



An
Bord
Pleanála

Inspector's Report

ABP-313974-22

Development	Construction of 45 apartments.
Location	Clarkswood, Mount Oval Village, Mount Oval, Rochestown, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2140229
Applicant(s)	O'Flynn Construction Co. Ltd.,
N Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	Breda McGrath Linehan & Diarmuid Linehan O'Flynn Construction Co. Ltd., Tim Murphy, Mount Oval Concerned Residents
Observer(s)	Norman Barry, Stephen & Dawn Aston Liam and Niamh Foley

Alan Bambury

Peter Dowdall

Trevor Dunne

Date of Site Inspection

25 July and 11 November 2023

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The appeal site with a stated area of 1.61ha is located to the south of Mount Ovel, a small residential estate of detached houses, to the west of Clarkes Wood, a larger, newer, residential estate and to the north of Rowan Hill. The N28 runs along the western boundary of the site. The wider area slopes steeply to the north – towards the Rowan Hill development and Mount Oval neighbourhood centre, with the result that the area is widely visible from the lower ground.
- 1.1.2. There are two stated access points to the irregularly shaped site – to the immediate west of no. 19 Clarkeswood and a steep, heavily overgrown pedestrian access between nos. 12 and 11 Mount Ovel. This pedestrian access was inaccessible on the date of my site visit.
- 1.1.3. In contrast to the site photos available on the history file PL04.247712, the subject site is heavily overgrown. On the date of my second site visit, the fencing surrounding the site was open, with a port-a-cabin type structure at the entrance. The site was wet underfoot and contained considerable amounts of dumped rubbish / materials, both domestic and construction.
- 1.1.4. The southern boundary of the subject site is open to the open space that runs north from Rowans Hill. A temporary fence separates the site from the Rowan Hill open space, approximately on the site boundary.

2.0 Proposed Development

- 2.1. On the 26th May 2021 planning permission was sought for a development comprising 45 no. apartments in a block ranging from three to five storeys over semi-basement on a site of 1.161ha. Proposed apartments as follows:
 - 14 no. one-bed,
 - 27 no. two-bed,
 - 4 no. four-bed.
- 2.1.1. The application was accompanied by a Civil Engineering support document, public lighting report, and a Stage 1 AA Screening report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 7th June 2022, the Planning Authority issued a notification of their intention to GRANT permission subject to 26 no. conditions. Conditions of note include:
- 2: 31no. apartments only. First floor to be omitted.
 - 3: 10 surface car parking spaces to the east to be omitted, space to be landscaped as communal amenity space
 - 5: site specific acoustic report to address the proximity of the M28 road project.

3.2. Planning Authority Reports

- 3.2.1. **Environment Report:** no objection subject to standard conditions.
- 3.2.2. **Cork National Roads Office:** no objection subject to 4 no. specific conditions regarding proximity to the proposed M28 Cork to Ringaskiddy Project, a site-specific acoustic report, deposition of material and management of run-off on lands adjoining the project.
- 3.2.3. **Area Engineer:** Further information required regarding traffic calming measures, additional car parking and details of downstream attenuation.
- 3.2.4. **Drainage Division:** Site is not brownfield as stated by applicants engineering report. Further information should be requested on the following items: FRA, attenuation, SuDS, capacity of storm water sewer, manhole and piper gradients and proposed taking in charge.
- 3.2.5. **Traffic Regulation & Safety:** TTA, RSA and greater detail on public lighting required.
- 3.2.6. **Infrastructure Development Section:** no objection subject to conditions requiring note of the proximity of the L2471 Clarkes Hill Road Improvement Scheme and that no construction will take place on lands proposed to be acquired for the scheme.
- 3.2.7. **Urban Roads & Street Design:** FI required regarding taking in charge.
- 3.2.8. **Planning Report:** Refers to the 2014 Cork County Development Plan. Notes that the parent permission (PL04.118838) omitted 12 no. houses on the subject site. Notes that FI is required regarding site boundaries and the allocation of communal versus private open space. Notes that notwithstanding the visual sensitivity of the site, the design approach is acceptable. Raises a concern about the overbearing impact on the dwellings to the north (Mount Ovel) and recommends that a street elevation and

photomontages be requested. Sectional drawing showing the relationship between the proposed first & second floor level balconies and windows and properties 22m to the east, also required. Report notes the high sensitivity of the site, mature trees on site, need for a landscape buffer zone and a bio-diversity condition.

In terms of apartment standards, the report notes that the proposed development complies with SPPR 1, 3, 5, and amenity space provision but requires further information on internal storage and communal amenity space. Notes the FI request from the transportation and drainage departments. Concludes with a recommendation to request FI.

3.3. **Prescribed Bodies**

3.3.1. **TII:** Proposed development is at variance with official policy in relation to the control of development on / affecting national roads. The proposed development would create an adverse impact on a national road and associated junction. It is strongly recommended that a Traffic and Transport Assessment is carried out.

3.3.2. **Uisce Eireann:** No objection subject to standard conditions.

3.4. **Third Party Observations**

3.4.1. A large number of submissions, raised the following issues:

- Traffic, public transport, car parking
- Previous planning history for six detached houses is more appropriate
- Excessive height, out of character with the area and topography of area
- Lack of and inappropriate open space, impact on existing nature reserve
- Inappropriate design leading to overlooking, overbearing, property devaluation, inappropriate density
- Noise, odour, dust, light pollution
- Poor residential amenity for existing and proposed residents

4.0 **Request for Further Information**

4.1.1. On the 20th July 2021, the Planning Authority requested the applicant to address the following:

- 1 To address visual overbearing impact, applicant requested to submit street elevation / photomontage showing Mount Ovel estate, Sunlight & Daylight Analysis
- 2 Landscaping plan
- 3 Proposal to address overlooking of private amenity space of dwellings on the southern side of Clarkes Wood from the balconies / windows of the proposed development,
- 4 Boundary proposals for strip of land running between no.s 11 and 12 Mount Ovel,
- 5 Proposals for secure and usable communal open space,
- 6 Delineation of public open space in Mount Ovel from communal open space for proposed development,
- 7 Details of storage space for each unit,
- 8 Proposal to provide children's play area,
- 9 Roof plan,
- 10 Details of traffic calming measures on Clarkes Wood Road,
- 11 Details of full complement of parking requirements,
- 12 Details of downstream surface water attenuation,
- 13 Proposals for taking in charge,
- 14 Brief Flood Risk Assessment,
- 15 Details of run-off rates and attenuation,
- 16 Details of SuDS proposals,
- 17 Capacity of downstream storm water sewer network,
- 18 Details of manhole and pipe gradients,
- 19 Proposal to take in charge storm water infrastructure,
- 20 Traffic and Transport Assessment,
- 21 Further details on public lighting.

4.1.2. On the 14th April 2022, the applicant responded to the Further Information request, following a request for an extension of time.

- 4.2. **Internal and External Reports on file following submission of FI**
- 4.2.1. **TTI:** Proposed development is at variance with official policy in relation to control of development. Notes that TTA submitted with FI was not uploaded and therefore TII and others have not been provided with an opportunity to review. Issues related to interactions with the M28 scheme have not been addressed. In this absence, TII advises that the proposed development could prejudice plans for the delivery of the M28 scheme. Insufficient data submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the existing and future national road network in the vicinity of the site.
- 4.2.2. **Area Engineer:** Roads and parking responses are acceptable. Further clarification on downstream attenuation required.
- 4.2.3. **Urban Roads & Street Design:** Applicant has addressed Further Information request satisfactorily. No objection subject to conditions.
- 4.2.4. **Parks:** Response is satisfactory.
- 4.2.5. **Contributions:** No objection subject to conditions.
- 4.2.6. **Traffic, Regulation and Safety Report:** Applicants response as per the TTA is satisfactory.
- 4.2.7. **Drainage Report:** Applicants response in the FRA are noted. No further observations. Applicant's calculation in section 2.3.1 of the Engineering Report are rejected. Stormwater is not permitted to discharge from the site at 39l/s/ha. Downstream estuary is approx. 600m away from and 30m lower than the subject site, through considerable built-up areas. Therefore section 6.3.3.4 is not applicable, and unacceptable regardless of any perceived spare capacity. Spare capacity in the public storm sewerage network is reserved for public service functions and will not be allocated to individual sites to allow them to exceed greenfield run-off rates. The applicant should be requested to clarify storm water discharge flows to Q_{bar} . Regarding SuDs, the applicant appears to have rejected all "considerations and benefits" in the SuDs assessment report. Recommendation to request clarification of further information.
- 4.2.8. **Planners Report:** Given the topography of the site and noting the previous planning permission for two-storey dwellings, the height of the proposed development is excessive. Recommended that first floor be omitted to reduce overall height. The retention of the upper floors will maintain the roofline. This also addresses the

separation distance concern. Planner notes that the proposal to use public open space for the development is unacceptable. Recommends that 10 no. surface car spaces at ground level be omitted and re-purposed to serve as communal amenity space. Storage space, children's play space, traffic calming, and car parking proposals are acceptable. Planner notes the concerns of the Drainage Division and states that clarification cannot be sought due to regulatory timelines. Notes the applicants response to traffic request and states that it is satisfactory. Concludes with statement that permission should be granted.

5.0 Relevant Planning History

5.1.1. There are two previous planning applications and subsequent appeals on this site that are relevant to this appeal and that are summarised as follows:

5.1.2. **PL04.118838 (Reg Ref 99/6425)** – Permission granted to O'Flynn Construction Company Limited for development comprising the demolition of a dwelling and the construction of residential and commercial development consisting of 545 one, two and three-storey houses, 144 apartments in three and four-storey buildings together with a three and four-storey village centre consisting of a public house, four number shops, supermarket, childcare centre, medical centre and 67 apartments, all with associated site development works. The application documents showed 12 no. houses traversing the entirety of the northern boundary of the large open space, however these were omitted by the Board. Condition No 4(1) refers stated as follows:

(1) The layout shall be amended by the omission of the row of 12 semi-detached houses at the northern end of the site and the resultant steep, exposed area shall be incorporated into the open space and planted.

Provision may be made for replacement units generally located at the eastern end of this row where it can be shown that they do not interfere with the general view of the elevated open space and that they do not interfere with the amenities of the dwellings located in the Mount Oval Estate. Any such replacement dwellings shall be subject of a further application for approval.

(2) Lodge No 2 shall be omitted

Reason: *In the interest of residential and visual amenity*

- 5.1.3. **PL 04.131623 (Reg Ref 07/4033)** – Permission granted on site on the north side of the proposed access road including part of the subject site for the residential development of 5 no. three storey dwelling houses. This application was appealed and the appeal was subsequently withdrawn.
- 5.1.4. **PL04.247712**: Planning permission was granted for a development of 6 no. two-storey detached dwelling houses, together with all associated site development works including roads and footpaths, retaining walls and landscaping.

6.0 Policy Context

6.1. Project Ireland 2040: National Planning Framework

- 6.1.1. National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.
- 6.1.2. Of relevance to the subject application are the following:
- **National Policy Objective 2a**: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
 - **National Policy Objective 5**: Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

- **National Policy Objective 33**: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 35**: 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-base regeneration and increased building heights.

- **National Policy Objective 27:** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- **National Policy Objective 33:** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. Cork City Development Plan 2022-2028

- 6.2.1. The site is located on lands subject to zoning objective ZO 1- Sustainable Residential Neighbourhoods, the objective of which is to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- 6.2.2. ZO 1.2 Development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.
- 6.2.3. ZO 1.3 Primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship.
- 6.2.4. ZO 1.4 Uses that contribute to sustainable residential neighbourhoods are also acceptable in principle in this zone provided they do not detract from the primary objective of protecting residential amenity and do not conflict with other objectives of this Development Plan. Such uses include but are not limited to: small-scale local services including local convenience shops; community facilities; cultural facilities; hotels and hostels; live-work units;

- 6.2.5. ZO 1.7 Many green areas of open space in residential estates in Cork City are included in this zone. There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.
- 6.2.6. Relevant to this application for residential development, the following may apply:
- Chapter 2 Core Strategy – acknowledges that Cork City Council has ambitious housing targets for brownfield sites, as well as seeking to optimise the supply of housing on greenfield sites.
 - Chapter 4 Transport and Mobility
 - Chapter 10 Key Growth Areas & Neighbourhood Development Sites
 - Chapter 11 Placemaking and Managing Development. Section 11.91 sets out qualitative standards for apartments.
- 6.2.7. Chapter 3 of the development plan refers to Delivering Homes and Communities. Figure 3.3 classifies the subject site and immediate area as “Outer Suburban”. Objective 3.1 states that the City Council will seek to utilise the Urban Towns, Hinterland Villages and City Neighbourhoods as spatial units to develop sustainable neighbourhoods. Objective 3.4 states that at least 66% of all new homes should be provided within the existing footprint of Cork, with 33% of all new homes within brownfield sites.

6.3. **Natural Heritage Designations**

- 6.3.1. The site is not located within a designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

6.4. **EIA Screening**

- 6.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2

hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 Appeals

7.1.1. One first party appeal against a condition and two third-party appeals (one representing multiple residents) have been submitted, against the decision of the Planning Authority.

7.2. First Party Appeal

7.2.1. An agent for the applicant has lodged an appeal against condition no. 2 of the Planning Authority decision. The submission provides detail on the subject site and proposed development and planning policy context. The grounds of the appeal can be summarised as follows:

- Condition no. 2 would have an adverse and completely negative impact on the design of the scheme, it is unreasonable and not in accordance with section 7.3 of the development management guidelines.
- Condition no. 2 would result in the omission of 14 no. apartments, a reduction of 31% in the number of units and 29% of the proposed floorspace.
- The imposition of condition no. 2 would result insignificant changes to the aesthetic / designed and external appearance of the development. Planning compliance should not impose fundamental re-design changes.
- Condition no. 2 would have seriously negative impacts on the viability of the scheme.
- The Board is requested to omit condition no. 2.

Visual Impact

- Minimising visual impact from the N28 and the N40 is achieved by following the slope of the hill and using differing materials to soften the edge. External finishes and design treatments reduce the visual impact from the N40. This was demonstrated in the elevations and photomontages submitted with Further Information.

- The proposed scheme will be visible from some long / short range views. The scheme, set in the context of extensive suburban development will not result in a negative visual impact.

Residential Amenity

- The comprehensive Sunlight, Daylight and Shadow Assessment undertaken demonstrates that there will be no negative impacts on the residential amenity of adjoining properties.
- The proposed development is 25m from the boundary of the nearest dwelling (no. 19 Clarkeswood). The FFL of the building which is three-storey at this section of the site is 62.6m OD compared to the 61.35mOD of no. 19.
- It is not unreasonable to locate a three-storey structure adjoining 25m from the nearest property.
- In the Further Information response, the balconies serving units 9 and 10 were reduced in size and the east facing glazed screen from the living room of no. 10 was removed. This increases the separation distance from the second floor to 29m.
- Details of proposed (2.5 – 3m high) and existing landscaping were submitted with the application. It can be concluded that the 3/4 story development will not result in the overshadowing or overlooking of adjoining properties.
- The appeal submission concludes that the imposition of condition no. 2 is unnecessary, unreasonable and not in accordance with the development management guidelines.

7.3. Third Party Appeals

7.3.1. **Diarmuid Linehan & Breda McGrath Linehan, 19 Clarkeswood** have appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

- The proposed development will dominate and be overbearing when viewed from their home.
- The proposed development will overlook their home.
- The proposed development will diminish their residential amenities and therefore their enjoyment of their home.
- The proposed development will result in a loss of open space.

- The proposed development will result in an exponential increase in traffic.
- The proposed development will result in a significant increase in noise during and after construction.
- The proposed development will reduce the value of their homes.
- The proposed development will result in a significant loss of privacy.
- When purchasing, the appellants understood that their home was adjoining an area of green open space as on the master plan. It was presented that the area would be designated as open space and amenity area. Future limited development was indicated on the opposite northern side of the road.
- The extent of pre planning undertaken is hard to believe when such an enormous proposal contradicts the master plan.
- A 2009 letter assured the appellants that only 5 no. houses would be to the west of their home.

Overbearing, Overshadowing & Overlooking

- The open space has been used as a builders dumping ground for 14 no. years. The appellants would welcome the completion of the site with homes similar to their own.
- The proposed development represents over intensification of the site, given that the Board previously granted 6 no. houses on the site. The proposed development is contrary to the proper planning and sustainable development of the area and the pattern of development in the area.
- The Urban Design manual recommends that newer buildings should connect gracefully and show respect for existing buildings by graduating the change in steps.
- Drawing no. 560-2.PL115 demonstrates the incongruity of the massing bulk and scale of the proposed development.
- The amendments requested by the City Council do not adequately address the appellants concerns.
- The proposed 'block' will extend 6m over the previously permitted dwellings. Whilst it will be reduced by the reduction in height, it is still hugely overbearing.
- The proposed development will dominate the appellants private garden and patio area. The proposed balconies will overlook the home.

- The sunlight available to the front and rear gardens will be obscured by the building and the trees designed to obscure the building. The loss of outdoor amenity space will be hugely significant.

Traffic

- The proposed development will lead to heavy construction traffic on this narrow bendy road for up to three years. As the new main junction is outside no. 19, the disruption will particularly injurious.
- There will be a builders car park directly behind no. 19, an unnecessary traffic hazard. The planning report exposes the lack of road safety audit. The existing road is barely wide enough to accommodate normal traffic.
- Refuse trucks currently reverse down the narrow tight bendy road. This unacceptable and dangerous situation will only get worse.
- The local school is fully subscribed so many local residents send their children to Douglas. This will result in multiple trips in and out of the block, for families. Not counting the other residents. This increase in traffic is avoidable.
- The dangers from heavy construction machinery and longer term, multiple trips cannot be overstated.
- Insufficient car parking has been proposed. This will lead to on-street car parking beside the appellants house, parking that was expected to be used by the appellant.
- The car parking demand that will be generated by the development has not been provided for. This will have hugely negatively impacts on existing residents.
- It is not clear how the land originally indicated for parking but omitted by the Planning Authority will look – public space or enclosed apartment space?
- TII have admitted that reducing car parking facilities has given rise to unforeseen circumstances. Given that this will be re-evaluated the proposed development is premature.

Noise

- The proposed development will lead to a massive increase in noise pollution in the area and especially around the appellants home.

- Dust & dirt from the construction phase is inevitable. Six days a week for three years with relentless noise and vibrations from construction machinery and traffic would be hugely detrimental to physical and mental health.
- Saturday morning construction will be detrimental to the families mental and physical health.
- During operation, the traffic will be a permanent disturbance. More cars will be searching for parking. This will impact adult children of the existing residents.
- The proposed block will generate noise from ventilation units, air conditioning fans, lift motors and noise from the balconies. This added to the traffic noise will be disruptive.

Light Pollution

- The proposed development will have public lighting and lighting from the windows and balconies.
- The pedestrian walkway and access road will be heavily lit as will the apartment entrance beside the appellants house.
- The builders car park behind the appellants house will be lit from early morning to late evening.
- The light from cars entering and exiting the apartment block will disrupt sleep patterns.

Value

- The proposed development is out of character with the area, even at a reduced scale.
- The associated reduction in amenities and adverse impact on enjoyment will reduce the value of the existing houses. This is unfair and contrary to the applicants brochure at purchasing time.

Privacy

- The drawings show a large number of balconies and windows overlooking the appellants property.
- The development will overlook the front and rear garden, affecting the privacy of the amenity area.
- The upper floor windows will directly look into the appellants west facing windows / rooms.

- Constant pedestrian and vehicular traffic passing by the front of the appellants house will affect its privacy. As will cranes and scaffolding used in the construction.
- It is submitted that the designers had no consideration of existing residents.
- The appeal concludes with a statement that the appellants understand that homes need to be built and would have no objection to a smaller more appropriate development.
- The Board is requested to refuse permission.

7.4. Third-party Appeal of Mount Oval Concerned Residents.

7.4.1. Tim Murphy of 18 Clarkeswood on behalf of Mount Oval Concerned Residents has appealed the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:

- Notes that 70 no. residents objected to the proposal. Requests that the Board refuse permission.
- The appellants did not object to the previous two applications. The site has been left derelict due to the developer not implementing the permissions. Access to the open space has been closed off. The estate has not been taken in charge.
- Despite the Planning Authority amending the development, the appellants concerns are outstanding.
- The proposed development is a significant departure from the master plan, appearing as a quest for higher density with no consideration for existing or future residents or the character of the area.
- The subject site is incorrectly described as a derelict site.
- The proposed development is contrary to the zoning objective for the area, ignores density, parking, traffic hazard, overlooking, open space, traffic management and impact on residential amenity.
- The steep nature of the site and the scale of the proposed development will reduce light to all surrounding homes.

Amenity

- The subject site was supposed to be public open space for Mount Oval, as per the original plans. It is thought that the area will be designated as green space in

the new city development plan, therefore the timing of the application is questioned. The proposed development will remove that opportunity.

- While the site has been used to dump construction waste, it is now covered in native trees, shrubs and wildlife. The area to the north of Rowan Hill has become a public park, which will be destroyed by the proposed apartment block.
- The proposed development will remove the natural tree cover. The application shows only 10 no. trees which is incorrect.
- There are no perspectives from the existing houses looking west or south from Clarkes Wood, or looking north from Rowan Hill or from the city of cork. There are only two poorly presented incorrect photomontages from South Link. The development will be visible for 10km at least.
- The scale of the development will block light for all homes in the vicinity. This is contrary to the development plan which requires development to respect existing development.
- The proposed development would change the character of the area, inserting a monolithic structure towering over the front and back gardens of the existing one and two storey homes.

Parking and Traffic

- There is a significant shortage of parking. TII have admitted that shortfalls of parking in new developments leads to overspill parking in adjoining areas. The proposed development is premature pending a resolution.
- The turning circle at 112 Clarkes Wood has 8 no. cars blocking the area. More adult children living at home need more parking spaces. The only place to park is on the road.
- There are no cycle lanes in Clarkes Wood, Clarkes Hill or on Rochestown Road.
- Clarkes Hill is already congested and has only a single footpath with no median markings. It will be unable to accommodate the heavy construction traffic that will be generated.
- The narrow, winding road will not be able to accommodate the number of traffic movements that will be generated.
- Plans for local upgrades are based on out-of-date surveys. This will be exacerbated by 30 months of construction traffic.

- Heavy construction traffic will endanger residents, particularly children.
- Other concurrent developments – M28 entrance to Rowan Hill, closure of Maryborough Hill Slip Road, Clarkes Hill slip upgrade, Rochestown road junction upgrade, proposed nursing home and residential housing development – will adversely affect and curtail the quality of life in the area.
- There is no complete analysis of a traffic plan for the greater Mount Oval Estate, Rochestown, Douglas area.

Noise

- The proposed development will add significant noise from traffic, deliveries, service and maintenance vehicles and ongoing plant and infrastructure associated with a nearly 70,000sq.ft 5-storey building.
- This commercial unit, bigger than most office blocks, will comprise air conditioning units, extraction fans and lift motors, doors, kitchen vents, stacks and motors.
- Service traffic along existing roads and the Bloomfield Interchange will affect the appellants home lives.
- The noise pollution will devalue the appellants houses.
- The construction document is a standard template with minimal specific information about the proposed construction and impact on residents.
- The vibration, noise, dirt and dust will be considerable. 6 days a week for three years will be overwhelming.

Habitat

- The site has many mature trees and vegetation. Is home to bats, nesting bird colonies including birds of prey and foxes. No survey of wildlife was undertaken.

Natural Light

- Proposed development will reduce natural light to all surrounding properties, eliminate privacy and spoil the public open area.
- The reduction in light will be injurious to health.
- The Board and the developer are urged to complete the 6 houses as permitted.

Good Planning Practice

- The original master plan showed the subject site as open space.

- Correspondence from the applicant in November 2009 stated that the road at no. 19 would lead to five additional units. Permission had been sought for 8 no. units and reduced to 5 no. by way of decision.
- The proposed development conflicts with the master plan and the planning history. The Board is requested to have regard to the planning history which was in keeping with the pattern of development.
- New development in the area should make a positive contribution to the area while providing much needed housing.
- The proposed development is contrary to the proper and orderly planning and sustainable development of the area.
- Condition no. 4 of PL04.118838 requires the omission of 12 no. houses at the southern end of the site and the resultant steep exposed area be incorporated into open space and planted. Subsequently a master plan and drawing demonstrated development at a distance and at a lower level than no. 19.
- The Board is requested to refuse permission.
- The appeal is accompanied by amongst other items, a copy of the marketing brochure for Clarkes Wood at Mount Oval Village.

7.5. Planning Authority Response

- 7.5.1. None on file.

7.6. First-party Response to Third-Party Appeals

- 7.6.1. An agent for the applicant has responded to the two third-party appeals. The joint response can be summarised as follows:

Visual Impact

- Design is influenced by the topography of the site, a narrow concave plan to follow the contours of site and minimise cut and fill. This reduces the visual impact of the building. A lower-level carpark allows the building to sit into the slope and retain natural features.
- Proposed building is 30m from to the nearest dwelling (no. 19 Clarkeswood) and 45-50m from the existing houses to the north.

- Proposed development will improve existing under-used and unsupervised open space with majority south-facing patios/ balconies. Area to the south will be improved with paths, rest areas, flat sections all overlooked. Alternative routes to the village centre, completing the circular walking route will increase the attractiveness of the Mount Oval Village.
- Visual impact is reduced through the use of setbacks, vertical elements, change of materials. Photomontages demonstrate that there is no visual / overbearing impact. Context within extensive built-up suburban and proposed landscaping will ensure no negative visual impact.

Residential Amenity of Adjoining Properties

- The Sunlight, Daylight and Shadow Assessment concludes that the proposed development fully complies with BRE Guidelines for maintain skylight availability and shadowing / sunlight impact on neighbouring gardens.
- It is not unreasonable to locate a three-storey building 25m from the nearest property (no. 19 Clarkeswood), nonetheless revisions were made at Further Information stage to increase this to 29m. This was accepted by the Planning Authority.
- Landscaping plan submitted at Further Information stage will ensure immediate screening and protection of existing trees, hedging and scrub.
- It can be concluded that the proposed development will not have an overbearing, overshadowing or overlooking impact on the residential amenity of adjoining properties.
- Public lighting layout demonstrates that there will be no additional light pollution.

Traffic & Parking

- The TTA submitted as Further Information demonstrated that there are no traffic and transportation reasons that would prevent a grant of permission,
- The RSA provides for additional speed calming ramps and 56 no. car parking spaces. Draft City development plan provides for a maximum of 60 no. 84no. cycle spaces proposed, in excess of the 28 no. required by the development plan.

Noise

- Condition no.s 13, 25, 26 and 18 regulate noise impacts. The same standard of high residential amenity will be required for future residents as for existing residents.

Compliance with Current Planning Policy

- The proposed development fully accords with the National Planning Framework the 2014 Cork County Development Plan, the Ballincollig-Carrigaline Municipal District LAP (2017-2022) and the Sustainable Urban Housing: Design Standards for New Apartments 2020 and the Sustainable Residential Development in Urban areas 2009.

Conclusion

- Board is requested to grant permission.

7.7. Prescribed Bodies

- 7.7.1. **TII:** TII notes that the issues raised by the Cork County Council National Roads Office regarding the M28 have not been addressed. TII requests the Board to ensure that the proposed development does not prejudice plans for the delivery of the approved M28 scheme, the interest of the residential amenity of future residents and the sustainable development of the area. In the absence of this information TII advises that the proposed development could prejudice plans for the delivery of the M28 scheme. A grant of permission is considered to be at variance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (Jan 2012), section 2.9 refers.

7.8. Observations

- 7.8.1. **Alan Bambury, 14 Clarkes Wood:** Access roads not capable of handling existing or additional extra traffic, Existing cars are parked creating a single carriage way. A busier road will force people to park on the footpath, creating an unsafe route for pedestrians. Insufficient parking proposed resulting in overflow parking adding to congestion. Such a high-density development requires alternative routes.
- 7.8.2. **Norman Barry, 6 Clarkes Wood:** Proposed development contradicts Cork planning rules and plans. Existing road not capable of handling existing traffic and would be

grossly inadequate for proposed level of traffic creating a serious health hazard. Road is inadequate for larger vehicles. Proposed development creates an infringement on nearby family residences.

7.8.3. Stephen & Dawn Ashton, 27 Clarkes Wood: John Scanlon. Mount Ovel:

7.8.4. Previous planning permission for 6 no. dwellings was appropriate. Proposed tower-like commercial block is not in keeping with scale or character of area. “The View”, Mount Oval is used by hundreds every day, the village centre has increased, two new schools have opened. Construction traffic in a built-up residential area over 30 no. months will be dangerous. The scale, height and design of the proposed development is a concern. It will seriously injure residential amenities and will tower over the existing one and two storey homes. The landscaping plan is incorrect and the photomontages are misleading. The visual impact will be widespread. There will be noise and light akin to a commercial unit. The site has become a dump for waste and anti-social behaviour. The removal of so many large mature trees on site is concerning. There has been no assessment of the impact on wildlife. There are no cycle lanes, lots of traffic congestion and will destroy the natural heritage, all in contravention of the Sustainable Residential Development Guidelines. The already congested area will be exacerbated by the traffic generated by the development and the proposed Nursing Home and high-density housing on Clarkes Hill. The subject site is not zoned for high density housing. The proposed development does not comply with the zoning objective in the Cork County Development Plan.

7.8.5. Peter Dowdall, 4 Mount Ovel: TII have recommended a refusal of permission. the site is a valuable green space and should not be sacrificed. The height of the proposed building will be incongruous. The proposed development will cause traffic congestion.

7.8.6. Trevor Dunne, 24 Mount Ovel: Previous planning permission for 6 no. houses was more appropriate. The scale height and design of the proposed building is out of character with the area – a five-storey monolithic building in a two-storey neighbourhood. The proposed building overlooks their home, injuring their privacy and removing their sunlight. The photomontages and visual impact report are misleading. There are more trees in the area than surveyed. Noise and light pollution will cause injury to residential amenities. The boundary shown between the

development and no. 24 is incorrect. The pathway shown between no.s 11 and 12 is heavily overgrown and unsuitable for use. The area has been used as a dumping ground. The removal of so many large mature trees on site is concerning. There has been no assessment of the impact on wildlife. There are no cycle lanes, lots of traffic congestion and will destroy the natural heritage, all in contravention of the Sustainable Residential Development Guidelines. The already congested area will be exacerbated by the traffic generated by the development and the proposed Nursing Home and high-density housing on Clarkes Hill. The subject site is not zoned for high density housing. The proposed development does not comply with the zoning objective in the Cork County Development Plan.

- 7.8.7. **Liam and Niamh Foley, 5 Clarkeswood:** Large number of objections to the Planning Authority, in contrast to previous application. The developer has allowed the site to decline. No consultation with local residents and no evidence that their concerns were taken into account. Density is too high, will cause traffic congestion and accidents. Conditions are too vague. Visual impact photomontages are misleading.

8.0 **Assessment**

- 8.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Road Projects
- Traffic and Car Parking
- Height, Scale and Design - Condition. No. 2
- Open space
- Infrastructure
- Impact on Residential Amenity
- Appropriate Assessment

8.2. Principle of the Proposed Development

- 8.2.1. The application was lodged and assessed by Cork City Council under the Cork County Development Plan 2014 and the Carrigaline – Ballincollig Municipal District LAP 2017. In the interim, the Cork City Development Plan 2022-2028 was adopted.
- 8.2.2. In the 2022 plan, the majority of the subject site is zoned ZO01 Sustainable Residential Neighbourhoods. A section adjoining the southern boundary is zoned ZO15 Public Open Space. The site layout plans submitted with the application show the apartment development within the residentially zoned part of the site, with the southern section dedicated to open space. In principle, this complies with the zoning objective uses.
- 8.2.3. The development plan acknowledges that the ZO 01 zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The development plan states that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents. The proposed development of apartments within walking distance of the Mount Ovel village complies with the objective.

8.3. Impact on Road Projects

- 8.3.1. TII commented on the subject application and on the subsequent appeal. I note that the planning report of July 2021 states that no report was received from TII, however there is a submission from TII on the Planning Authority section of the Boards file, dated June 2021. The TII submission on the application states that they consider the proposed development to be at variance with official policy in relation to control of development on / affecting national roads and that a TTA should be undertaken.
- 8.3.2. At the same time, the Cork National Roads Office commented on the application stating no objection. The applicant was advised to note the close proximity of the proposed M28 Cork to Ringaskiddy, that a site-specific acoustic report be prepared addressing the proximity of the development to the road and recommending certain mitigation measures, that no construction would be permitted on lands proposed to

be acquired for the M28 project and no run-off would be permitted to enter the M28 drainage.

- 8.3.3. The applicant submitted a TTA as part of their Further Information response. TII state in their consequent submission to the Planning Authority that they did not have the opportunity to assess the TTA, as it was “not uploaded”. The submission also noted that the “issues related to interactions with the M28 scheme” had not been addressed and that therefore the TII advised that the proposed development could prejudice plans for the delivery of the M28 scheme. The submission also stated that the Authority was of the opinion that insufficient data has been submitted or made available to demonstrate that the proposed development would not have a detrimental impact on the capacity, safety or operational efficiency of the existing and future national road network in the vicinity of the site.
- 8.3.4. In terms of the journey of the application through the Planning Authority, in their assessment of the information submitted at Further Information stage, the Planning Authority planning report noted that neither the Infrastructure Division nor the National Roads Design Office raised any objections to the proposed development. The planners report states that the proposed development does not directly impact any infrastructure projects proposed by Cork City Council, that the development site is in close proximity to the proposed M28 route (a Cork County Council / NRDO project) and that access to the proposed development is via an existing development which is accessed from Clarkes Hill.
- 8.3.5. Map 14 of the 2022 city development plan shows the western most section of the directly abutting the “M28 Cork to Ringaskiddy Project” corridor. An examination of the project documents (M28 Motorway Scheme Maps Final Design and EIS Volume 5, as provided on the Cork Roads Design Office website, updated most recently in Jan 2019) shows three separate designations for lands in the area: lands affected by Schedule 1, Part 1 area shaded light blue (lands on which it is proposed to provide a motorway), lands affected by Schedule 1, Part 2 are shaded grey (lands not forming part of the motorway but part of the scheme) and lands affected by schedule 4 are outlined with a red boundary. The subject site lies entirely within lands affected by schedule 4: sheet no. 2 of 7 refers (appended to this report with site visit photographs).

- 8.3.6. The final submission of TII was to the Board, in July 2022. The submission is similar to that sent to the Planning Authority and states that the issues raised by the Cork County Council National Roads Office regarding interactions with the M28 had not been addressed. The submission advises that in the absence of this information, the proposed development could prejudice plans for the delivery of the M28 scheme and states that a grant of permission would be at variance with the provisions of section 2.9 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- 8.3.7. I am a little unclear what information the TII submission considers to be “absent”. The Cork NRO states that they have no objection to the proposal and recommend a number of conditions to be attached. The conditions are standard, reasonable and enforceable. Given that the Cork RDO will be the implementing body for the N28 and given their detailed knowledge of the scheme, it is considered reasonable to recognise their acceptance of the proposed development as not being injurious to the road project. Should the Board decide to grant permission, it is recommended that the conditions recommended by the Cork RDO be attached.

8.4. Traffic and Car Parking

- 8.4.1. I note the quantum of objection to the proposed development on traffic grounds, both construction and operation. The Board will note that the lands are zoned for residential development and that planning history on site provides for residential development. While it is acknowledged that the change from a quiet cul-de-sac to access point to new residential development is a significant change for residents to envisage, it is the norm in suburban residentially zoned areas. The TTA submitted following a request for further information, demonstrates capacity and safe operation of the surrounding road network. I note the report of the Traffic SEE of the Planning Authority that considers the TTA satisfactory.
- 8.4.2. It is proposed to provide 37 no. underground car parking spaces and 10 no. surface level spaces. Chapter E of Volume 2 of the City Development Plan 2022, shows the subject site is zone 3 Car Parking. Table 11.13 states that for one and two bedroom units, a maximum of 1.25 no. spaces are required and for three plus units, a maximum of 2.25 no. spaces are required. The proposed development of 14 no. one beds, 27 no. two beds and 4 no. three beds therefore requires a maximum of 60 no.

car parking spaces. The subject site is 400m from a bus stop and a five minute walk to a neighbourhood centre. It is considered that 47 no. spaces is sufficient and in accordance with sustainable transport proposals of the Cork Metropolitan Area Transport Study.

- 8.4.3. Should the Board decide to grant permission, it is recommended that some sheltered bicycle parking is provided at ground level. This can be achieved by way of condition.

8.5. Height, Scale and Design – Condition no. 2

- 8.5.1. In their assessment of the proposed development, the Planning Authority stated that they consider the 5-storey development to be excessive, given the two/ three storey nature of existing development and the two-storey dwellings previously permitted on site. To that end, the Planning Authority recommend the omission of the first floor from the building. This would reduce the no. of apartments by 14 no. and the overall height by 3.m, from 16m to 13m.
- 8.5.2. Chapter 11 of the 2022 city plan outlines the Planning Authority policy on building heights. The strategy requires that design policies emerge from a detailed understanding of the prevailing urban character but also Cork's density strategy which is based on an assessment of 'suitabilities' for intensification and sensitivities to change. The subject site is identified as being an 'outer suburb, with a prevailing height of 1.7 storeys. Table 11.1 provides that in the outer suburbs, the upper target is 4 no. storeys. The nature of the houses in Clarkeswood is largely two storey with attic accommodation. In Rowan Hill, to the south of the subject site a terrace of three storey duplex units runs parallel to the N28.
- 8.5.3. The change in height from the surrounding two-storey dwellings, is notable. It is appropriate, in my opinion, however. To achieve the higher densities required by zoned land is close proximity to an existing neighbourhood centre, it is necessary to increase the number of units on site. A form of development that contrasts sharply with the suburban two/ three storey detached and semi-detached dwellings already in the area, is the appropriate entry into the built environment record. The proposed contemporary apartment block is the appropriate response. The topography of the area is such that from the wider views, the proposed block will read no higher than

the adjoining dwellings in Clarkes wood and considerably lower in height than the dwellings on the ridge top at Rowan Hill, from the wider views.

- 8.5.4. A similar form of development (apartment block at the end of a suburban housing estate) exists to the west of the site, on the other side of the N28 – six-storey Elden, off Maryborough Hill. The block is heavily screened to the north, with only a glimpse of the top floors visible from Rowan Hill. I am satisfied that the proposed development, in its proposed form of 4-storey over basement can be as successfully absorbed into the environment. I am satisfied that there is no need to omit a floor from the proposed development, as was proposed by Condition no. 2 of the Planning Authority decision.

8.6. Open Space

- 8.6.1. A number of the third parties submitted that the subject site was identified as open space when they purchased their properties. I note condition no. 4(1) of the Boards 2000 decision under PL04.118838 which required the omission of 12 no. houses on the subject site and *“the resultant steep, exposed area shall be incorporated into the open space and planted”*. It is not clear whether the developer of the original permission in 2000 ever created an open space as required by condition 4(1) of the parent permission.
- 8.6.2. The Board granted permission for 6 no. houses on a section of the subject site (PL04.247712) in 2017. This permission was not implemented and the new city development plan was adopted subsequent to that decision. To that end, I note zoning objective ZO1.7 which states that *“There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.”*
- 8.6.3. I consider the zoning objective to be reasonable, in principle. That said, the subject site is currently heavily overgrown and access to the public is restricted. It currently provides no active amenity opportunities to the public or the residents of the estate. Section 11.113 of the development plan requires public open space to be usable as well as provide visual amenity and biodiversity value, and will normally be required in

addition to land required for landscape reasons, such as woodland, habitats, tree belts, floodplains, etc. The use of the site for residential development has been accepted by the Board and is in accordance with the zoning objectives of the development plan.

- 8.6.4. A second issue regarding the open space is the extent of vegetation on the site. A comparison between the site inspection photographs presented to the Board in 2017 and the site as was inspected by me in 2023 shows a marked difference. A number of the third parties to the appeal noted the increase in biodiversity and natural heritage on the site in the intervening years.
- 8.6.5. I note that the applicant updated the landscape plan in response to the Planning Authority's Further Information request in 2022. The revised landscape plan provides for native woodland tree planting, ornamental feature trees, beech hedges and the retention of mature trees and hedgerow. I am satisfied that the proposed landscaping complies with Strategic Objective SO4 which seeks to manage and enhance green and blue infrastructure, to protect and promote biodiversity, ecology and habitat connectivity, protect natural areas, enhance landscape character and maritime heritage, and manage access to green and blue spaces that provide recreation, amenity and natural areas.
- 8.6.6. The Planning Authority noted in their final report that the proposal incorporates some of the public open space outside of the red line, proposing it as communal open space. The Planning Authority commented that this was not ideal, being completely public, not enclosed or directly connected to the building. Their solution was to substitute the ten surface car parks at ground level to the east of the building for extra open space. This was possible as the Planning Authority has recommended the omission of 14 no. apartments and so fewer car parking spaces were required. As stated above, I see no need to reduce the height of the building and therefore there would be no consequent loss of car parking spaces. I consider the provision of some surface level car and bicycle parking to be appropriate.
- 8.6.7. I draw the Boards attention to drawing no. 550-2.PL120 'Open Space Area' submitted to the Planning Authority after the Further Information request. This drawing shows a 550sq.m. area of open space to the south of the proposed building, on the steeply sloping hill running north from Rowan Hill. This proposed open space

area, as noted by the Planning Authority is outside of the site boundary, on public lands and so cannot form part of the proposed development. However a child's play area and the meandering path up the hill would be welcomed, opening the area for active recreation and maximising the wide views across the city. Should the Board decide to grant permission, the applicant should be required to liaise with the City Council with regard to the fulfilment of their open space requirements, as per section 11.112 of the city development plan.

8.7. Infrastructure

- 8.7.1. In responding to the Drainage Division's Further Information request, the applicant submitted an Engineering Support document. This document noted that the Mount Oval village development does not have attenuation with storm water run-off to a pipe system which flows to a dedicated collector sewer along Clarkes Hill and from there discharges directly to the Cork Harbour estuary. The spare capacity of this existing 750mm pipe will be used for surface water from the proposed development. Therefore additional attenuation was not proposed.
- 8.7.2. In response to this submission, the Drainage division (in a report dated 22/05/22) rejected the applicants calculation in section 2.3.1 and stated that stormwater is not permitted to discharge from the site at 39l/s/ha and also that as the downstream estuary is approx. 600m away from and 30m lower than the subject site, through considerable built-up areas, "spare capacity in the public storm sewerage network is reserved for public service functions and will not be allocated to individual sites to allow them to exceed greenfield run-off rates". Further, the division considered the applicant to have "rejected all "considerations and benefits" in the SuDs assessment report". The division requested that clarification of further information be sought. The planning report following this internal report noted these concerns but that clarification could not be sought due to regulatory timelines. A condition to address these concerns was attached to the Planning Authority recommendation to grant.
- 8.7.3. The rejection of the applicants proposal to use the spare capacity in the existing network, with its reservation for public service functions is considered reasonable and acceptable. That the existing Mount Oval development uses that system to avoid the need for on-site attenuation is not reason to allow it for this subject development. Should the Board decide to grant permission, it is considered this can be resolved by way of condition attached to permission.

8.8. Impact on Residential Amenity

- 8.8.1. Many of the third parties have raised the issue of the impact of the proposed development on their residential amenity, by way of overlooking, overshadowing or over bearing.
- 8.8.2. In terms of overlooking, cross-sectional drawings were submitted at Further Information stage which demonstrated the distance between the proposed units and the existing development to the east and north. Revisions to the units on the eastern end of the proposed building increased the separation distance and therefore the likelihood of overlooking to the east. The proposed and existing screening along the northern boundary of the site will prevent overlooking of the two-storey dwellings in Mount Ovel to the north.
- 8.8.3. Section 11.91 of the city development plan provides quantitative standards for apartment design. It refers to the Sustainable Urban Housing Design Standards for new apartments. The proposed apartments comply with the SPPR's for floor area (SPPR 3), dual aspect ratios (SPPR 4), floor to ceiling height (SPPR 5, lift and stair cores (SPPR 6) private amenity space, internal storage and cycle storage. The issue of communal amenity space is addressed in section 8.6 above.
- 8.8.4. I am satisfied that the proposed development will provide adequate residential amenity to the proposed residents, whilst protecting the residential amenity of the surrounding dwellings.

8.9. Screening for Appropriate Assessment

- 8.9.1. I refer to the Stage 1 Screening for Appropriate Assessment report submitted with the planning application. The appeal site is not located on or adjacent to any Natural 2000 site. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site (Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)), 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.

9.0 Recommendation

9.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

10.0 Reasons and Considerations

10.1.1. Having regard to the zoning objective of the site in the Cork City Development Plan 2022-2028, to the design and scale of the proposed development, to the infill nature of the site, and to the pattern of development in the vicinity, it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and convenience, would not endanger public health, and would comply with the relevant provisions of the Cork City Development Plan 2022-2028, the National Planning Framework, and the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 13th day of April 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Cork City Council for such works and services.</p>

	<p>a) Prior to commencement, the applicant shall enter into a new stormwater connection Agreement with Cork City Council. As part of the agreement process, all details of the proposed stormwater system within the development shall be agreed in writing.</p> <p>b) Attenuation measures are to be installed. On the site to restrict the outflow to Greenfield runoff rates. Details to be agreed with the planning authority prior to the commencement of development.</p> <p>c) An assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to Cork City Council Drainage Division. Where a sustainable drainage scheme is to be provided the submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters, included timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker on any other arrangements to secure the operation of the scheme throughout its lifetime.</p> <p>d) Prior to the occupation of the buildings, hereby approved the surface water drainage works. Shall be carried out, and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.</p> <p>Reason: In the interests of orderly development, public health and sustainable development</p>
3.	<p>The applicant shall engage a qualified person to prepare a site specific acoustic report. The report shall address the proximity of the proposed development to the proposed M28 Project and shall recommend appropriate noise mitigation measures to achieve the TII Design Goal of 70Db., Lden,</p>

	<p>57 DdLnight (Free field Residential facade Criterion) at all residential components in the development.</p> <p>The report shall consider:</p> <ul style="list-style-type: none"> a) appropriate noise criteria for gardens, amenity spaces and indoor noise levels in bedrooms b) noise mitigation measures included in the proposed M28 design, c) the design, layout, massing, material selection and detailing of insulation and ventilation requirements for the development. d) The applicant shall be liable. For the cost of providing and installing appropriate mitigation measures between the proposed M28 project and the proposed development, in excess of the noise barriers proposed in the M28 EIS noise barrier drawing NB0001RevF01. <p>The extent and cost of such mitigation measures shall be agreed with the planning authority. The applicant shall submit a bond for cost of their proposed mitigation measures prior to the commencement of development, and such measures shall be implemented prior to the occupation of the units.</p> <p>Reason: In the interest of residential amenity</p>
4.	<p>No construction shall take place on the lands proposed to be acquired for the M28 project, and there shall be no deposition of material from any other works within these lands. Therefore, there shall be no change in the level of the existing ground that is subject to the motorway order for the proposed M28 project.</p> <p>Reason: In the interest of road safety.</p>
5.	<p>Any runoff from the proposed development shall not be permitted to enter the proposed drainage of the M28 project.</p> <p>Reason: In the interest of road safety.</p>
6.	<p>Prior to the commencement of development, the developer shall seek written agreement from the Planning Authority for the provision of</p>

	<p>communal open space in accordance with the requirements of section 11.112 of the Cork City Development Plan 2022-2028.</p> <p>Reason: In the interest of residential amenity</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity</p>
8.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p>Reason: In the interest of urban legibility.</p>
10.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall coordinate with the Drainage Department of the Council during the detailed design and construction of the development.</p>

	<p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of public health and surface water management.</p>
11.	<p>(a) The site shall be landscaped and paving and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces shall be agreed in writing with the planning authority prior to the commencement of development on the site.</p> <p>Reason: In the interest of residential and visual amenity.</p>
12.	<p>All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:</p> <p>(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.</p> <p>(b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.</p> <p>Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.</p> <p>No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.</p> <p>Reason: To prevent damage to the root systems of trees and in the interest of visual amenity.</p>
13.	<p>All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be</p>

	<p>maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.</p> <p>Reason: In the interest of visual amenity.</p>
14.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide the provision of surface level sheltered bicycle stands, incentives to encourage the use of public transport, cycling, walking and carpooling by residents / occupants / staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
15.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</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 for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of</p>

	<p>commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which 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>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 details of intended construction practice for the development, including:</p> <p>a) Location of the site and materials compounds including areas identified for the storage of construction refuse.</p> <p>b) Location of areas for construction site offices and staff facilities.</p> <p>c) Details of site security fencing and hoardings.</p> <p>d) Details of on-site car parking facilities for site workers during construction.</p> <p>e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.</p> <p>f) Measures to obviate queuing of construction traffic on the adjoining road network.</p> <p>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.</p> <p>h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.</p> <p>i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.</p>

	<p>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.</p> <p>k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.</p> <p>l) 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>m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
18.	<p>Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste 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, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, 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. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.</p> <p>Reason: In the interest of sustainable waste management.</p>
19.	<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</p>

	<p>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>
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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</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.

Gillian Kane
Senior Planning Inspector

08 December 2023