



An
Bord
Pleanála

Inspector's Report

ABP-313628-22

Development	Partial demolition of mews structure, and construction of 3 apartments.
Location	Building adjacent to, Marlboro Mews, Sidney Mews, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2140145
Applicant(s)	Daniel McAuliffe
Type of Application	Planning Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party Appeals
Appellant(s)	Veronica O'Mahony Daniel Linehan Graham Stanley Breda Heffernan Geraldine Mac Carthy
Observer(s)	None

Date of Site Inspection

19th April 2023

Inspector

Susan Clarke

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.0174 ha and is located on the northern side of Cork City at No. 4 Sidney Mews, Wellington Road, Cork. Sidney Park borders the site to the north, while Sidney Mews borders it to the south. Marlboro Mews, a three storey apartment scheme comprising three apartments, is located directly to the west of the site, while the area to the east contains scrub land. There is a significant change in ground levels between Sidney Mews (27mOD) and Sidney Park (31.5-32.5mOD). In addition, the gradient also increases in an easterly direction across the site and in the surrounding area. The site occupies a central location, being within a short walk of the city centre and Kent train station.
- 1.2. The site contains a two storey stone structure with a galvanised roof. The building is vacant and in a poor state of repair with overgrown scrub and a number of trees located to the rear (along Sidney Park) and on the adjoining site to the east. The rear of Scoil Mhuire School is located directly opposite the site on Sidney Mews. I note from my site visit that there are five residential properties facing directly onto the mews; on the northern side: the ground floor unit of Marlboro Mews, and on the southern side: Nos. 1 and 1A Sidney Place (located on the junction of Sidney Mews and Sidney Park), and Nos. 5 and 6 Sidney Mews. In addition, there is a commercial premises located at the most eastern point of the mews. Furthermore, there are two vehicular entrances onto the mews from the rear of Nos. 7 and 8 Wellington Road. The Mews is a cul-de-sac with varying widths of between 5.2m to 6.5m and has a limited number of car parking spaces. There are double yellow lines on the southern side of Sidney Park directly opposite the site. Whilst there are queries raised in this case as to whether or not the lane is taken-in-charge by the Local Authority, I noted that the surface was in a relatively good condition at the time of my site visit.

2.0 Proposed Development

- 2.1. The proposed development comprises the partial demolition of an existing mews structure and incorporation of the front stone façade into the new construction of one 1-bedroom and two 2-bedroom apartments in a three storey building with balconies to rear and associated site works.

- 2.1.1. Following a Request for Further Information, a number of amendments were made to the scheme including: 1) replacement of the proposed pitched roof with a curved roof structure, 2) elevations alterations including the omission of the proposed windows on the eastern elevation, 3) provision of four bicycle parking spaces and a communal service yard to the rear at ground floor level, 4) a reduction in the size of the proposed balconies associated with Apartments 2 and 3, and 5) minor setback of the eastern section of the front elevation along Sidney Mews.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of the Decision to Grant Permission for the proposed development on 28th April 2022, subject to 13 No. standard conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The Planner's Reports forms the basis of the Local Authority's decision.
- 3.2.3. There are two Planning Reports on file from the Executive Planner dated 23rd June 2021 and 27th April 2022, respectively.
- 3.2.4. In summary, the Planning Officer in the former report stated that the partial demolition of the structure was acceptable, however the Officer advised that the lack of detail submitted with the application in terms of plans and associated documentation, means that an assessment of the wider impacts of the proposal cannot be conducted. In addition, concern was raised in relation to the proximity of the development to an existing third-floor window on the eastern façade of the adjoining apartment building. The Officer advised that the proposal was generally consistent with the Apartment Guidelines' SPPRs, however the Officer had concerns in relation to the open space associated with Unit 1 which can be accessed via the bedroom and the communal laundry/storage area. The Officer recommended that further information be sought in relation to 11 No. items.

- 3.2.5. A **Request for Further Information** was issued on 23rd June 2021 in relation to: 1) submission of a full set of plans, dimensioned and scaled; 2) potential daylight impacts on the neighbouring Marlboro Mews apartment unit at third floor level facing the subject site; 3) omission of all fenestration on the eastern elevation of the site as it overlooks third party lands; 4) submission of a schedule of the total floor areas of each unit; 5) clarification regarding the use of the grass area to the rear of the property; 6) provision of one bicycle space per bedroom as per the Apartment Guidelines requirements; 7) submission of a Demolition and Construction Management Plan; 8) submission of waste management details; 9) submission of wastewater and stormwater details; 10) submission of a written agreement with the owner/users of the existing drain in Sidney Mews which is in private ownership; and 11) submission of a bat survey.
- 3.2.6. Following the receipt of the further information on 31st March 2022 and readvertisement of the statutory notices, the latter Planner's Report (27th April 2022) states that based on the information provided in the RFI Response it is not possible to undertake an assessment of the potential light impacts on the neighbouring property. However, the Planner notes that the proposal has a curved roof structure that would allow more light to reach the kitchen window of the neighbouring property at third floor level in comparison to the scheme that was permitted on the site in 2007. The Officer advised that on balance, having regard to the housing need, the proposal was acceptable. The Officer notes that all the units exceed the required private open space provision. The Report concludes that the proposal accords with the proper planning and sustainable development of the area and recommends that permission is granted.
- 3.2.7. The Acting Senior Executive Planner concurred with the Executive's Planner's recommendation for permission to be granted in a report dated 27th April 2022.
- 3.2.8. Other Technical Reports
- Conservation Report: (26th April 2022): No objection subject to condition: Prior to the commencement of the demolition works, all specifications and methodologies relating to the retained front and west elevations of the existing building on site, shall be submitted and agreed with the Planning Authority and Conservation Officer for written agreement.

Drainage Report (21st June 2021 and 25th April 2022): No objection subject to condition.

Contributions Report (3rd June 2021 and 20th April 2022): No objection subject to condition

Environment Report (20th May 2021 and 8th April 2022): No objection subject to condition.

City Architect: No comments on file.

Archaeology: No comments on file.

Urban Roads and Street Design (Planning): No comments on file.

3.3. **Prescribed Bodies**

Irish Water (22nd June 2021 and 26th April 2022): Original report stated that there was insufficient information submitted with the application to make a determination in the case. On foot of the RFI Response, the latter report advised that there was no objection subject to condition.

Failte Ireland: No comments on file.

An Chomhairle Ealaíon: No comments on file.

An Taisce: No comments on file.

The Heritage Council: No comments on file.

National Parks and Wildlife Service: No comments on file.

3.4. **Third Party Observations**

3.4.1. Six observations from local residents were submitted to the Local Authority opposing the proposed development. A further five Observations were made following the submission of the RFI Response to the Local Authority. The key points raised in the Observations can be summarised as follows:

- Overdevelopment.
- Proposal will negatively impact the area's residential amenity.
- No legal consent to use private drainage system.

- Proposal projects over Mews.
- Insufficient information submitted with the application.
- Inconsistencies and inaccuracies on planning drawings.
- Confusion in respect of two white site notices on site.
- The building does not need to be demolished to meet residential need.
- Proposal represents a traffic hazard. No car parking proposed.
- Concerns regarding bin storage.
- Proposal materially contravenes Objective 9.30 of the City Plan in relation to Demolition in Architectural Conservation Areas.
- Concerns regarding the structural integrity of adjoining properties and Sidney Park Road during the construction period.
- Concerns in relation to significant disruption to the area during construction.

4.0 Planning History

Planning Authority Reg. Ref. 07/32586: Planning permission granted in June 2008 for the partial demolition of existing mews structure and incorporation of front façade onto new development of six 1-bed apartments in a three-storey building.

Planning Authority Reg. Ref. 05/30103: Planning permission refused in June 2006 for the demolition of the existing warehouse and construction of a three-storey structure consisting of a ground floor car park and two, two storey dwellings, for the following reason:

The development by reason of its height, scale and massing and design is considered an inappropriate infill development to replace the existing coach house/mews on the site. In addition it is considered that an insufficient case has been made for demolition of the existing structure on the site which is located within an Area of Special Character. As such, the proposed development would seriously injure the amenities of the area and of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

5.1.1. While the Cork City Development Plan 2015-2021 was in force at the time this planning application was lodged, the 2022-2028 development plan has been adopted in the interim and is the relevant local planning policy document for the purposes of adjudicating this appeal case.

5.1.2. Land Use Zoning

5.1.3. The site is subject to land use zoning ZO 01 – “Sustainable Residential Neighbourhoods”, which has the objective “*to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*”. Section 12.24 of the Development Plan states that the vision for sustainable residential development in Cork City is one of sustainable neighbourhoods where a range of accommodation, open space, local services and community facilities are within easy reach of residents. Development within this zone should generally respect the character and scale of the neighbourhood. Development that does not support the primary objective of this zone will be resisted.

5.2. Conservation

5.2.1. The site is located in the Wellington Road/St. Luke’s Architectural Conservation Area (ACA). New development in ACAs should have regard to existing patterns of development, the city’s characteristic architectural forms and distinctive use of materials. It is expected that new development should generally reflect contemporary architectural practice and not aim to mimic historic building styles.

5.2.2. Objective 8.23 (Development in Architectural Conservation Areas):

Development in Architectural Conservation Areas should have regard to the following:

(a) Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted.

(b) Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering

layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area.

(c) Historic materials and methods of construction should be retained and repaired where this is reasonable.

(d) Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.

5.2.3. **Objective 8.24 (Demolition in Architectural Conservation Areas):**

Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

5.3. **New Residential Development**

5.3.1. Section 11.139 Infill Development states:

Adaptation of existing housing and re-using upper floors, infill development will be encouraged within Cork City. New infill development shall respect the height and massing of existing residential units. Infill development shall enhance the physical character of the area by employing similar or complementary architectural language and adopting typical features (e.g. boundary walls, pillars, gates / gateways, trees, landscaping, fencing, or railings).

5.3.2. Section 11.66 sets out that when assessing proposals for new residential development a broad range of issues will be assessed, including: (1) design quality, (2) site features and context, (3) residential density, (4) building height, (5) residential mix, (6) existing neighbourhood facilities and the need for additional facilities, (7) integration with the surrounding environment in terms of built form and the provision of walking / cycling permeability, (8) transport and accessibility, (9) residential amenity of scheme proposed, (10) impacts on residential amenity of surrounding areas, (11) utilities provision, (12) waste management.

5.3.3. Objective 3.9 Infill Development – support the development of small sites for new housing supply whilst still ensuring high standards of residential amenity for existing adjoining homes

- **Residential Density and Building Heights**

5.3.4. Residential densities and building heights for different parts of the city are identified in Table 11.2 of the Development Plan. A lower density target of 100 units per hectare is identified for the City Centre (no upper target identified), with a building height target range of 4 – 6 storeys.

5.3.5. Tables 11.3 and 11.5 of the Development Plan identify the unit mix for small apartment schemes in the city centre. For schemes of less than 10 units, a max. of 4 studio units shall be provided.

5.4. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022)**

5.4.1. **SPPR1:** Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

5.4.2. **SPPR2:** For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

- Where up to 9 residential units are proposed, notwithstanding SPPR1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units.
- Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR 1, shall apply from the 10th residential unit to the 49th.
- For schemes of 50 or more units, SPPR1 shall apply to the entire development.

All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

5.4.3. The key development standards for apartment units in the context of this appeal case are summarised below. For urban infill schemes on sites of up to 0.25 ha, these requirements may be relaxed on a case-by-case basis, subject to overall design quality.

- **Overall floor area:** 1-bedroom unit - 45 m²; 2-bedroom/3-person unit – 63 m² (not to comprise more than 10% of the total units); 2-bedroom/4-person unit – 73 m². The majority of the units shall exceed the minimum floor area standards by 10%.
- **Storage space:** 1-bedroom unit - 3 m²; 2-bedroom/3-person unit – 5 m²; 2-bedroom/4-person unit – 6 m². Storage for bulky items should also be provided outside individual apartments.
- **Dual Aspect Ratio:** Minimum 33% dual-aspect units in more central and accessible urban locations. Where single-aspect apartments are provided, the number of south-facing units should be maximised, with east and west facing units also acceptable. North-facing units may be considered where they overlook a significant amenity e.g. a park or waterbody.
- **Floor to Ceiling Height:** Min. of 2.4 m required, but 2.7 m encouraged.
- **Lift and Stair Cores;** Max. of 12 apartments per floor per core.
- **Private amenity space:** 1-bedroom unit – 5 m²; 2-bedroom/3-person unit – 6 m²; 2-bedroom/4-person unit – 7 m².
- **Communal amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/3-person unit – 6 m²; 2-bedroom/4-person unit – 7 m². The recreational needs of children must be considered as part of communal amenity space.
- **Bicycle parking:** 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit.
- **Car parking:** In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.

5.4.4. Provision shall be made for the **storage and collection of waste** materials in apartment schemes. Refuse facilities shall be accessible to each apartment stair/ lift

core and designed for the projected level of waste generation and types and quantities of receptacles required.

5.5. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

- 5.5.1. Criteria for assessing proposals within an ACA are set out in Section 3.10 of the Guidelines. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the character of the area. Where demolition is proposed, the onus is on the applicant to make the case for demolition and the Planning Authority should consider the effect on the ACA and any adjacent Protected Structures.

5.6. Natural Heritage Designations

- 5.6.1. Cork Harbour SPA (Site Code: 004030) is located c3km to the south-east of the subject site at its closest point.

5.7. EIA Screening

- 5.7.1. An Environmental Impact Assessment Screening report was not submitted with the application. 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).

- 5.7.2. It is proposed to construct three apartments which is significantly below the 500-unit threshold noted above. The site has an area of 0.0174 ha and is located within an existing built-up area but not in a business district. The site is therefore well below the applicable threshold of 10 ha. The introduction of this residential scheme would have no adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European site. 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. Having regard to the size of the proposal, the impacts in terms of water supply and drainage would be marginal.

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

6.0 The Appeal

6.1. Five Third-party Appeals

- 6.1.1. Five Third-party Appeals were lodged with the Board opposing the Local Authority's decision. The Appellants and grounds of appeal are outlined below.

Veronica O'Mahony, Carbertown, Glanmire, Co. Cork

- Sidney Mews is only 3.2m wide to the front of the subject site. The proposal fronts directly onto the lane and as such represents a traffic safety hazard.
- While the proposed works are ongoing, scaffolding will be required to stabilise the existing front wall of the property and to provide access to the roof level. This will reduce the width of the lane even further and will remove the vehicular access to Nos 5 and 6 Sidney Mews, Nos. 7 and 9B Sidney Place, and Scoil Mhuire Secondary School.
- Significant groundworks will be required to complete the development, which will require a reduction to the width of the lane and will threaten the stability of the public road to the north of the site as well as the land to the east.
- Details of the proposed method of construction should be provided by the applicant to show how access along the lane will be maintained during the works and how the stability of the surrounding lands, including the public road, will be protected.

McCutcheon Halley prepared two separate Third-Party Appeals for Dan Linehan, (Sidney Place Wellington Road, Cork) and Graham Stanley, (Marlboro Mews, Wellington Road, Cork), respectively. The grounds of appeal are the same in both appeals and as such for efficiency the key points from both appeals are summarised collectively below.

- The plans and particulars as submitted with the original application on 30th April 2021 and as amended on 31st March 2022 are not accurate or detailed enough to allow a proper assessment to be made of the impact of the proposed development at the construction and operational stages of the project.
- Drawings AR-111, AR-210 AR-311 or AR-312, which were referenced on the RFI cover letter, are not on the public file. The available drawings do not include a proper site survey. The limited number of spot levels is not sufficient to verify the contours shown on the roads and adjoining property.
- It is not possible to construct the proposed development in accordance with the revised drawings without encroaching on or adversely affecting the adjoining private properties and the private laneway of Sidney Mews. No letters of consent have been provided to facilitate construction outside the subject site. The drawings do not show whether the areas required for structural props, hoardings, site offices, materials & etc could be accommodated within the red line boundary. Sidney Mews is not a public road, and is not an area where the City Council is free to allow developers to occupy the carriage way.
- It is clear from the Drainage Report, the Applicant's proposal to dispose of surface water via soakaways is unacceptable and Irish Water have not as yet agreed to a combined sewer.
- The Planner's comments that the proposal is acceptable on the basis that there is a previous expired permission on the site and that the Building Height Guidelines allow for dispensations for developments that do not fully meet normal requirements, is not acceptable, as no justification to understand why a substandard solution is provided.

- The western and eastern elevations should be setback to ensure no negative impacts on the neighbouring properties.
- The fact that the windows have been omitted on the eastern elevation reduces, but does not entirely remove, the adverse effect on the future development potential of the lands to the east.
- The effect of the omission of the fenestration on the eastern elevation on the amount of natural light within the apartments has not been addressed. A similar issue also arises in regard to the amount of light reaching the northern elevation at ground floor level due to the height of the embankment supporting Sidney Park.
- Neither the Applicant nor the Planning Authority appear to have taken due account of the significant level change at the eastern boundary which, is not accurately shown on Site Section 2 on Drawing AR-212.
- In general the Development and Construction Management Logistic Plan is a generic document which was drafted to apply to larger and less constrained sites which have direct access from a public road and does not address the specific problems which the contractor is likely to experience in providing access storage and waste removal for a very restricted site which is served by a substandard private laneway located in an area which is subject to regular traffic congestion.
- No assessment appears to have been made of the capacity of the existing sewer connection or the feasibility of excavating a soakaway in the rocky ground to the rear of the building. The proposed surface water soakaway would be too close to the existing structures. The development would therefore require the consent of Irish Water to make a new combined foul and stormwater connection to the public sewer.
- Question whether the retention of the existing walls is necessary from a conservation viewpoint or feasible from a construction management viewpoint.
- If the Board would allow the demolition of the existing structure, the site can be redeveloped in a more rational way in accordance with a revised design, which

would respect the character of Sidney Mews and the amenities and development potential of adjoining properties.

John Mac Carthy and Partners prepared two separate Third-Party Appeals for Breda Heffernan, (Lisadell, Maryborough Hill, Douglas, Cork) and Geraldine Mac Carthy, (Francis Avenue, College Road, Cork), respectively. The grounds of appeal are the same in both appeals and as such for efficiency the key points from both appeals are summarised collectively below.

- The Applicant or his agent has not consulted with local residents or property owners in the area.
- The existing sewers laid to drain from dwelling houses etc in Sidney Mews are private services and are not in the ownership or the charge of Cork City Council. The Applicant has not made any enquiries, sought permission or received any permission to make any connections to existing private sewers, a matter which is acknowledged by Cork City Council.
- No design analysis has been presented to calculate the capacity of any of the existing private infrastructural facilities on Sidney Mews. No information has been submitted to support the actual technical details of any of the private drains, let alone how connections might be made, or if these are implementable at all. There is no existing public drain on Sidney Mews as stated by the Applicant.
- Sidney Mews has a very narrow carriageway width, and the existing permitted amenities enjoyed by the residents and users of Sidney Mews will be adversely compromised. The safe use of the area cannot be maintained or safe guarded both during the demolition and construction phases, and indeed on an ongoing basis in the future. Sidney Park, a public street, is significantly more appropriate for all access and egress requirements including the demolition, construction, and delivery stages, and also in perpetuity.
- The proposal will endanger public safety, along with the obvious injurious impacts on the residential amenities of Sidney Mews.
- Concerns in relation to the Demolition and Construction Management and Logistics Plan include *inter alia*:

- No consultation with locals
- The document itself is very generic and fails to identify any "competent persons" by either name, qualification, experience or company identification.
- Separation distances have not been identified.
- Insufficient detail with regards to demolition works.
- The siting, positioning, extent and duration for the erection and existence of hoardings on site, is not referenced.
- No meaningful analysis has been produced or referenced, and no mention has even been considered with respect to alternatives.
- There are no parking meters on Sidney Mews.
- No Site Waste Management Plan has been prepared despite being referenced in the Plan.
- No pre commencement conditions survey has been carried out contrary to what is stated in the Plan.
- All delivery vehicles, plant and other equipment traversing Sidney Mews, can only reverse on either entering or exiting due to the width of the lane.
- The Applicant did not adequately respond to the RFI in relation to the drainage matters. The Local Authority's reliance on S. 34 (13) of the *Planning and Development Act 2000 as amended* is not only inadequate and inappropriate but flawed. It is clearly stated that the response to the RFI does not address the concerns of the Drainage Section. Reliance on the condition, as stated, has no regard to the absence of "any drainage details which would outline how it is proposed to drain the proposed development " as referenced in the Drainage Report.
- Irish water has no jurisdiction over any private drains.
- The proposed development will be injurious to the amenities of existing residents and other users of Sidney Mews and that alternative solutions must be considered.

6.2. Applicant Response

There is no response from the Applicant to the Third-Party Appeals on file.

6.3. Planning Authority Response

There is no response from the Local Authority on file.

6.4. Observations

None.

6.5. Further Responses

6.5.1. John Mac Carthy and Partners on behalf of Breda Heffernan made a further response to the Board in respect of the other Third-Party Appeals. In summary, the response reiterates and supports the arguments made in the Appeals. In addition, the response states:

- No access will be available for service vehicles, delivery vehicles or emergency vehicles, let alone any construction traffic associated with the actual development itself on Sidney Mews.
- The Construction Management Plan does not show any reasonable solution to offer protection to all, users, either at the construction stage, or in perpetuity.
- The tightly drawn boundaries, the over intensification and the density of the proposal can only result in an unacceptable impact on the existing windows of the already permitted and completed development to the west.
- There is no overriding justification to permit substandard development and expose future residents to the absence of very reasonable amenities which they are entitled to expect and enjoy, including natural lighting and the attendant delight accruing from such fundamental benefits.
- Given the absence of entitlement on the part of Cork City Council to impose any restrictions or impediments on the existing users of Sidney Mews, or indeed their own emergency vehicles, the planned development and construction techniques put forward are not only impractical, but impossible to implement.

- It is not in the gift of Cork City Council to issue a Hoarding License or restrictions of any kind in a private laneway.
- It is not practical to redevelop the site without removing and replacing the front wall and indeed addressing all other consequences of pursuing such matters.

7.0 Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the five Third-Party Appeals, and Further Response, and inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are as follows:

- Principle of Development
- Impact on Neighbouring Properties
- Standard of Residential Development Proposed
- Other Matters

Each of these items is addressed in turn below. I note that the McCutcheon Halley Appeals state that planning drawings are inadequate and confusing. I highlight that all the drawings referenced in the RFI Response are available on the file and I consider that there is sufficient information on the file (including a site survey) to assess and determine the case.

7.1. Principle of Development

- 7.1.1. The site is zoned ZO 01 – “Sustainable Residential Neighbourhoods”, which has the objective “*to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*”. Section 12.24 of the Development Plan states that the vision for sustainable residential development in Cork City is one of sustainable neighbourhoods where a range of accommodation, open space, local services and community facilities are within easy reach of residents. The brownfield site, being located close to the city centre, is currently underutilised and does not positively contribute to the area’s amenity. As highlighted in the McCutcheon Halley Appeals, the existing structure on site is not a Protected Structure

nor is it listed on the National Inventory of Architectural Heritage's website. I note that Objective 8.24 (Demolition in Architectural Conservation Areas) only permits the demolition of structures and parts of structures in Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure. Whilst the stone front façade has a somewhat positive visual aesthetic, I do not consider that the structure particularly contributes to the special or distinctive character of the area. Having regard to the foregoing, I consider that the proposed residential development is acceptable in principle, subject to quantitative and qualitative safeguards in respect of design and amenity.

7.2. Impact on Neighbouring Properties

Visual Impact

- 7.2.1. The proposed development involves the partial demolition of the existing building and incorporation of the front stone façade into a new three storey apartment building. The proposed development's roof will curve away from Marlboro Mews, but its overall ridge height (37.28m) will match the neighbouring residential building (see Dwg. No. AR310). The proposal's overall scale and massing will not be too dissimilar to Marlboro Mews and I am satisfied that it will not have any overbearing impacts on the area. I highlight that there is a generally consistent building line on both sides of the Mews. There is a narrow footpath in front of Nos. 5 and 6 Sidney Mews, but otherwise all the buildings front directly onto the Mews. Notwithstanding that a small section (4m) of the front elevation will be setback between 1-2.5m, the proposed development will generally maintain the street's building line. The ground and first floor levels will be constructed with stone from the existing building on-site, while the third floor will be finished with metal cladding. I am satisfied that the proposal will not adversely impact the character of the Wellington Road / St. Luke's ACA or on the Protected Structures in the wider area including the terrace of properties along Wellington Road. Furthermore, I note that the Local Authority's Conservation Officer had no objection to the proposal subject to condition.

Overlooking

7.2.2. The proposed building will be constructed on a north-south axis with no windows on its eastern or western elevations. I note from my site visit that there appears to be three windows on the western elevation of Marlboro Mews that directly face the subject site (see Photo 4 attached to this Report). Whilst the lower two windows are not clearly visible from the street (due to the separation distance between the two sites), the third floor window is visible from Sidney Park. It is not clear if these windows are constructed with opaque glazing. Notwithstanding this, as there are no windows proposed along the western elevation of the proposed development, no overlooking of these windows will occur. Due to the omission of the windows along the eastern elevation of the proposed building at RFI stage, I do not consider that the proposal would adversely impact the future development potential of the neighbouring site located to the east. The front of the building will directly face the rear façade of Scoil Mhuire Secondary School, while the rear façade will face onto Sidney Place. Having regard to the separation distance between the site and the residential properties on Sidney Place (in excess of 20m) and the area's topography, I am satisfied that no undue overlooking of these properties will occur from the proposed apartments or their associated private open space areas, which are positioned on the northern elevation of the proposed building.

Loss of Daylight

7.2.3. The Appellants raise concern in relation to the potential loss of daylight to the kitchen window of the third floor apartment in Marlboro Mews. On foot of these concerns being raised in relation to the original design proposal that included for a pitched roof, the Applicant amended the scheme to provide for a curved roof. In the RFI Response, the Applicant stated *"That the design proposal has being revised to demonstrate the amenity enjoyed by the adjoining residents is not unduly impacted. The Visible Sky Angle is greater than 43 degs between the existing building and the proposed development. This is as per the recommendations/requirements as set out in Section 2.1 of the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition)."* However, as highlighted by the Local Authority's Planning Officer, the Applicant has not submitted a drawing illustrating the visible sky angle between the subject window and the proposed building. Furthermore, having reviewed the available drawings, I question the accuracy of the Applicant's statement in this

regard. Furthermore, the Applicant has not provided any analysis in relation to the existing level of daylight this window currently receives. I note from Dwg. No. AR211 (Existing Site Section 1) and my site visit (see Photo 4 attached) that the existing pitched roof partially blocks daylight to the subject window. It is unclear if the subject kitchen is served by additional windows. Nonetheless, in my opinion, whilst it is likely that the window will receive a reduced amount of daylight in comparison to what it receives today due to the scale and massing of the proposal in proximity to the neighbouring building, I do not consider that the reduction in light would be so significant as to adversely impact the residential amenity of the subject neighbouring apartment having regard to the triple aspect nature of the apartment. Furthermore, I highlight that there are no other residential properties in the immediate vicinity of the site that would experience a reduction in daylight as a result of the proposed development. The two eastern facing windows positioned below the third floor level window are also positioned directly in front of the western façade of the existing structure on the subject site and as such would already experience reduced daylight levels (see Photo 4 attached to this Report). However, I highlight that these are multi aspect units and as such overall available of reason levels of daylight.

- 7.2.4. Having regard to the foregoing, I do not consider it reasonable to refuse permission on this basis alone. I note the Local Authority's Planning Officer comments in relation to the amount of light the subject window would receive with respect to the previously permitted scheme on the site. However having regard to the vintage of the permission and the levels of light experienced by the neighbouring occupants in the interim period, I do not consider this permission fundamental to the assessment of the subject case. Furthermore, I highlight that each application is assessed on its own merits.

Construction Impacts

- 7.2.5. The Appellants raise a number of concerns in relation to the construction phase of the development. Whilst I acknowledge these concerns, I consider that any construction disturbance impacts on adjoining properties will be only temporary and are inevitable and unavoidable aspects associated with urban development. And notwithstanding the acknowledged sensitivity of the neighbouring residential properties and Scoil Mhire Secondary School, there is also an accepted need to facilitate the redevelopment of central/accessible brownfield sites like this. I note the concerns in relation to the level of detail provided on the drawings. However, I am satisfied that there is sufficient

information to assess the potential planning impacts and make a determination on the case.

7.2.6. I concur with the Appellants that the Demolition and Construction Management and Logistics Plan that was submitted at RFI stage is general in nature notwithstanding that it addresses the principle aspects of the construction phase. However, I highlight that it is standard practice for more detailed versions of these plans and construction drawings to be submitted and agreed with the Local Authority prior to the commencement of a development. The construction methodology would generally only be finalised once a contractor is appointed, and the impacts would be largely dependent upon the construction methodology and management. As such, I do not consider it appropriate to condition that the building is setback from the Mews for construction purposes. As stated above, the proposal will generally maintain the building line on the Mews. Notwithstanding the site's topography and the tight urban grain in the area, I do not consider that there is anything unique, or particularly challenging about this urban brownfield site, that would prohibit its development. Subject to the implementation of standard construction techniques which can be agreed with the Local Authority prior to the commencement of the development, I am satisfied that the structural integrity of the adjoining properties can be protected during the construction period of the proposed development. It will be the developer's responsibility to ensure that suitable monitoring and mitigation measures are implemented and any damage that might occur to adjoining property would be a civil matter for resolution between the relevant parties. As such, I do not consider it appropriate to condition setbacks to the proposed building be required for construction purposes.

7.2.7. Issues such as hoarding licences or temporary road works are a matter for the Local Authority and need not concern the Board for the purposes of this Appeal. I note that the Appellants state that the Mews is not taken-in-charge by the Local Authority. However, none of the five Appellants have identified who owns the Mews. I note that there was no right-of-way or wayleave highlighted on the Site Location Map submitted with the application. I am satisfied that traffic impacts can be satisfactorily agreed by conditions requiring the submission of a detailed construction traffic management plan to address any impacts. Furthermore, I concur with the Local Authority that should permission be granted for the proposal, the Applicant would be bound by Section

34(13) of the Planning and Development Acts (as amended), which states: *A person shall not be entitled solely by reason of a permission under this section to carry out any development.*” As such, should the Board be minded to grant permission for the development, it is the Applicant’s responsibility to ensure sufficient legal interest exists to implement the permission.

- 7.2.8. In summary, I would accept that almost all urban construction projects have the potential to temporarily impact on the operation and capacity of services and infrastructure. However, subject to the appointment of a contractor and agreement of final construction and environmental management plans, including construction traffic management plans, with the planning authority, construction-related impacts could be satisfactorily mitigated. As such, I do not consider it reasonable to recommend permission is refused for the proposal based on the Demolition and Construction Management and Logistics Plan that was submitted at RFI stage or the construction impacts from the proposal.

Traffic – Post Construction

- 7.2.9. The proposed development does not include for any car parking. Chapter 4 of the Apartment Guidelines addresses car-parking requirements and states that requirements should be minimised, substantially reduced or wholly eliminated in certain circumstances for higher density apartment developments in ‘central and/or accessible urban locations’. Section 4.20 states that these locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. Section 4.20 states that these locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. The site is within 15 minutes walking distance of Kent train station and a number of bus routes operating in the city. Whilst there is only a small footpath area to the front of Nos. 5 and 6 Sidney Mews, beyond the junction of Sidney Mews and Sidney Park, there is a good footpath network in the area. Having regard to the foregoing and the size of the proposed development (i.e. 3 apartments), I have no objection to the absence of car-parking within the proposed development. I consider that the proposal will encourage more sustainable modes of transport and will not result in additional traffic or parking congestion at this location.

Conclusion

7.2.10. Having regard to the above, I am satisfied that, subject to conditions, the proposed development can be satisfactorily accommodated at this location and that the proposed architectural design would not negatively impact the area's architectural character or amenities. I am satisfied that the proposed development's height, bulk, scale and massing are appropriate for this location having regard to the site's position in close proximity to the city centre and that the proposed development would not result in undue overbearing impacts. The proposed materials will help visually integrate the proposal into the streetscape. In my view, it will not adversely impact the visual amenity or character of the Wellington Road / St. Luke's ACA. While the proposed development would involve an intensification of activity and development at both construction and operational stages, I consider that the impacts would be acceptable having regard to the site's zoning objectives, location within the city, its proximity to public transport and the need to facilitate compact urban development in accordance with local and national planning policies. I consider that the proposed development is consistent with Section 11.139 and Objective 3.9 of the Development Plan.

7.3. Standard of Residential Development Proposed

- 7.3.1. The Appellants have not raised any concerns with regard to the residential amenity with the exception of the amount of daylight the proposed apartments will receive as a result of the windows being omitted on the eastern elevation of the building. Furthermore, the Planning Authority has raised no significant concerns in relation to the proposed apartment standards.
- 7.3.2. The proposed development comprises the construction of one 1-bedroom and two 2-bedroom apartments in a three storey building with balconies to rear and as such the scheme is compliant with SPPR 1 of the Apartment Guidelines as outlined above. I have reviewed the gross floor areas for each unit, and I am satisfied that they meet the minimum areas as per the Apartment Guidelines. I have also examined the internal room areas and widths and consider that they comply with the minimum requirements for living/kitchen/dining spaces, and bedrooms, as set out in Appendix 1 of the Guidelines. Apartment 1 has a storage provision of 2.76 sq m and as such is marginally below the requirement for a 1-bed unit of 3 sq m. Furthermore, Apartment 2 and 3

have a shortfall of 3.79 sq m each in storage area. In relation to storage space, the Guidelines state hot presses or boiler space will not count as general storage. Section 3.34 states *For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.* As such, I consider the storage facilities to be acceptable. The proposed ground floor ceiling heights are a minimum 2.7m, and as such comply with the minimum requirements of the Apartment Guidelines.

- 7.3.3. The Apartment Guidelines (SPPR 4) require that a minimum of 33% dual aspect units be provided in central and accessible urban locations, albeit that this may be relaxed on building refurbishment/urban infill sites up to 0.25ha. The three apartments are dual aspect. Having regard to this and the proposed ceiling heights, I am satisfied that the proposed units will receive adequate amounts of daylight, notwithstanding that the windows have been omitted on the eastern elevation. I note that the McCutcheon Halley appeals raise concerns in relation to the quantum of light received by the proposed ground floor unit due to its proximity to Sidney Park. At its minimum, it is setback 2.45m from the rear boundary wall and as such having regard to this and its dual aspect nature, I am satisfied that the proposed ground floor unit will receive sufficient levels of daylight.
- 7.3.4. Whilst the private open space provision for each unit exceeds the Apartment Guidelines requirements, I note that there is no communal or public open space proposed. Having regard to the number of units proposed, the provision of private open space and the scheme's general compliance with the Apartment Guidelines, I consider the lack of communal open space to be acceptable in this instance. Acknowledging the site's size, in my opinion, the provision of public open space is not viable on this site, and I have no objection in this regard.
- 7.3.5. A bin storage area is proposed at ground floor level to the rear of the building. A screen is proposed between this area and the private open space associated with Apartment 1. The details of this screen have not been specified, however I consider that this matter can be dealt with via condition, should the Board grant permission for the development.

- 7.3.6. The Apartment Guidelines state that cycle storage facilities shall be provided in a dedicated facility of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. The Applicant has provided four bicycle parking spaces to the rear of the site in the proposed communal service yard. As outlined above, the Apartment Guidelines require 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit. As such, a total of eight bicycle spaces would be required to service the scheme in order for it to be compliant with the Apartment Guidelines. This matter could be dealt with via condition, should the Board grant permission for the proposed development.
- 7.3.7. The communal access and stair cores are also acceptable in terms of convenience and security in accordance with the provisions of the Apartments Guidelines. Given the limited scale of the development I am satisfied that no other communal facilities are required.
- 7.3.8. Having regard to the above, I am satisfied that the proposed development provides a suitable mix of units with appropriately designed and sized internal and external spaces. And while I have identified some limitations in respect of storage, I am satisfied that the proposals can be accepted in accordance with the Apartments Guidelines provisions for small sites of less than 0.25ha. Accordingly, I am satisfied that it would provide a suitable standard of residential amenity for the prospective occupants.

7.4. **Other Matters**

Drainage

- 7.4.1. The Appellants highlight that the Applicant did not adequately respond to the Local Authority's Drainage Department's queries in relation to the proposal's drainage system and that there is insufficient information on file to assess the drainage impacts from the proposal. As part of the RFI Response, the Applicant stated that the existing building has an existing drain connection to the public drainage system and it is proposed to connect to this to provide for discharge of foul water. Dwg. No. AR004 (Proposed Site Plan) illustrates how the Applicant proposes to connect to a drain on Sidney Mews. While the Applicant describes it as a public drain, the Appellants state that it is private and that the Applicant does not have consent to use it. I highlight that none of the five Appellants claim that the sewer is in their ownership.

- 7.4.2. The Development Management Guidelines for Planning Authorities (2007) state “*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts*”. These Guidelines advise that where a third party raises doubts as to the sufficiency of an applicant’s legal interest in a site, further information may have to be sought under Article 33 of the Planning and Development Regulations, 2001 (as amended). If notwithstanding the further information, some doubt still remains, the planning authority may decide to grant permission. The Guidelines further advise that, only where it is clear from the response that the applicant does not have sufficient legal interest, should planning permission be refused.
- 7.4.3. Furthermore, as outlined above, Section 34(13) of Planning and Development Act 2000 (as amended) stated that *A person shall not be entitled solely by reason of a permission under this section to carry out any development.*” This requirement relates to all aspects of the development including the drainage proposal. As such, should permission be granted for the proposed development, it would be the developer’s responsibility to ensure that there is sufficient legal interest to connect to the local drainage network, irrespective of whether it is in public or private ownership. As such, should the Board be minded to grant permission for the development, it is the Applicant’s responsibility to ensure sufficient legal interest exists to implement the permission.
- 7.4.4. The Applicant advised that stormwater would be discharged via soakaway proposed to the rear of the building. However, as highlighted by the Drainage Department such a proposal is not feasible on the site as it must be located more than 5m from the nearest structure. The Department states that as part of the connection agreement, the Applicant shall agree with Irish Water for the discharge of storm water, via the existing drainage connection. As outlined above, Irish Water confirmed in correspondence dated 26th April 2022 that it had no objection to the proposed development.
- 7.4.5. I highlight that the Drainage Department recommended that permission be granted for the proposed development. Furthermore, I note that neither the Appellants nor the Local Authority highlighted that there were any known problems with the sewer system in the area. It is standard practice for drainage details to be agreed with the Local

Authority prior to the commencement of a development. I do not consider that there is sufficient evidence on the file to refuse permission solely on this basis.

Bats

- 7.4.6. The Planning Authority requested that a bat assessment be undertaken on the site as part of the RFI. A general bat activity survey was undertaken in September 2021 which observed two species (Leisler Bat and Soprano Pipistrelle) foraging and commuting within the proposed development area. The existing building onsite was rated as 'moderate' for bat potential as while there was some stone crevices within the stone was mostly well pointed and there was no actual attic space. No signs of bats were observed within the building and no bats were observed emerging. No trees of 'moderate' or 'high' potential were identified within the proposed site boundary. The Report concludes that the overall impact on bats arising from the proposed development will mostly likely be negligible subject to the implementation of mitigation measure including bat friendly lighting design, soft tree felling procedure and no felling between 1st March and 31st August, demolition of the building between October and March, and the incorporation of integrated bat blocks. I am satisfied with the methodology and findings of the assessment and that the potential for impacts on bats can be avoided and/or managed by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

Consultation

- 7.4.7. The Appellants highlight that there was no consultation with the public prior to the lodgement of the planning application. Public consultation prior to the lodgement of an application is not mandatory for a project of this size and nature. Furthermore, I note that observations were made to the Local Authority in respect to the proposed development during the relevant statutory consultation periods following the lodgement of the original planning application documentation and the RFI Response.

8.0 Appropriate Assessment

- 8.1.1. Having regard to the nature and scale of the proposed development in an established urban area on serviced land, and the separation distance to the European sites to the subject site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or

operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider 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.

9.0 Recommendation

I recommend that planning permission be granted, subject to the conditions outlined below.

10.0 Reasons and Considerations

Having regard to the urban location of the site in close proximity to a wide range of existing and proposed public transport options, the provisions of the Cork City Development Plan 2022-2028, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2020 and the updated 2022 version, and the National Planning Framework, which seeks for compact development of brownfield sites, the pattern and character of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would not seriously injure the amenities of surrounding properties in terms of overbearing, loss of privacy, overshadowing/loss of daylight or seriously detract from the character of the area, and would be acceptable in terms of pedestrian and traffic safety and convenience, and would not endanger public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 to An Bord Pleanála on the 31st day of March, 2022, except as may otherwise be required in order to comply with
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	<p>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>Reason: In the interest of clarity.</p>
2.	<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>
3.	<p>Prior to the commencement of the demolition works, all specifications and methodologies relating to the retained front and west elevations of the existing building on site, shall be submitted and agreed with the Planning Authority for written agreement.</p> <p>Reason: In the interests of the protection of the architectural heritage of the site.</p>
4.	<p>The mitigation measures outlined in the Bat Survey Report (dated September 2021) submitted as part of the RFI Response, shall be carried out in full, except where otherwise required by conditions of this permission.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
5.	<p>The proposed development shall not over-sail or otherwise physically impinge on the adjoining property boundaries. All gutters and eaves shall be contained within the property boundary.</p> <p>Reason: In the interest of orderly development.</p>
6.	<p>The Applicant shall submit details demonstrating compliance with the bicycle parking requirements contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2020 and the</p>

	<p>updated 2022 version, for agreement with the Local Authority prior to the commencement of the development.</p> <p>Reason: In the interests of residential amenities and sustainable travel.</p>
7.	<p>All external lighting details to be submitted and agreed with the Local Authority prior to the commencement of the development.</p> <p>Reason: In the interests of visual and residential amenities.</p>
8.	<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 shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.</p> <p>Reason: In the interests of visual and residential amenities.</p>
10.	<p>No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
11.	<p>The naming and numbering of streets, buildings and business or dwelling units shall be in accordance with a street naming and numbering scheme submitted to, and agreed in writing by, the planning authority. The names selected shall reflect local place names, or be of local historical interest, and be in both Irish and English and shall be installed on site prior to the</p>

	<p>occupation of the scheme. The applicant shall consult with the Local Authority's Irish Officer in relation to the translation of names.</p> <p>Reason: In the interests of orderly street naming and numbering; to enhance urban legibility, and to retain local place name associations.</p>
12.	<p>The site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe conditions during construction works in the interest of orderly development.</p>
13.	<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 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.</p> <p>Reason: In the interest of residential amenities of surrounding properties and in the interest of clarity.</p>
14.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
15.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement</p>

	<p>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>
16.	<p>a) 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) The plan shall provide for screened communal bin stores, which shall be adequately ventilated, drained and illuminated. The design and location of same shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
17.	<p>Drainage arrangements, including the 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>
18.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
19.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management</p>

	<p>company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads 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>
20.	<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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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>Reason: To ensure the satisfactory completion of the development.</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.</p> <p>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>

	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
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended.</p> <p>The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>

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.

Susan Clarke
Senior Planning Inspector

21st April 2023