



An
Bord
Pleanála

Board Direction
PL28.249264

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26th April 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the residential zoning of the site in the Cork City Development Plan 2015-2021, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2008), the location of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives for the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing architectural heritage and character of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th January 2017 and 26th

July 2017, 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.

Reason: In the interest of clarity

2. (a) Houses No 09 to 13 inclusive along the northern boundary with Beechwood Place and Dwelling No 03 and 04 located to the rear of No 7 Eldred Terrace shall be reduced to two storey dwellings. Details shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of work on site.
- (b) Prior to commencement the developer shall submit for written agreement of the Planning Authority revised drawings indicating the omission of the sliding glazed doors at first floor levels serving “Bed 2” in the rear elevation of all Type A1 and A2 dwellings as indicated on drawings 151001-PL-17-B and 151001-PL-18-B received by the Planning Authority on 26th July 2017 and their replacement with a window.
- (c) The replacement windows at the first floor levels serving “Bed 2” provided for by Condition 2(b) above in the rear elevations of House Nos 30, 31 and 32 as indicated on drawing 151001-PL-02-B shall be redesigned so that there is no direct overlooking of the adjoining residential property to the south. Revised drawings shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.
- (d) The flat roof over part of the kitchen in the rear elevation of all Type A1 and A2 dwellings as indicated on drawings 151001-PL-17-B and 151001-PL-18-B received by the Planning Authority on 26th July 2017 shall not be used as a balcony or roof garden and shall not be accessible.

- (e) All flank windows at first and second floor level in all Type A1 and A2 dwellings as indicated respectively on drawings 151001-PL-17-B and 151001-PL-18-B received by the Planning Authority on 26th July 2017 shall be finished in obscured or frosted glazing.
- (f) The first floor windows in the south eastern flank elevation serving a bathroom and stairs of the Feature House / House 02 as indicated on drawing 151001-PL-16 received by the Planning Authority on 2nd September 2016 shall be finished in obscured or frosted glazing.
- (g) Prior to commencement of development the developer shall submit for the written agreement of the planning authority revised drawings omitting the vehicle entrance to the Feature House / House 02 as indicated on drawing 151001-PL-02-B received by the Planning Authority on 26th July 2017. This area is to be used as garden / amenity area serving the dwelling.

Reason: In the interest of residential amenity.

3. Prior to commencement of work on site the following details shall be prepared by a suitably qualified conservation expert and submitted and agreed in writing with the Planning Authority:
 - (a) Specifications, method statement and schedules of works for the reconstruction of the realigned front wall and for the reuse of the pedestrian gate and railings serving No 7 Eldred Terrace shall be submitted for the written agreement to the Planning Authority.
 - (b) Design and detail of new timber sash windows to be reinstated for No 7 Eldred Terrace following the model of the surviving original window at ground floor level on the front elevation

Reason: In the interest of the protection of the architectural heritage of the area.

4. (a) In the event that the proposed parking areas are not taken in charge by the Local Authority / Roads Authority permanent public access shall be provided to a minimum of 12 number parking spaces within the development being parking spaces labelled "EI Tce 07", "EI Tce 08", and

“EI Tce 017” to “EI Tce 026” inclusive indicated on drawing 1510001-PL-02-B received by the planning authority on 26th July 2017.

(b) Adequate temporary car parking shall be provided during construction where necessary, for any car parking spaces displaced at the entrance to the site at Douglas Road. Details shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of work on site.

Reason: To ensure that the development does not unduly injure the amenities of existing houses in the vicinity.

5. Prior to commencement of work on site, the developer shall agree in writing full details of a legally incorporated management company which shall be responsible for the future maintenance and upkeep of all services associated with the apartment blocks of this development including drains, sewers, watermains, public lighting, paths, open spaces and refuse storage areas.

Reason: To ensure the satisfactory maintenance of the site in the interest of visual and residential amenity.

6. All findings of the Stage 1/2 Road Safety Audit shall be incorporated into the development and paid for in full by the developer. Stage 3/4 Road Safety Audit shall be undertaken, closed out, signed off and acted upon. All cost associated with this condition shall be borne by the developer.

Reason: In the interest of traffic safety

7. The developer shall install a signal controlled junction at the proposed access to the development from the Douglas Road. The new junction shall provide a pedestrian crossing across the Douglas Road. The works herein required shall meet the specifications of the planning authority. No part of the development may be occupied until the works to the junction, including the reinstatement and repair of footpaths in its vicinity, have been completed to the satisfaction of the planning authority and so certified in writing.

Reason: In the interest of traffic safety.

8. The proposed vehicular and pedestrian access points shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). Exact details shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of pedestrian and traffic safety.

9. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings and crèche shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

12. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping proposals received by the planning authority and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

13. No additional development shall take place above roof parapet level on the

apartment blocks, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

15. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

16. (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development.

(c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

(d) The materials used, including tactile paving, in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interests of traffic, cyclist and pedestrian safety.

17. 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 within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and offsite disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

19. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

Reason: To ensure that childcare facilities are provided in association with

residential units, in the interest of residential amenity.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 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.

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 for the area.

21. 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 planning 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning

and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 1st May 2018

Maria FitzGerald