



An
Bord
Pleanála

Inspector's Report ABP 312609-22

Development	Demolition of existing commercial premises and construction of apartment block with 26 no. units.
Location	The Manhattan Bar, Lower Friars Walk, Ballyphehane, Cork.
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	21/40066
Applicant(s)	Rutland Street Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Permission Granted
Type of Appeal	Third Party
Appellant(s)	Paudie Dineen & Others.
Observer(s)	None
Date of Site Inspection	23 rd January 2023
Inspector	Brendan Coyne

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1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.131 ha, is located on the western side of Lower Friars Walk in Ballyphehane, Cork City. The site is rectangular in shape with a road frontage width of c. 52.6 metres and an overall depth of 25.8 metres. The site's topography slopes in a south-westerly direction from c. 100.1m O.D. along the northern boundary to 98.5m O.D. near the south-western boundary corner. The site contains a vacant single-storey building, formerly known as the 'The Manhattan Bar' public house. The premises has a pitched roof profile, and its elevations consist of a brick, stone and render finish. The building is setback c. 7-9m from the public road, and an area of hardstanding is provided at the front of the premises.
- 1.2. A vacant single-storey flat roof premises and a detached single storey dwelling are located on lands adjoining the northern boundary, and a single-storey detached dwelling is situated on adjoining lands to the south. A row of detached single and 1.5 storey dwellings is located opposite the site on the eastern side of Lower Friars Walk. Adjoining lands to the west comprise a sports ground consisting of grass playing fields, ancillary to Cork College of FET, Tramore Road Campus which is located further to the south-west of the site. Mornington Star National School is located c. 40m to the north-west, along Connolly Road. South Lee Educate Together National School is located c. 200m to the west of the site. A Cork City bus stops serving bus route no. 203 is located in front of the site along Lower Friars Walk. This bus links Manor Farm with Parklands Drive via Cork city centre. Lower Friars Walk road links with Tramore Road c. 120m to the south-west, which is characterised by commercial parks and mixed-use development. Cork city centre is located c. 2.5km to the north-west.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 08/04/2021.

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

- Demolition of an existing single-storey commercial premises,
- Construction of a new four-storey residential apartment block of 26 no. units, consisting of;
 - 14 no. one-bedroom apartments

- 10 no. two-bedroom apartments
- 2 no. three-bedroom apartments
- 13 no. car parking spaces accessed off Lower Friars Walk,
- all other necessary site services and ancillary works necessary to facilitate the development.

2.1.1. Revised Proposal as submitted by way of Further Information on the 01/12/2021

- The building height has been reduced to three storeys.
- The total number of apartments has been decreased from 26 to 24, comprising:
 - 12 no. 1-bed apartments,
 - 6 no. 2-bed (3 persons) apartments and
 - 6 no. 2-bed (4 persons) apartments
- The rooftop outdoor communal space and ground floor community resource area have been removed from the plan.
- The gross floor area of the proposed development has been reduced from 2,189.9 sqm to 1,725.8 sqm.
- The overall footprint of the development has been reduced with an increased setback from the southern boundary,
- The length of the building has been reduced from 50m to 36.19m.
- Relocation of the on-site parking area.

2.1.2. Documentation submitted by way of Further Information includes;

- Agent Response
- Stage 1/2 Road Safety Audit
- Infrastructure Report
- Outline Construction Traffic Management Plan
- Outdoor Lighting Report
- Maps and Drawings

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork City Council GRANTED permission for the proposed development subject to 20 no. Conditions.

3.2. Planning Authority Reports

3.2.1. First Report (01/06/2021)

- The existing building is vacant and has no architectural heritage value.
- The site is zoned for 'Residential, Local Services and Institutional Uses'.
- The site is located in an established residential area with good public transport links.
- Due to the site's location in a residential area and zoning, the demolition and redevelopment of the existing building is supported.
- It is proposed to demolish an existing 541.3 sq.m. structure and construct a 4-storey building with 26 no. apartments.
- The proposed building is set back 7.5m from the public footpath, with a setback providing for 13 no. parking spaces and a small green area.
- A low retaining wall is provided between the parking area and building entry points.
- A pedestrian footpath is provided along the southern boundary leading to the rear of the block.
- Floor plans show the following would be provided;
 - Ground floor: 5 no. 1-bed apartments and 2 no. 2-bed apartments;
 - 1st & 2nd floors: 3 no. 1-beds, 3 no. 2-beds and 1 no. 3-bed apartments;
 - 3rd floor: 3 no. 1-bed, 2 no. 2-bed apartments, and a communal outdoor courtyard
- The proposal meets Ministerial guidelines which require that a minimum of 33% of units have dual aspect layout.

- At the ground floor level, communal areas include refuse and bike storage, a 'community resource area' and a parcel room.
- The space allocated for refuse may be insufficient for 26 no. apartments.

Density

- The City Development Plan and Sustainable Urban Housing Guidelines provide guidance for residential density.
- According to the objectives for residential densities in the City Development Plan, a site along a bus route in this location should yield a minimum of 50 units per hectare.
- The proposed development includes 26 units on a site of 0.131 hectares, resulting in a proposed residential density of 198.5 units per hectare, which is considered exceptionally high-density development at this location.
- The existing pattern and density of development in the area are taken into account when assessing proposed densities. In this case, the proposed density is deemed disproportionately high and would constitute overdevelopment of the site.
- A further assessment of the proposal is needed to highlight issues related to the proposed density, including potential impacts on the surrounding environment and infrastructure.

Plot Ratio

- Plot Ratio is a tool that measures the scale of a proposed development relative to the site area and infrastructure required for the development.
- The Cork City Development Plan (Table 16.1) provides indicative Plot Ratio standards, ranging from 1.0 to 1.75 for "Inner Suburban" locations.
- The subject site has an area of 0.131 ha with a proposed gross floor total area of 2,189.9 sq.m, resulting in a plot ratio of 1.67.
- While the proposed plot ratio is above the upper end of the indicative standard, it is still acceptable for the location.

Apartment Sizes and Private Open Space Provision

- The Applicant submitted a schedule of accommodation and measurements for each apartment and their rooms.

- The proposed development includes 14 x 1-bed units, 10 x 2-bed units, and 2 x 3-bed units.
- The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) is the relevant Ministerial guideline used to assess the development.
- Each apartment meets the minimum size requirements, and minimum room sizes set out in the guidelines.
- Each apartment has a private amenity space and dedicated storage areas, which are acceptable.
- There is an outdoor communal amenity space provided on the top floor.
- Many party submissions express concerns over privacy and noise implications due to its proximity to neighbouring properties, adjoining sports grounds, and nearby schools.
- The communal amenity element of the proposal needs to be reconsidered by the Applicant.

Unit Mix:

- Guidance on unit mix for new apartment developments is set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines.
- The proposed development includes 14 x 1-bed units (54% of the scheme), 10 x 2-bed units (38% of the scheme), and 2 x 3-bed units (8% of the scheme).
- The required mix of apartment types within a scheme is intended to reflect household population and housing demand, according to the guidelines.
- The guidelines restrict no more than 50% of the scheme to be allocated to 1-bed apartments and no more than 10% of 2-bed (3 person) units on sites over 0.25 ha.
- With regard to the size of the site at 0.131 ha, the overall mix of the scheme is supported.

Design, Height, Massing and Visual Impact

- The proposed development is a 4-storey building with a contemporary design.
- The top floor is set back from all elevations.

- The external finish is predominantly brick with sections of painted render, and the top floor level has a metal cladding finish.
- The balcony areas at the front elevation are set back from the front elevation.
- The submitted elevation and section drawings show a mixture of brick and painted render.
- The existing building on the site is a single-storey commercial building with a pitched roof and a height between 7 - 7.7m.
- The proposed apartment block has a height of 12.5m and presents a significantly larger building mass as presented on all elevations, particularly on the side elevations adjoining detached residential properties to the south and north.
- The Applicant has not submitted a contiguous elevation drawing of the proposed development to show it in the context of adjoining residential dwellings.
- There is significant concern that the height and massing of a 4-storey apartment block would be out of scale and character with the local area, which is characterised by low-rise single and two-storey dwellings.
- The redevelopment of the site, as currently proposed, would have a negative visual impact and set an undesirable precedent in the area.
- The Planning Authority is supportive of the redevelopment of the derelict site, but emphasises that the proposed development must be appropriate in scale and density with the local built environment.
- The proposed 4-storey block would not be in keeping with the area's residential setting and would have a disproportionate massing in the context of the local pattern of development.
- During the pre-planning stage, the proposal was for a 3-storey apartment block, which the Authority deems to be a more suitable option for the context of this area.
- As a result, the Planning Authority recommends that the proposed development be reduced to no more than 3 storeys in height.
- The Planning Authority has received several third-party submissions regarding the proposed development.
- The submissions raised various concerns and issues related to the development.

- The Planning Authority agrees with the observations made in the submissions that a 4-storey apartment block would not be suitable for this location given the established residential built environment of the area.
- To address the concerns raised in the submissions, the Planning Authority suggests reducing the overall height of the building, omitting the outdoor rooftop amenity area, and reconsidering the communal facilities on the ground floor.
- Many submissions have raised concerns about parking provision and traffic safety.
- The Traffic Section and Urban Street and Road Design Section have requested further information and revisions to the layout to address these concerns.
- The site is adjoined by a single storey detached dwelling to the south.
- The southern elevation of the proposed apartment block is set back between 2-2.5 m from the shared property boundary, which may have an overbearing impact on the adjoining dwelling, given the building's height and massing.
- There will be three private amenity areas on the north-western corner of the apartment block.
- To minimise the impact on the adjoining dwelling, the footprint of the building should be set back further from the shared property boundary.
- The northern boundary of the proposed development site is shared with a vacant commercial building and a single-storey dwelling. The separation distance of the north elevation of the apartment block from the northern boundary is deemed acceptable.
- However, there are concerns about the impact of the development on the sunlight and daylight of adjoining properties. The Applicant has not provided any assessment of this impact in their proposal. Further information should be sought regarding this issue.

Part V Housing

- The Applicant submitted a proposal to meet the Part V requirement, which pertains to social and affordable housing provisions.

- According to the internal report from the Housing Department, there are some discrepancies in the details of the Part V housing provision. Specifically, there are typographical errors in the application form referring to Skibbereen.
- However, the drawings indicate that units nos. 10 and 11 are indicated as Part V provision, which is acceptable to the Housing Department.

Parking and Access

- The Traffic Regulation and Safety report has raised concerns with the proposed layout of the parking area.
- A revised parking layout is requested in the interests of road user safety.
- The report has sought further details and clarification for other items related to traffic regulation and safety.

Drainage and Flood Risk

- The Drainage Section report dated 01/06/2021 has requested further information for revised drainage proposals.

Conclusion and Recommendation: Further Information requested.

3.2.2. Further information was requested requiring the following:

1. Layout, Height and Massing of the Proposed Apartment Block:
While the principle of the redevelopment of the site for a residential development is supported by the Planning Authority, the proposed development requires revisions to the scheme. The proposed 4-storey apartment block is considered to be excessive in height and massing, given the local context of the site. Submit a revision to the current proposal with the following amendments:
 - a) The overall height of the development shall be reduced to no more than 3 storeys.
 - b) The outdoor communal roof terrace on the top floor shall be omitted from the scheme to protect the local amenity of the area. The Applicant shall reconsider the location of the communal amenity area within the scheme.
 - c) The footprint of the proposed apartment block shall be further set back from the side (south boundary) to reduce any overbearing impact or loss of amenity on the adjoining residential property to the south.

- d) The ground floor plans include a "community resource area". The Applicant shall clarify the use of this area and how it will function to serve the occupants of the scheme.
- e) The bin storage area on the ground floor is inadequate in size to serve the number of apartments proposed. In any revised proposal, ensure that there is sufficient space for the communal bin storage area.

The revised scheme must adhere to the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018.

2. Contextual Elevation drawings

The Applicant shall submit a contextual elevation drawing of the revised proposed development which would show the proposed apartment block in the context of adjoining residential dwellings.

3. Shadow Study

In terms of impact on of sunlight and daylight of the proposal on adjoining dwellings, the Applicant shall submit an assessment of the any potential impact of overshadowing on adjoining residential properties.

A recommended methodology to carry out such an assessment would be the BRE guidance document - "Site layout for Planning Daylight and Sunlight".

4. Parking and Traffic:

a) The parking layout will involve cars reversing across a footpath and onto Friars Walk, which may cause conflict with pedestrians, cyclists, or vehicles. Also, there is a bus stop located directly outside the development, which will create further conflict between cars reversing and a bus pulling into/out of the stop. From a road safety perspective an alternative layout should be considered by the Applicant.

b) A stage 1/2 road safety audit shall be carried out to identify and resolve any road safety issues.

c) Submit an Outline Construction Traffic Management Plan.

d) Submit details of public and external lighting proposed - liaison with the public lighting department of Cork City Council is required.

e) Provide a breakdown of parking in line with City Development Plan requirements including number of Disabled spaces, E.V. spaces etc.

f) cycle parking is shown on the ground floor however no quantity is indicated. Submit quantity of cycle parking being provided.

g) provide details on how the existing bus stop is being incorporated into the design.

5. Drainage Arrangements

a) The Applicant shall survey and map the existing drainage connections serving the site. Where they are found to be discharging to an existing common drain serving other properties (rather than directly to the public sewer), the Applicant shall revise their drainage proposals, to provide for a new, dedicated drainage connection, serving only the proposed development, directly to the public sewer in Lower Friars Walk.

b) In addition, considering the area of the site (i.e., 0.131Ha, as per Section 11 of application), and the proposal to discharge storm water to a combined sewer, the application shall attenuate all storm water discharges to Qbar or 31/s (whichever is the greater), prior to discharge.

c) The Applicant shall submit a pre-connection enquiry form to Irish Water, to confirm the feasibility of the proposal to discharge storm water to the combined sewer in Lower Friars Walk.

Irish Water's response to the pre-connection enquiry shall be submitted as part of the further information response.

3.2.3. Second Report (05/01/2022)

- The further information response did not include the information sought by the Environment Section regarding waste management.
- A follow-up report from the Environment Section dated 10/12/2021 states that waste management will be dealt with by condition.

3.2.3.1. Re. Item No. 1

- The Applicant has made revisions to the scheme as required.

- The proposed building has been reduced to 3 storeys.
- The number of apartments has been reduced to 24 from the original 26.
- The rooftop outdoor communal space and the proposed community resource area on the ground floor have been removed from the scheme.
- The gross floor area of the proposed development has been reduced from 2,189.9 sqm to 1,725.8 sqm.
- The overall footprint of the development has been reduced.
- The length of the building has been reduced from 50m to 36.191m.
- The footprint has been further set back from the southern boundary, where the relocated on-site parking area is now proposed.
- The revised proposed 24 no. apartments consist of 12 no. 1-bed apartments (50% of scheme), 6 no. 2-bed (3 persons) apartments (25% of scheme), and 6 no. 2-bed (4 persons) apartments (25% of scheme).
- The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018 provides guidance on unit mix for new apartment developments.
- The guidance restricts no more than 50% of the scheme to be allocated to 1-bed apartments. The guidance also restricts no more than 10% of the scheme to be allocated to 2-bed (3 person) units on sites over 0.25 ha.
- The size of the site is 0.131 ha.
- Based on the size of the site, the revised unit mix of the scheme is acceptable.
- The revised proposed floor plans show that there will be 8 apartments per floor on the ground, 1st, and 2nd levels.
- Each floor will have 4 no. one-bed apartments and 4 no. two-bed apartments.
- All apartments in the proposal comply with the minimum sizes and room dimensions set out in the ministerial guidelines for apartment sizes.
- The number of dual-aspect apartments in the proposal is acceptable.

- The bin storage area and bicycle storage area have been relocated to the rear of the on-site parking area, which is acceptable.
- The revised proposal has addressed the concerns raised in the initial assessment regarding the impact on adjoining residential amenity.
- The reduction in height and size of the proposed block has minimised the potential negative impacts on the adjoining properties.
- The wider setback of the southern elevation of the proposed block from the southern site boundary will also reduce the impacts of overbearance and overlooking of the neighbouring property to the south.
- There will be no undue loss of privacy to the neighbouring properties from the proposed balconies in the revised scheme.
- Overall, the revised scheme is acceptable as it will not cause any undue or detrimental impact on the amenities of adjoining properties.

3.2.3.2. Re. Item No. 2

- The Applicant submitted a contextual elevation drawing depicting the revised scheme in relation to existing buildings on either side of the proposed development.
- The reduced height and length of the scheme, along with other revisions to the site layout, contribute to the successful integration of the revised apartment building into the street.
- The revised design of the apartment block is deemed acceptable by the planning authority.

3.2.3.3. Re. Item No. 3

- The Applicant submitted a shadow study which shows the impact of the proposed development on adjoining properties in terms of loss of light/overshadowing implications.
- The shadow study covers four specific times of the year: winter solstice, spring and autumn equinox, and summer solstice.

- The adjoining property to the north, which contains a detached single storey shed structure and a single-story detached dwelling located further north within this adjoining site, would be most affected due to the orientation of the adjoining buildings.
- The results of the study indicate that the highest impact in terms of overshadowing would occur during the winter months at sunset, but the impact would be slight.
- The planning authority examined the details of the shadow study and based on the results and the orientation of the existing properties to the north, concluded that any overshadowing implication deriving from the revised proposal would be minimal and acceptable.

3.2.3.4. **Re. Item No. 4**

- The Traffic Regulation & Safety Section report on the 21st December 2021 states that the Applicant's response to the F.I. response is acceptable.
- The report recommends a grant of permission with conditions.

3.2.3.5. **Re. Item No. 5**

- The Drainage Section reviewed the further information on drainage arrangements for the proposed development and deemed it acceptable subject to Conditions.

Conclusion: Grant Permission subject to Conditions.

3.3. **Other Technical Reports**

3.3.1.1. **Contributions report (2nd report):**

No objection subject to Condition regarding development contributions.

3.3.1.2. **Traffic: Regulation & Safety Report (2nd report):**

No objection subject to Conditions.

3.3.1.3. **Drainage Report (2nd report):**

No objection subject to Condition

3.3.1.4. Environment Report (2nd report):

No objection subject to Condition

3.3.1.5. Housing report:

No objection subject to Conditions

3.3.1.6. Urban Roads & Street Design Report:

Further Information requested (prior to further information received).

3.4. Other Departmental Reports

3.4.1.1. Inland Fisheries Ireland: Inland Fisheries Ireland request that Irish Water signifies there is sufficient capacity in existence so that it does not overload either hydraulically or organically existing treatment facilities or result in polluting matter entering waters.

4.0 Planning History

4.1.1. Subject Site

P.A. Ref. 08/33528 Permission refused on the 14/01/2009 for two single storey units comprising 48sq.m each, to accommodate a hairdresser & office adjacent to the existing Manhattan bar

P.A. Ref. 07/32516 Permission granted on the 13/05/2008 for the proposed demolition of Manhattan Bar and the construction of a two-storey mixed-use development on the resultant cleared site circa 1270m². The proposed development will contain at ground floor: 2 no. Retail Units 218m² -Manhattan Bar including an external terrace 248m² and off license, 4 no. two-bedroomed apartments at first-floor level, Basement storage 275m², 18 no. surface car parking spaces, with access to the development from the existing entrance on Lower Friars Walk, with landscaping and ancillary site works.

P.A. Ref. 05/29721 Permission granted on the 29/08/2005 for the proposed partial change of use at the Manhattan Bar. Change of use will be from existing licensed premises to a Betting Shop and Pharmacy while a section of the licensed premises will remain. Work will include changes to internal layout, demolition of 2 no. front porches and changes to front elevation

4.1.2. **Adjoining lands to the west**

P.A. Ref. 06/30482 Permission granted on the 18/09/2006 for the proposed construction an all-weather pitch including floodlighting (8 Number 16 metre lighting columns giving average illuminance of 300 lux), located in existing sports grounds

5.0 **Policy and Context**

5.1. **Cork City Development Plan 2022-2028**

The site is located within the administrative area of Cork City Council, which was adopted on 27th June 2022 and came into effect on 08th August 2022. Relevant provisions are referenced below.

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'. (Development Plan Map 07 and Section 12.24)

Adjoining lands to the west are zoned ZO 12, Education.

Objective 2.24 Underutilised Sites

Objective 2.31 Compact Growth

Objective 2.32 Housing Supply

Section 3.22 Residential Density

Objective 3.3 New Housing Supply

Objective 3.4 Compact Growth

Objective 3.5 Residential Density

Objective 4.5 Permeability

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

Table 11.13: Maximum Car Parking Standards.

Section 11.61 Residential Development

Section 11.66 New Residential Development

Section 11.69 Residential Density

Section 11.74 Residential Mix

Objective 11.3 Housing Quality and Standards

Section 11.108 Private Space for New Houses

Section 11.112 Public Open Space in Housing Developments

Objective 11.5 Private Amenity Space for Houses

Chapter 12 Land Use Zoning Objectives

Section 12.24 Zoning Objective 1: Sustainable Community and Neighbourhood Development

5.1.1. Cork City Urban Density, Building Height and Tall Building Study 2021

5.2. Other 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)

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)

5.3. Natural Heritage Designations

The nearest Natura 2000 European Site to the appeal site is the Cork Harbour SPA (Site Code: 004030), approx. 3 km to the east of the site.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment (EIA) Screening Report was not submitted with the application. Regarding EIA thresholds, Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

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

5.4.2. It is proposed to construct a residential development containing 24 no. dwellings units, as revised by way of further information submitted. Therefore, the number of dwellings proposed is well below the threshold of 500 dwelling units. The site has an overall area of c. of 0.131 ha and is located on lands zoned 'ZO 01 Sustainable Residential Neighbourhoods', within an existing built-up area but not in a business district, and is, therefore, well below the applicable threshold of 10 ha.

5.4.3. The site is adjoined by residential development to the north, south and east along the Lower Friars Walk, and education zoned lands to the west. The introduction of residential development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of landscape or natural/cultural heritage. The proposed development is not likely to have a significant effect on any European Site (as outlined in Section 7.3 of this Report). There is no hydrological connection present, which could significantly impact nearby watercourses (whether linked to any European site or other sensitive receptors).

5.4.4. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise

to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be minimal.

5.4.5. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The site is located on lands 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' under the Cork City Council 2022-2028 and was subject to the results of the Strategic Environmental Assessment of the Cork City Council Development Plan 2022-2028, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I conclude that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that, on preliminary examination, an Environmental Impact Assessment Report (EIAR) or a determination in relation to the requirement for an EIAR is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A joint third-party appeal was received from the following;

- The residents of Lower Friar's Walk, The Green and Hillview Estate.
- Cllr. Paudie Dineen, Cork City Council
- Cllr. Fiona Kerins, Cork City Council
- Cllr. Mick Finn, Cork City Council
- Cllr. Shane O'Callaghan, Cork City Council
- Cllr. Dan Boyne, Cork City Council

6.1.2. The following is a summary of the grounds of appeal.

- The height of the proposed development remains a significant concern, as a structure of three storeys would be out of character with the neighbouring residential area, which primarily comprises bungalows.
- The development of a 3-storey structure would overlook a primary school, compromising the security, privacy, and safety of young children who attend the school and play in the schoolyard.
- The Appellants request that the proposed development either be refused permission entirely or the height of the structure be reduced to two storeys, which would be deemed acceptable.

6.2. Applicant Response

6.2.1. The response received from Eitheal Architects representing the Applicant, is summarised as follows;

- The Appellants have expressed their support for the development of the site and are in favour of the demolition of the existing commercial premises, the Manhattan bar, to make way for residential premises that will better serve the local community.

Regarding the Height of the Building:

- Initially, the Appellants had objected to the construction of a four-storey building. In response, the Cork City Council requested that the design be revised to a three-storey structure.
- The Applicant, in designing the revised structure, was mindful of maintaining the character of the area and ensuring that the building did not exceed the existing ridge height of the building scheduled for demolition.
- The revised design, which was of similar elevational volume to the derelict bar and relocated further north at Cork City Council's request, was developed while taking into consideration the effect of potential shadows on adjacent existing dwellings.
- The proposed shadow analysis revealed that no additional shadows would be cast by the proposed design due to the lowering of the proposed finish floor level and not exceeding the ridge level of the existing derelict building.

Regarding Overlooking

- The proposed apartments are intended to be occupied by new tenants who will hopefully benefit from the existing school located nearby.
- The school yard is situated to the north of the gable end of the proposed apartment building and is separated from the public footpath by a steel railing.
- The design of the proposed apartment building ensures that there are no windows overlooking the school to the north.
- The top floor private open space for the northernmost apartment features an opaque screen that is 1.8 meters high, which prevents overlooking of neighbouring properties and adjacent areas.
- The Applicant considers that there is no possible way that the proposed apartment building will overlook the school to the north.
- The Applicant notes that should the appeal be upheld, it will result in a derelict public house remaining on the vacant site register, and the refusal of permission to provide 24 new dwellings in Cork city centre.
- The Applicant believes that providing these residential units and ensuring the managed upkeep of a quiet and safe micro-community will be a valuable addition to Cork City and its environs.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

None

7.0 **Assessment**

I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the proposed development accords with the policies, objectives, and standards of the Cork City Council Development Plan. Having examined the application details and all other documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal. I am satisfied that no other substantive issues arise. The issues raised in the grounds of appeal and screening for Appropriate Assessment are addressed under the following headings:

- Building Height
- Overlooking
- Appropriate Assessment

These issues are addressed below accordingly.

7.1. **Building Height**

7.1.1. The Appellants object to the proposed development on the grounds that the height of the proposed three-storey structure would be out of character with the neighbouring residential area, which the Appellants state comprises primarily of bungalows.

7.1.2. Upon assessment of the revised proposal submitted by the Applicant, the Planning Authority noted several changes to the proposed apartment building. These changes include a reduction in the number of storeys from the initial four-storey proposal to three storeys, a reduction in the number of apartments to 24 from the original 26, and a decrease in the gross floor area of the development from 2,189.9 sqm to 1,725.8

sqm. Additionally, the overall footprint of the development was reduced, and the length of the building was shortened from 50m to 36.19m. To aid in the evaluation of the revised scheme, the Applicant submitted a contextual elevation drawing which depicts the revised design in relation to existing buildings on either side of the proposed development. The Planning Authority considered that the reduction in height and length, in conjunction with other modifications made to the site layout, would contribute significantly to the successful integration of the proposed apartment building into the surrounding street. Taking all these factors into consideration, the Planning Authority concluded that the revised design of the apartment block is acceptable.

- 7.1.3. Having regard to the foregoing, the main planning issue that needs to be evaluated is whether the proposed three-storey apartment building would be in keeping with the character of the surrounding area and consistent with Development Plan policy and relevant planning guidelines regarding building height.
- 7.1.4. The appeal 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', as detailed on Map 07 of the Development Plan. Residential land use is acceptable in principle on 'ZO 01' zoned lands, as detailed under Section 12.24 of the Cork City Council Development Plan 2022-2028. As such, the proposed residential development is acceptable in principle, in accordance with the zoning objective of the area, subject to planning considerations, including policies and objectives outlined in the Cork City Council Development Plan 2022-2028.
- 7.1.5. Property in the surrounding area includes a single-storey detached dwelling and a terrace of two-storey dwellings on adjoining lands to the south-west along Lower Friars Walk. A row of single and 1.5-storey detached dwellings are located directly opposite the site to the east, and a single-storey flat roof vacant premises and a single-storey dwelling are located on adjoining lands to the north-west. Dwellings further to the north-west along Lower Friars Walk are mostly two-storey dwellings.
- 7.1.6. Lower Friars Walk road connects with Tramore Road c. 120m to the south-east. This area is known for its commercial parks and features a mix of light industry and mixed-use development. The development along Tramore Road is characterised by a significant number of warehousing units and office / mixed-use buildings that range in

height from one to three storeys. Cork College of FET, Tramore Road Campus is located c. 225m to the south-west of the appeal site and comprises a two-storey building. Mornington Star National School is located c. 40m to the north-west of the site along Connolly Road and is a single-storey building. Cork city centre is located c. 2.5km to the north-west.

7.1.7. The existing premises to be demolished has a maximum ridge height of 7.78 OD (107.9 AOD). The neighbouring single-storey flat roof building and single-storey hipped roof dwelling to the north have ridge heights of 3.4m and 4.2m (104.6 AOD), respectively. The neighbouring single-storey dwelling to the south-east along Lower Friars Walk has a roof ridge height of c. 4.5m (102.6 AOD).

7.1.8. Under the subject appeal, the revised proposed residential building is three storeys and flat-roofed. The roof ridge height of the proposed building is 9.15m high, with a roof ridge line aligning with that of the existing building to be demolished, i.e. 107.9 AOD. The second-floor (third-storey) elevation of the proposal is recessed behind the projecting elements of the first and second-storey front elevation of the building.

7.1.9. Section 11.27 of the Cork City Development Plan 2022-2028 refers to 'Building Height', whereunder Fig. 11.2 and Section 11.38 indicates the site as being located within the 'Inner Urban Suburb No. 5 South Link Road Corridor'. Table 11.1 of the Development Plan sets out Cork City Council's Building Height Standards and details how the prevailing height in the 'Inner Urban Suburb No. 5 South Link Road Corridor' is 2-3 storeys, and the target lower to upper building height for this area is 3-4 storeys. It is my view that the height of the revised proposed 3-storey apartment building is consistent with the Cork City Council's Building Height Standards.

7.1.10. Of relevance to the appeal site is National Policy Objective 35 of the National Planning Framework (NPF) which seeks to;

'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

7.1.11. Section 1.20 of the 'Urban Development and Building Heights Guidelines for Planning Authorities (2018)' details how;

'A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the

building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels'.

7.1.12. Section 3.1 of the Guidelines states that;

7.1.13. *'it is Government policy that building heights must be generally increased in appropriate urban locations, and therefore, a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility'.*

7.1.14. Section 3.2 of the Guidelines sets out development management criteria, which are addressed under the headings below, accordingly.

7.1.15. At the scale of the city

7.1.16. The site is conveniently located near public transportation, with a Cork City bus stop situated in front of the site along Lower Friars Walk. This bus stop services bus route no. 203, which connects Manor Farm to Parklands Drive through Cork's city centre. Additionally, another bus stop is located within a 5-minute walking distance (100m) of the appeal site, further to the north along Lower Friars Walk. This bus stop serves Cork City bus route no. 209A, which links Lower Connolly Road (Opp. Connolly Green) to Cork Merchants Quay (city centre). In accordance with the guidelines, I am satisfied the site is well served by public transport with high capacity, frequent service, and good links to other modes of public transportation.

7.1.17. The site is not located within an architecturally sensitive area. Given that the roof ridge line of the proposed building would align with the upper roof ridgeline of the existing building to be demolished, I consider the building height of the proposal would not diminish the character and visual amenity of the surrounding area. The redevelopment of the site would be consistent with Objective 2.24 of the Development Plan, which 'seeks to address issues of dereliction, vacancy and underutilisation of sites within Cork City by encouraging and facilitating their re-use and regeneration subject to good planning and the infrastructural carrying capacities of the area'. On this basis, I am satisfied that the proposed development would contribute to the site's overall regeneration without negatively impacting the surrounding area's character and visual amenity.

7.1.18. At the scale of the neighbourhood / street

7.1.19. As detailed above, the site is located within the 'Inner Urban Suburb No. 5 South Link Road Corridor', where Cork City Council's Building Height Standards identify the prevailing height for this area is 2-3 storeys, and the target lower to upper building height for this area is 3-4 storeys. The proposed 3-storey apartment building is consistent with the target height for this neighbourhood. In my view, the proposed building's height responds appropriately to the site's context. The proposed building's roof ridgeline aligns with the roof ridgeline of the existing building that will be demolished. This alignment ensures that the proposed building harmonises with the surrounding built environment while respecting the area's established height standards.

7.1.20. The proposed development features a varied building form that includes a second-floor front elevation setback, positioned behind the projecting two-storey bays at ground and first-floor levels. Additionally, the building's front, rear, and corner elevations are punctuated with balconies, which soften its overall massing. The proposed fenestration treatment and elevation materials, namely a combination of brick and rendered finish, are in keeping with the existing building to be demolished and the pattern of development in the surrounding area. It is my view that the proposal would integrate with the character of the surrounding neighbourhood and positively contribute to the visual amenity of the surrounding streetscape.

7.1.21. At the scale of the site/building

7.1.22. A shadow study was submitted by way of further information to the Planning Authority. This study provides a summary of the extent of the overshadowing effects of the proposed development on adjacent properties at specific times on December 21st (10:00 AM and 3:30 PM), March 21st (8:30 AM, 11:00 AM, 2:00 PM, and 5:00 PM), and June 21st (12:00 PM and 3:00 PM). The assessment reveals that the shadow impact on the front-facing façade of the nearest building to the north, an unoccupied commercial unit, would be most impacted in March at 8:30 AM and 11:00 AM, while the impact on the closest neighbouring dwelling further to the north would be minimal. Furthermore, the proposal would not result in overshadowing of the neighbouring dwelling to the south.

7.1.23. Having regard to the orientation, layout and height of the proposed development and the orientation and higher ground levels of neighbouring property to the north, I am satisfied that the front and rear elevations of neighbouring property to the north would receive in excess of 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours (APSH) in the winter months between the 21st September and 21st March, in accordance with the recommendations of Section 3.2 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 2011). Furthermore, I am satisfied that the private amenity space to the rear of these properties would receive at least two hours of sunlight on the 21st March, in accordance with the recommendations of Section 3.3.7 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 2011).

7.1.24. Specific Assessment

7.1.25. The site is not a Protected Structure and is not located within an Architectural Conservation Area, designated Conservation Area, or Zone of Archaeological Interest.

7.1.26. Conclusion

It is my view that the building height, form, and design of the proposed development accord with the Urban Development and Building Heights Guidelines for Planning Authorities (2018), in particular Section 3.2, and complies with the Cork City Building Height Standards of the Cork City Development Plan 2022-2028. Accordingly, I am satisfied that the building height, form, and design of the proposed three-storey residential buildings are acceptable in this instance.

7.2. Overlooking

7.2.1. The Appellants object to the proposed development on the grounds it would overlook a primary school, and would thereby compromise the security, privacy, and safety of young children who attend the school and play in the schoolyard.

7.2.2. The Planning Authority, in its assessment of the revised proposal, noted that the initially proposed rooftop outdoor communal space had been omitted. This addressed the Planning Authority's concerns raised in the initial assessment regarding the impact of overlooking adjoining residential amenities. Furthermore, the Planning Authority

considered that the wider setback of the southern elevation of the proposed block from the southern site boundary would also reduce the impacts of overbearance and overlooking. The revised scheme's proposed balconies were also considered to have no undue loss of privacy to neighbouring properties. Based on this analysis, the Planning Authority concludes that the revised scheme is acceptable and would not have any undue or detrimental impact on the amenities of the adjoining properties.

- 7.2.3. Having regard to the foregoing, the main issue that needs to be addressed is whether the revised development proposal adequately addresses the concerns of overlooking, security, privacy, and safety of the adjacent primary school and its students, as raised by the Appellants and neighbouring dwellings.
- 7.2.4. Mornington Star National School is located at an oblique angle c. 40m to the north-west of the appeal site, along Connolly Road. South Lee Educate Together National School is located c. 200m to the west of the site, and Cork College of FET, Tramore Road Campus is located c. 240m to the south-west of the site. Intervening land between these and the appeal site comprises a large, grassed sports ground.
- 7.2.5. The revised proposal submitted to the Planning Authority by way of further information omits the originally proposed rooftop communal space. It is my view that the removal of the rooftop communal space in the revised proposal eliminates the potential for occupants of the development to have direct line-of-sight access to the Mornington Star National School and its schoolyard from an elevated vantage point. This reduces the risk of overlooking and protects the privacy, security, and safety of the young children attending the school.
- 7.2.6. Regarding the potential for overlooking from the apartments within the proposed development, the Applicant states in response to the appeal that there are no windows directly overlooking the Mornington Star National School to the north and that the top floor private amenity space for the northernmost apartment features an opaque screen that is 1.8 meters high, which prevents overlooking of neighbouring properties and adjacent areas.
- 7.2.7. I note that the drawings submitted by way of further information do not clearly detail/label the provision of a 1.8 meters high opaque screen high to the northern side of the balconies of the first and second-floor north-western apartments, closest to the Mornington Star National School. Notwithstanding this, it is my view that this issue can

be dealt with by way of Condition in the event of a grant of permission. I consider that the provision of such a screen would obstruct the line of sight from the balconies at the north-western corner at second-floor level, making it difficult for occupants of these apartments to view the school premises, especially the play areas where children are most vulnerable. By incorporating this opaque screen, the revised development proposal addresses the Appellants' concerns regarding overlooking, security, privacy, and safety of the adjacent primary school and its students. As a result, the potential negative impact on the school's amenities is minimised, ensuring that the children's well-being is protected while maintaining an acceptable level of residential amenity for the occupants of the proposed development.

- 7.2.8. Other balconies to the rear of the proposed development face in a south-westerly direction and would not have a direct line of sight of Mornington Star National School, and thereby would not compromise the privacy, safety and security of the school premises and its students.
- 7.2.9. A separation distance of 14.1 metres is provided between the revised proposal and the south-western side boundary. Similar to the balcony treatment at the north-western corner, it is my view that the provision of a 1.8m high opaque screen to the southern side of the balconies of the units at the south-western corner at first and second-floor level would prevent overlooking of the neighbouring dwelling to the south.
- 7.2.10. In conclusion, it is my view that the revised development proposal addresses the concerns of overlooking, security, privacy, and safety of the adjacent primary school and its students and neighbouring property to the south. The removal of the rooftop communal space, the wider setback of the southern elevation, the incorporation of 1.8 meter high opaque screens (by way of Condition), and the orientation of other balconies ensure that the proposed development would not compromise the security, privacy, and safety of young children attending the Mornington Star National School and playing in the schoolyard, and the and neighbouring property to the south. I recommend, therefore, that the proposed development is not refused permission on these grounds of appeal.

7.3. Screening for Appropriate Assessment

7.4. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Cork City Development Plan 2022-2028 and the 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, residential and public amenity of the area, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 01 st day of December 2021, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The permitted development is for the construction of 24 no. Apartments only (12 no. one-bedroom apartments and 12 no. two-bedroom apartments) on the subject site.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The proposed development shall include opaque screens, measuring 1.8 meters in height, on the sides of the balconies for the units located at the north-western and south-western corners of the development on the first and second floor. Revised drawings demonstrating compliance with this requirement shall be submitted to and approved in writing by the planning authority prior to the commencement of development.</p> <p>Reason: To prevent overlooking and loss of privacy of neighbouring properties.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>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>Reason: In the interest of public health.</p>
6.	<p>Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water).</p> <p>Reason: In the interest of public health.</p>
7.	<p>A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:</p>

	<p>(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;</p> <p>(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;</p> <p>(c) details of proposed street furniture, including bollards, lighting fixtures and seating;</p> <p>The landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual and residential amenity.</p>
8.	<p>The communal parking area serving the 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>Reason: In the interest of sustainable transportation.</p>
9.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of residential amenity and public safety.</p>
10.	<p>Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>

11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, footpaths and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
13.	<p>The apartments shall not be used for any short term residential letting.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
14.	<p>Prior to the commencement of the development as permitted, the Applicant or any person with interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all units permitted, to first occupation by individual purchasers, i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>

15. 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:
- (a) Location of the site and materials compound(s) including areas identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Provision of parking for existing properties during the construction period;
 - (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

	<p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers, drains or the Grand Canal.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
16.	<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>Reason: In the interest of sustainable waste management.</p>
17.	<p>All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
18.	<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 provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.</p>

	Reason: In the interests of visual and residential amenity.
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<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>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
21.	<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</p>

<p>provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Brendan Coyne
Planning Inspector

23rd March 2023