

Magazine Road and Surrounding Area Residents Association

c/o Phyllis Higgins
15 Westbourne Park,
Magazine Road,
Cork
15.02.2018

Planning Objection to Planning Application Ref No: 18/37735
Applicant: Mideam Ltd
Agent for the Applicant: McCutcheon Halley Chartered Planning Consultants

A Chara,

We, the Magazine Road and Surrounding Areas Residents Association who represent the residents of Magazine Road, Dorgan's Road, Highfield Avenue, Highfield West, Coolgarten Park, Glasheen Road, St. Clares Avenue and St. Francis Avenue, wish to submit an objection to the development as proposed and fully described in your Planning File Reference Number 18/37735 - "A site comprising Loreto House and Dunleary House on Dorgans/Magazine Road".

It is on record that the applicants had a pre-planning meeting with Senior Executive Planner Kevin O Connor, where the applicant states that the Planning Authority were **supportive of the principle of the development**. As a Residents Association, we wish to state that it weakens our position in making any submissions given that the developer is at an advantage, having been given the opportunity to personally meet the planning officer involved. This possibility is not available to, and in fact, was refused to residents and local councillors. This puts the developer at an advantage over the community and is not permitting due process to take place.

We wish to object to the proposed development on the following grounds:

1. The development as proposed will, due to its height, mass, bulk and scale be visually obtrusive and injurious to the residential amenities of the area. The development is entirely detrimental to the immediate area both visually and with respect to ensuing anti-social behaviour of students.
2. The development as proposed will give rise to overlooking and overshadowing of adjoining homes.
3. The development as proposed will result in a traffic hazard.
4. The development as proposed provides no parking for its residents and exacerbates an already chronic parking situation.
5. The lack of disability and access proofing.
6. Disregarding of health and safety and access requirements.
7. Injurious to and adversely affecting an Architectural Conservation Area.
8. Amenity space and common area space for the residents is inadequate.
9. Lack of Part V compliance.
10. The cumulative effect of this development and the associated developments on the same site.
11. The lack of a student accommodation policy by Cork City Council.
12. Structural risk to old houses in the vicinity of the construction.
13. Disturbances to elderly residents from interruptions to mains services.
14. Excessive road closures due to scale of development.
15. Disturbing residents on a weekend due to construction.
16. Disturbances caused by construction traffic.
17. Disturbances caused by dirt, dust and debris from demolition and construction.

18. Security of site.

19. The development is injurious to the concept of inclusive neighbourhoods.

1.

The development as proposed will, due to its height, mass, bulk and scale, be visually obtrusive and injurious to the residential amenities of the area, which is a designated Architectural Conservation area (**Chapter 9, objective 9.3.3 of the City Development Plan, Historical Street Character Area**). The overall layout of the proposed development has no regard for adjoining properties, local residents and the general community. The cumulative impact of the development of the site, taking in consideration with the other concurrent developments on the site, is designed to maximise the return/profit on the development of the site, with no regard to the injurious impacts that it will have on the surrounding neighbourhood. The development conflicts with the requirements of the City Development Plan and we request that you do not grant permission for the development as proposed in the interest of sustainable communities.

2.

The development as proposed will overlook adjoining homes, on Magazine Road, Glasheen Road, Dorgan's Road, and Coolgarten Park. The development is of such a scale as to give rise to over shadowing of adjoining homes. We note that no survey was submitted with this application proving that no overshadowing or overlooking is taking place of adjoining homes, as required. We request that you would have full regard to the **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009**. These documents, in addition to the **City Development Plan**, all have regard to over shadowing and the injurious impact that same will have on adjoining homes and the residential amenities of both the users of proposed developments and existing residences. A report on overshadowing and overlooking must be part of this application in the interest of visual impact.

This application should be refused as it clearly is not in keeping with the Cork City Development Plan.

3.

The development as proposed will result in a traffic hazard. The proposed site is located on three extremely busy narrow roads and two narrow busy intersections, that provide access for a significant portion of some 30,000 staff and students that access UCC, and witness severe traffic congestion and delays on a daily basis. This demonstrates the lack of the applicant's understanding of traffic in the immediate vicinity of the proposed development, both pedestrian and vehicular. In addition to the daily rush hour traffic jams, we draw attention to the severe congestion caused by the various refuse collection services, whereby the refuse trucks block traffic causing severe traffic backups. There is no possibility for such trucks to stop on the three affected roads for collection and the proposed development provides no off-road loading bays for waste management.

Chapter 13, objective 13.1 i of the Cork City Development Plan states that development must "facilitate the safe, efficient and sustainable movement of people to, from, and within the city centre". The proposed application should be refused as it puts further pressure on three severely congested streets and their respective intersection.

4.

The cumulative development as now proposed will increase the population of this area by approximately 120 occupants (taking all three developments on the same site into account). Magazine Road already houses over 500 students, who leave their cars parked from Monday to Friday on the street, with no turnover of parking. The lack of provision of any parking for these new residents is not sustainable and places further pressure on the existing severe parking shortage in the area.

This area differs from other parts of the city as it is listed as an Architectural Conservation Area. The front gardens of the Victorian houses are protected as being worthy of conservation, resulting in street parking being the only possibility for residents. The inability of permanent residents to obtain short term parking during the week, to go shopping, transport small children, park their cars after returning from work, etc., and the issue of elderly residents and their carers being unable to park close to their houses, all result in insupportable daily difficulty for permanent residents. The parking issue stems exclusively from the longterm parking of student cars from Monday to Friday and must be addressed to enable permanent residents to go about their daily business, in the interest of sustainable communities and residential amenities. **Chapter 5 of the Cork City Development Plan, objective 5.47** states that “on-street parking constitutes a significant public asset, which can be managed in a manner that promotes fairness”. This proposed development, which cumulatively adds 120 students to the area, should be refused as it provides no parking for the additional 120 cars which will follow and further injuring the amenity and quality of life of permanent residents. Furthermore, this application states that there will be lettings to tourists and guests during the summer months. No parking is provided for the tourists who will certainly have cars.

It is noted that Cork City Council provide resident parking permits to students, thus denying parking spaces to permanent residents, whilst claiming that students do not have cars and therefore exempting student accommodation from providing resident parking.

This application should be refused as it clearly is not in keeping with the Cork City Development Plan.

5.

We cannot see from the proposed application the provision of any vehicular access for disabled persons, or designated disabled parking spaces. Furthermore, no assessment of disability proofing is provided in the application, as required under the **Barcelona Agreement 2010**.

Chapter 7 of the Cork City Development Plan, objective 7.18 People with Disabilities, states that an application “should be guided by the National Disability Strategy 2013”.

This application should be refused as it clearly is not in keeping with the Cork City Development Plan.

6.

The entrance to the new development is pedestrian only from Dorgan’s Road, with no vehicular access for emergency services, such as fire brigade and ambulance. The three adjoining streets are so narrow as to prevent parking of such vehicles. This is a serious flaw in the application.

7.

This is an area within the development plan, specifically Magazine Road, which is designated an Architectural Conservation Area.

Chapter 9, objective 9.3.3 of the City Development Plan - Historical Street Character Areas requires that Cork Corporation act “to protect the physical and architectural character of these areas, avoiding insensitive alterations” and “to seek the provision of higher quality public realm treatments in these areas reflecting their social value to the city”.

This plan does nothing to improve the public realm of the area. In fact there is nothing in this application that fulfils these requirements.

Chapter 16, objective 16.3 of the City Development Plan - Urban Design states that Cork City Council will ensure that all new schemes will enrich the urban qualities of the city and foster a sustainable community.

Chapter 13, objective 13.1 h of the City Development Plan states that development must enhance “the quality of the city’s public realm”.

Again we point out, that no enrichment results from this development as the proposed development shows minimal landscaping of the site and will be a visual blight encroaching on three major roads.

This application should be refused as it is not in keeping with the Cork City Development Plan.

8.

The provision of amenity space and common area space for the residents within and surrounding the development is inadequate, contrary to **Chapter 7, objective 17.15 - Neighbourhood Recreation Amenity, of the Cork City Development Plan** and does not support and facilitate outdoor and indoor facilities for residents in a sustainable manner.

This application should be refused as it is not in keeping with the Cork City Development Plan.

9.

Part V Planning and Development Act 2000 - Duty of the developer to provide social housing.

We believe that this cumulative development is not exempt from Part V requirements, as it is located on the same site as Planning Ref 17/37683 and Planning Ref 18/37734 by the same developer (the company owner of Mideam is Denis O'Brien) and comprises more than 9 units. We believe the applicant should outline how it proposes to comply with Part V and we see the single unit on Magazine Road, also part of this development, as ideally fitting this requirement for social housing.

10.

This planning application does not take into account the potential impact on local residents.

Chapter 16, objective 16.68 of the City Development Plan requires consideration to be given to the impact on local residents of any proposed student accommodation developments. On the contrary, no contact has been made by Cork City Council Planning Department or by the developer with residents in regard to this development or the associated two developments on the same site. The cumulative effect of these 120 students is not sustainable in a residential area. The problems of the area caused by UCC students are well-documented.

The provision through recent planning decisions of approx 2300 new bed spaces within 1km of this site is a death sentence for this existing residential area.

This application should be refused as Cork City Planning Department have failed in their duty to give consideration to the impact on local residents of the development.

11.

The lack of a policy, or area plan, by Cork City Council on student accommodation has resulted in a complete over-concentration of students in the immediate area. While we recognise the shortage of student accommodation in the city, the provision of inappropriate student accommodation, as in the case of this application, should not be at the cost of wiping out an existing and long established local community.

This application should be refused until such time as Cork City Council puts in place a policy on student accommodation to ensure that students are evenly distributed in residential areas.

12.

The proposed works include the demolition of the existing Loreto House and the construction of approximately 8 houses and an apartment complex. The immediate housing stock in the area is primarily Victorian with foundations and structures in excess of 100 years old. We are concerned that transfer of vibrations both from the demolition and large scale building work, and from the heavy construction traffic, will cause damage, in particular cracking, to our houses and demand that both pre- and post-conditional surveys are carried out on the properties of concerned residents, and such surveys should be a **condition** of any planning permission granted. Monitoring of the properties of local residents during the demolition and construction must also be carried out. All surveys and monitoring must be carried out by an approved firm of building surveyors/engineers.

13.

We note from the combined planning applications for this site that substantial road surface openings are planned, ie, at least 10 separate accesses to main services. The primarily elderly residents will be severely disturbed by any stoppage of mains services, such as water, gas, and electricity. The **conditions** attached to any permission must ensure minimal disturbance to residents and timely notifications given to all resident of outages and subsequent reinstatement of services.

14.

Further, it can be expected that access to and on Dorgan's Road, Magazine Road, and Glasheen Road will be severely compromised during any building works on the site. The **conditions** attached to any permission must include a traffic management plan detailing measures taken to minimise the impact on residents and guarantee unrestricted access at all times to their residences. In particular, measures must be taken to ensure that Coolgarten Park is not used as an alternative throughway, as the road is narrow, has dangerous exits and entrances and the surface is in very poor condition.

15.

Given the massive disturbance the local residents fear from this development, the **conditions** attached to any permission must not allow any building or demolition work to take place on a Saturday morning, in the interest of the amenity which local residents are entitled to enjoy in their own homes.

16.

It is expected that there will be substantial construction traffic in and around the development, deliveries, heavy machinery, lorries etc. The **conditions** attached to any permission must include a construction traffic management plan ensuring that all construction traffic parks onsite and does not block parking spaces on Magazine Road. This plan must also guarantee the safety of road and footpath users and residents. In particular the footpaths must, at no time, be blocked as several local residents are wheelchair users.

17.

The **conditions** attached to any permission must include a construction waste management plan detailing how demolition dust, noise, odour, and litter will be dealt with during construction, in the interests of orderly disposal and management of waste. We also request that visually attractive screening is placed around the construction site during the construction to block the view of the site from residents.

18.

We are concerned that the construction site may not be secured during periods of no construction and the **conditions** attached to any permission must ensure that security will be in place to monitor the site at all times. This is of particular importance given the large numbers of drunken UCC students in the area in the evenings.

19.

Chapter 7 of the Cork City Development Plan – Inclusive Neighbourhoods, objective 7.1f states that the city must “ensure that social inclusion objectives are fully integrated into planning policy”.

This application fails to meet this objective as it increases the excessive amount of students in the area, thus making life a misery for families, working people and elderly people in the immediate vicinity of this development.

Objective 7.1i states that the city must “ensure that Cork City is a family friendly city”.

As already mentioned, families are forced out of the area because of the anti-social behaviour of the students keeping children away at night and because of the inability to park close to their houses, a necessity with small children.

Objective 7.11 states that the city must “encourage socially inclusive and safe communities”.

It is well documented in the media that this area has become a no-go area on several nights of the week because of marauding groups of drunken students behaving in an aggressive and intimidatory manner. Elderly neighbours, who have lived in their family homes for 80 and 90 years, who go to complain about loud parties have been verbally abused by students and told to “f*k out of the area if they don’t like it”. Other elderly residents have bottles smashed against their house walls in the middle of the night and live in complete fear.

This application should be refused as it compounds the above issues by introducing a further 120 students into the area and therefore will clearly exacerbate the social isolation and intimidation of the other residents, families and elderly in the area.

We trust that the concerns raised above will be given due process.

Sincerely,

Phyllis Higgins

Catherine Clancy

On behalf of the Magazine Road and Surrounding Area Resident’s Association