the plan effectively promotes and encourages the use of such options.

9.7.6. The Road Safety Audit submitted in conjunction with the application includes a series of recommendations for improving traffic and pedestrian safety within the site. Some of these recommendations include;

- Providing adequate warning signage and road markings at the junction with the L2471 and at all internal junctions within the development, in accordance with the Traffic Signs Manual 2019.
- Ensuring that the public lighting design proposals in the vicinity of the development entrance onto the L2471 are designed and installed in accordance with recommended lighting standards.
- Ensuring that all pedestrian crossings are designed in accordance with relevant design standards.
- Installing a footpath across the pedestrian entrance to the Rochestown Road (R610) and considering the installation of a pedestrian barrier to prevent pedestrians from inadvertently entering the R610.

9.7.7. As detailed above, the Council's Urban Roads & Street Design Report, Transport and Mobility Section Report and Traffic Regulation and Safety Reports raised no objections subject to conditions being imposed. On this basis, and in the absence of evidence to the contrary, I am satisfied that subject to the recommended conditions being imposed, the proposed development would provide safe permeability and connectivity for pedestrians and cyclists and provide direct links to adjacent roads and public transport networks in accordance with Objective 4.5 of the Cork City Development Plan 2022-2028.

## 9.8. Noise

9.8.1. An objection has been submitted regarding the proposed development, challenging the accuracy of the Noise Impact Assessment Report. The submission argues that the report underestimates the potential noise impacts on the Loughmahon View dwelling, due to the measurement location chosen. Additionally, the report does not accurately reflect the current noise levels at Loughmahon View, as the location is well-screened

from surrounding areas. The submission also asserts that the report does not take into account the noise generated by traffic, roller shutter doors depicted in the drawings, the pumping system associated with the water storage tank or the ESB substation.

- 9.8.2. Furthermore, the submission expresses concerns that the proposed commercial development, located less than 30 meters from Loughmahon House, could generate significant noise levels that should be considered in the report. The loss of tree cover and potential impact on existing trees on the boundary will also not be compensated for by the proposed planting of deciduous wild cherry trees. Additionally, the proposed roadway will be part of commercial development and will have to be lit 24 hours a day, which could lead to significant noise levels.
- 9.8.3. The Applicant contests these grounds of appeal as detailed in Section 8.2.1.7.
- 9.8.4. A Noise Impact Assessment was submitted as part of the application, prepared by CLV Consulting. The report notes that the site is located in a moderate ambient noise level area due to its proximity to both Rochestown Road and the N28. The report details that the nearest noise-sensitive receptors to the development are the residential dwellings surrounding the proposed area.
- 9.8.5. To assess the potential for noise impact from the proposed development, a noise survey was conducted in accordance with ISO 1996-2: 2017. Three measurement locations were selected, including Location 1 near the Charlemont Heights dwellings, Location 2 near the L6887 dwellings, and Location 3 near the Clarke's Hill dwellings. The survey was conducted over the night-time period, as the development noise sources will be operating 24 hours a day.
- 9.8.6. The measurements were conducted by an internationally experienced acoustic consultant, Brian S. Johnson of CLV Consulting. The measurements were taken using an NTI Audio Type XL2 Sound Level Meter and were calibrated before and after the survey using a Casella Cel 120 Acoustic Calibrator. The microphone was positioned at a height of approximately 1.4m above the ground at all measurement locations.
- 9.8.7. The survey results are presented in terms of five parameters: LAeq, LAmx, Lamin, LA10, and LA90. The results for Location 1 are summarised in Table 2, and indicate that the dominant sources of noise identified during the survey were distant traffic noise, birdsong, and low levels of wind-generated noise. The night-time noise levels were within the recommended noise limits for indoor ambient noise levels in residential

dwellings as outlined in BS8233 (2014). Additionally, the assessment includes a review of the potential noise impact from the proposed development's sources, such as building services plant, delivery truck events, car parking, and vehicular traffic on the new internal network. The predicted noise levels were found to be within the established criteria levels and the ambient noise levels at the nearest noise-sensitive locations. To ensure compliance with the established criteria, the report recommends the provision of acoustic louvres for two plant room ventilation openings. Overall, the proposed development was found to have an acceptable level of noise impact on the surrounding residential dwellings.

- 9.8.8. The report also identified four principal sources of noise that are expected to arise from the operational phase of the proposed development. These include building services plant, delivery truck events, car parking, and vehicular traffic on the new internal network. In order to assess a worst-case scenario, all of these sources were assessed for night-time periods. The report noted that most of the predicted noise emission levels from these sources were within both the established criteria levels and the ambient noise levels at each of the noise-sensitive locations. However, there were a couple of slight exceedances that were due to noise emissions from the plant rooms. In order to mitigate this, the report recommended providing acoustic louvres in the openings for these plant rooms to reduce noise levels to within appropriate criteria. Overall, the report concludes that the proposed development would comply with established noise criteria and would not have a significant impact on the surrounding noise-sensitive receptors.
- 9.8.9. The Planning Authority imposed conditions restricting noise levels during construction and restrictions on hours of construction. Additionally, the Planning Authority imposed a condition requiring that noise from the premises not exceed the background levels by more than 5dB during the period 0800-2200 and by more than 3 dB at any other time when measured at any external position at a noise-sensitive premises.
- 9.8.10. Based on the information provided, it is evident that a thorough Noise Impact Assessment was conducted for the proposed development. The assessment included a survey conducted in accordance with ISO 1996-2: 2017, at three measurement locations near the nearest noise-sensitive receptors. The survey results indicate that the dominant sources of noise identified during the survey were distant traffic noise, birdsong, and low levels of wind-generated noise. The night-time noise levels were

within the recommended noise limits for indoor ambient noise levels in residential dwellings as outlined in BS8233 (2014).

- 9.8.11. The assessment also considered the potential noise impact from the proposed development's sources, such as building services plant, delivery truck events, car parking, and vehicular traffic on the new internal network. The predicted noise levels were found to be within the established criteria levels and the ambient noise levels at the nearest noise-sensitive locations. To ensure compliance with the established criteria, the report recommends the provision of acoustic louvres for two plant room ventilation openings.
- 9.8.12. It is my view that the objections raised in the submission, such as the measurement location chosen and the current noise levels at Loughmahon View, do not undermine the validity of the Noise Impact Assessment report. Furthermore, the concerns raised about the noise generated by traffic, roller shutter doors, pumping system, and ESB substation were considered in the assessment and found to be acceptable.
- 9.8.13. In light of the information provided, it is my view that the proposed development would not adversely impact the amenity of the surrounding area by way of noise impact or nuisance. The proposed development has been found to have an acceptable level of noise impact on the surrounding residential dwellings. The recommendation for the provision of acoustic louvres for two plantroom ventilation openings would further ensure compliance with established noise criteria.

## **9.9. Appropriate Assessment Screening**

### **9.10. Compliance with Article 6(3) of the Habitats Directive**

- 9.10.1. Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015. In accordance with these requirements and noting the Board's role as the competent authority who must be satisfied that the proposal would not adversely affect the

integrity of the European site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives, and if a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is required.

9.10.2. In relation to Appropriate Assessment (AA) Stage 1 screening, the issue to be addressed is whether the project is likely to have a significant effect, either individually or in combination with other plans and projects on European sites in view of the site's conservation objectives.

### **9.11. Background on the Application**

9.11.1. The application is accompanied by an Appropriate Assessment Screening Report prepared by SLR Consulting Ltd. The names, qualifications, no. of years of experience and field of expertise of the persons who wrote the Appropriate Assessment Screening Report is detailed in Section 2.7 of the report.

9.11.2. The Appropriate Assessment Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

9.11.3. The Screening Report details how there is no surface water pathway (e.g., river or stream) to link the site with the Cork Harbour SPA. The report states that pathways via groundwater, air or land can be ruled out due to the distances involved and the intervening roads and residential areas. The closest watercourse to the site is the stream, located c. 380m west of the site, which flows in a northerly direction into the Douglas River. The site is separated from the Cork Harbour SPA by rows of houses on both sides of Rochestown road.

9.11.4. The Appropriate Assessment Screening Report details the conservation objectives and qualifying interests of the Cork Harbour SPA and identifies potential impacts and effects, including cumulative effects on the Cork Harbour SPA. The report states that construction works will be contained within the site boundary and are localised in nature, i.e., limited to the extent of the site, and that, therefore, there is no risk of direct loss or fragmentation of habitats within Cork Harbour SPA as there is no land take or works within the Natura 2000 site. The Appropriate Assessment Screening Report

states that the qualifying interests of the SPA, seasonal waterbirds and wetlands, will not be affected by noise associated with the construction works due to the distance between the SPA and the site and the noise buffering created by the existing houses and the R610 Rochestown Road. In addition, the habitats found on the development site are in a built-up urban environment, and there is no suitable grazing habitat, i.e., short, open and relatively undisturbed grassland fields, likely to be used by these birds, within or immediate to the site. Cumulative effects are considered, and none are identified. On this basis, the Appropriate Assessment Screening Report concludes that the proposed development is not considered likely to result in any effects on the Cork Harbour SPA, and therefore there are no likelihood effects on the SPA.

9.11.5. Having reviewed the documents and submissions on file, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.11.6. **Screening for Appropriate Assessment - Test of likely significant effects**

9.11.7. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site.

9.11.8. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

9.12. **Brief description of the development**

9.12.1. The applicant provides a description of the project on page 3 of the AA screening report. A description of the proposed development is set out in Section 2 above.

9.12.2. The Construction, Demolition and Environmental Management Plan demonstrated the proposed development would be constructed and managed in terms of best practice.

9.12.3. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction-related uncontrolled surface water/silt/construction-related pollution

- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance (construction and or operational)

### 9.13. European Sites

9.13.1. The nearest Natura 2000 European Site to the appeal site is the Cork Harbour SPA (Site Code: 004030), c. 250m north of the site. Table 1 below details the Qualifying Interests and Conservation Objectives for the Cork Harbour SPA.

9.13.2. Table 1: Qualifying Interests and Conservation Objectives for the Cork Harbour SPA.

<b>Natura 2000 Site</b>	<b>Distance from proposed development</b>	<b>List of Qualifying interest /Special conservation Interest</b>	<b>Connections (source, pathway receptor)</b>
Cork Harbour SPA Site Code: 004030	c. 250m north of the site	Little Grebe (Tachybaptus ruficollis) [A004]  Great Crested Grebe (Podiceps cristatus) [A005]  Cormorant (Phalacrocorax carbo) [A017]  Grey Heron (Ardea cinerea) [A028]  Shelduck (Tadorna tadorna) [A048]  Wigeon (Anas penelope) [A050]  Teal (Anas crecca) [A052]  Pintail (Anas acuta) [A054]  Shoveler (Anas clypeata) [A056]  Red-breasted Merganser (Mergus serrator) [A069]  Oystercatcher (Haematopus ostralegus) [A130]	None



		Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]  Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]  Lapwing ( <i>Vanellus vanellus</i> ) [A142]  Dunlin ( <i>Calidris alpina</i> ) [A149]  Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]  Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]  Curlew ( <i>Numenius arquata</i> ) [A160]  Redshank ( <i>Tringa totanus</i> ) [A162]  Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]  Common Gull ( <i>Larus canus</i> ) [A182]  Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183]  Common Tern ( <i>Sterna hirundo</i> ) [A193]  Wetland and Waterbirds [A999]	
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#### 9.14. Identification of likely effects

9.14.1. With regards to construction-related pollution, it is noted that the proposed development site is not situated within or immediately adjacent to any European Sites. While the Cork Harbour SPA is located approximately 250 meters away, all other relevant European Sites are situated more than 1 kilometre away. Despite the existence of indirect hydrological connections to these distant sites, it is determined that significant construction-related effects are unlikely. This assessment is based on the limited scale of the development, the separation distances involved, and the

presence of substantial marine water buffers. All construction works will be confined within the site boundaries, and the proposed development will be constructed and managed in accordance with best practices as outlined in the Construction, Demolition and Environmental Management Plan submitted.

9.14.2. The proposed foul drainage system will connect to the existing 225mm foul sewer on Clarke's Hill Road. The surface water drainage system is designed in compliance with BS EN752:2008 – Drain and Sewer Systems outside Buildings and the Greater Dublin Strategic Drainage Study (GDSDS) Vol. 2 – New Development and will connect to an underground attenuation tank near the western boundary, which in turn connects to the storm water drain along Clarke's Hill Road. The proposed proprietary oil/water separators will prevent the entry of hazardous chemical and petroleum products into the public sewer. The foul and surface water drainage plans submitted have been deemed satisfactory by the Council's Drainage Report, and Inland Fisheries have raised no objections to the proposed development.

9.14.3. 9.13.3 In terms of habitat loss/fragmentation, it is observed that none of the development site is located within any European Sites, and there will be no direct loss of habitat. The qualifying interests of the Cork Harbour SPA, seasonal waterbirds, and wetlands, will not be affected by noise associated with the construction works due to the distance between the SPA and the site and the noise buffering created by the intervening existing houses and the R610 Rochestown Road. There is no evidence to suggest that the development site is a suitable grazing habitat for the birds within or immediately adjacent to the Cork SPA.

9.14.4. With respect to cumulative effects, the proposed development must be considered in the context of other projects in the area. It is determined that the proposed development would not have a significant cumulative impact in terms of loading on existing wastewater and surface water sewers.

#### **9.15. Mitigation Measures**

9.15.1. The proposed proprietary oil/water separator is a standard surface water management measure. Therefore, no measures have been relied upon in this screening exercise to avoid or reduce any harmful effects of the project on a European Site.

#### **9.16. Screening Determination**

9.16.1. The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment including the submission of Natura Impact Statement is not, therefore, required.

9.16.2. This determination is based on the following:

- The nature and scale of the proposed development and the duration of the proposed works,
- The nature of the receiving environment, particularly its location in a serviced settlement,
- The distance of the proposed development from the Cork Harbour SPA and intervening land uses,
- The absence of surface water pathways between the site and the Cork Harbour SPA.

## 10.0 Recommendation

10.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

## 11.0 Reasons and Considerations

11.1.1. Having regard to the provisions of the Cork City Council Development Plan 2022-2028 and the residential zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>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 25th day of August 2021, clarification of further information submitted on the 10th day of November 2021 and by the further plans and particulars received by An Bord Pleanála on the 14th day of February 2022, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The permitted development is for the construction of a 100 no. bed space nursing home and 44 no. independent living units only (27 no. apartments and 17 no. townhouse units) on the subject site.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>(a) No material change of use of any of the buildings in the proposed development shall take place without prior planning permissions.</p> <p>(b) The occupation of the assisted living units within the proposed development are restricted to the age cohort 55 and over and shall not be sold, let or otherwise transferred or conveyed away from its residential care use without prior planning permission.</p> <p>(c) The proposed assisted living units shall remain in the ownership of the Management Company/Developer and shall not be sold to private individuals as habitable dwellings.</p> <p><b>Reason:</b> In the interest of clarity.</p>
4.	<p>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.</p>

	<p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
5.	<p>(a) All foul sewage and soiled water shall be discharged to the public foul sewer. Details of proposals to discharge and connect to the existing wastewater network in Clarke's Hill, Rochestown, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on the site.</p> <p>(b) Only clean, uncontaminated stormwater shall be discharged to the surface water drainage system.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>Prior to commencement of development the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed nursing home, apartment blocks and dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<p>Prior to commencement of development, the applicant shall submit a public lighting plan for the written agreement of the Planning Authority. This plan shall detail the proposed external lighting and include measures to shield lights and direct them away from trees and hedgerows that serve as ecological corridors for bat feeding. Such lighting shall be provided prior to the making available for occupation of the nursing home or any dwelling unit.</p> <p><b>Reason:</b> In the interest of amenity, public safety and protecting bat habitats in the area.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the</p>

	<p>provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interest of visual and residential amenity.</p>
10.	<p>Proposals for a nursing home name, apartment block name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of orderly development.</p>
11.	<p>All of the communal parking areas serving the nursing home and residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>
12.	<p>(i) The footpath at the entrance to the site shall be dishd to the satisfaction of the Planning Authority.</p> <p>(ii) Any gates shall open into the site.</p> <p>(i) All stormwaters shall be disposed of into the attenuation tank or drains within the site and shall not discharge onto the public road.</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety.</p>
13.	<p>Prior to commencement, the applicant shall submit for the written agreement of the Planning Authority details of the vehicular and pedestrian entrances to the site. The proposed new vehicular entrance shall be designed, and roadside boundaries altered so as to provide sight distances of 70 meters in both directions at a point 2.4 meters back from the edge of the public road to the satisfaction of the Planning Authority.</p>

	<b>Reason:</b> In the interest of traffic and pedestrian safety.
14.	<p>Details of the design and specifications of the proposed AquaCell attenuation tank shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
15.	<p>Prior to the commencement of development, the Applicant shall submit for the agreement of the Planning Authority details of all road markings and signage requirements on the L2471 Clarke's Hill Road. All costs associated with this condition shall be borne by the Applicant.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
16.	<p>(a) The developer shall fully implement all recommendations contained in the Tree Survey Report and Tree Work Method Statement submitted to the Planning Authority on the 10th day of November 2021. Unless otherwise agreed in writing, in advance by the Planning Authority, the trees to be retained and removed shall be in accordance with the Landscape Information and Trees to be Retained and Removed Drawings received by the Planning Authority on the on the 10th day of November 2021.</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 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><b>Reason:</b> In the interest of biodiversity and the protection of trees.</p>
17.	<p>Prior to the commencement of development, the developer shall engage the services of a qualified Arborist as an arboricultural consultant for the entire period of construction activity. A Practical Completion Certificate shall be signed off by the Arborist when all construction works are completed to the satisfaction of the planning authority, and in accordance with the permitted proposals.</p>

	<p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
18.	<p>The site shall be landscaped, generally in accordance with Landscape Masterplan and Landscape Information Drawings submitted to the Planning Authority on the 10th day of November 2021, in accordance with the detailed requirements of the planning authority. Detailed landscaping proposals shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.</p> <p><b>Reason:</b> In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
19.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.</p> <p><b>Reason:</b> To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
20.	<p>No residential unit shall be occupied until all roads, footpaths, public lighting, underground services, car parking and landscaping have been completed to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
21.	<p>Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority proposals for all boundary treatments within the confines of the entire site.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
22.	<p>No signage, advertising structures/advertisements, or other projecting elements, including flagpoles, shall be erected within the site, on adjoining lands under the control of the applicant, or on the approach thoroughfares unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>



23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees/hedgerows on or immediately adjoining the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees/hedgerows on the site or immediately adjoining the site, or the replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To secure the protection of the trees/hedgerows on the site.</p>
24.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.</p> <p><b>Reason:</b> In the interest of wildlife protection.</p>
25.	<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 noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interest of public safety and residential amenity.</p>
26.	<p>A 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</p>

	<p>the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
27.	<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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
28.	<p>(i) Noise during site clearance and construction shall not exceed 65 dB(A) and the peak noise shall not exceed 75 dB(A) when measured at any point off site.</p> <p>(ii) Noise from the premises shall not exceed the background levels by more than 5 dB(A) during the period 0800-2200 and by more than 3 dB(A) at any other time when measured at any external position at a noise-sensitive premises.</p> <p>(iii) Prior to commencement of development the Applicant shall submit for the agreement of the Planning Authority the acoustic louvres in the openings of the plant rooms</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
29.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
30.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
31.	<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 be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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>
32.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in</p>

	<p>connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
33.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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>

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Brendan Coyne  
 Planning Inspector

19<sup>th</sup> January 2023