



An  
Bord  
Pleanála

**Board Direction**  
**BD-004499-19**  
**ABP-305278-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/11/2019.

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**

In coming to its decision, the Board had regard to the following:

- (a) the site's location on lands with a zoning objective 'ZO16' for 'Mixed Use Development' and the Objective in the Cork City Development Plan 2015-2021: 'to promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principle of sustainable development, transport and self-sufficiency'.
- (b) the sites setting in a key sustainable location in the heart of Cork City Centre, in the north Docklands within 500m walking distance of Cork City retail core, also directly adjacent to rail and bus infrastructure, namely, Kent Railway Station and Parnell Bus Station
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the Cork City Development Plan and appendices contained therein, Local Area Plan and National Planning Guidance.

- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area and
- (m) to the submissions and observations received,
- (n) the report of the Inspector.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered that the information submitted by the applicant, identify and describe adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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

## Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban regeneration area, would not seriously injure the visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. 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, 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. The proposed development shall comply with the terms and conditions governing the overall site under TP Ref. 17/37563, unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

**Reason:** In the interest of orderly development and clarity.

3. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:

Design details for the proposed 311 on-site bike storage stands both internally and externally.

**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

4. Details of the materials, colours and textures of all the external finishes to the proposed apartments incl. hard and soft landscaping elements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

5. (a) Specifications, method statements and schedule of works for the existing Station Masters Building (Old Railway Station) shall be prepared by an experienced registered architect qualified to at least RIAI conservation grade, who shall certify upon completion that the works have been carried out in accordance with good conservation practice.

(b) The redundant machinery, former railway equipment and other elements of industrial archaeological interest shall be itemised, assessed for suitability for re-use on site as part of the new landscaping proposals to be submitted to the written agreement of the planning authority.

**Reason:** In the interest of the protection of the architectural and historical heritage of the area.

6. (a) The site shall be landscaped in accordance with the submitted scheme of landscaping. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

(b) Where feasible the planting of native pollinator friendly species of plants and

trees shall be incorporated into the landscape plan.

**Reason:** In the interest of conservation, residential and visual amenity.

7. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

8. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

9. Each apartment shall be used as a single dwelling unit, only.

**Reason:** To prevent unauthorised development.

10. Mitigation measures against the risk of flooding, as outlined in the FRA report submitted as part of this application, are to be implemented as presented. Any proposed changes to these mitigation measures shall be agreed in writing with the Planning Authority, prior to implementation.

**Reason:** In the interest of public health and flood protection.

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

12. 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 a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

13. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

**Reason:** In the interests of residential amenity.

14. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

**Reason:** In the interests of traffic safety and residential amenity.

15. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:

(i) The set down / loading area should be at grade with the footpath area, so that when not in use it can revert back to pedestrian use.

(ii) Details of materials, finishes and other measures that are particular to the development and adjacent streets should be maintained. It is preferable to keep a clear visual separation between carriageway, kerb and footway. This can be achieved by using different tonal contrast and surface textures.

(iii) Traffic signs and markings that incorporate clutter free design are required.

(iv) Confirmation that all works associated with this condition shall be completed by the applicant and at the applicant's expense.

(v) The applicant shall contact Cork City Council Road Maintenance Division to ascertain the required permits and specifications for any works.

**Reason:** In the interest of pedestrian safety.

16. (i) The internal road network, public footpaths within and outside the proposed development site, lighting, cycle parking provision and car parking arrangements, including facilities for the recharging of electric vehicles, shall comply with the requirements of the planning authority for such works.

(ii) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) Guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the Planning Authority and all measures recommended by the Auditor should be undertaken unless the Planning Authority approves any departure in writing. A feedback report should also be submitted providing a response to each of the items.



(iii) A full mobility management plan shall be carried out and commitments made in the mobility management plan shall be fully developed and agreed in writing with Cork City Council.

(iv) A swept path analysis for fire tender access to Station Square and Waterfront Square shall be carried out and agreed in writing with Cork City Council.

(v) The proposed set down area for the creche shall be omitted from the development and a provision for a set down area for the refuse truck shall be provided to the written satisfaction of the planning authority.

**Reason:** In the interest of traffic and public safety.

17. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

18. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development

19. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been

set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

20. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

21. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 of the area.

22. The submitted phasing programme for the development shall be strictly adhered to, unless otherwise agreed in writing with the planning authority.

**Reason:** To provide for the orderly development of the site

23. Prior to occupation of the childcare facility full signage detail shall be submitted for the written approval of the planning authority.

**Reason:** In the interest of visual amenity.

24. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation 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.

25. 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.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

In deciding not to accept the inspectors recommendation to seek Revised elevational treatment of the Horgan's Quay elevation by the incorporation of balconies within the façade as winter gardens without any projections on the Horgan's Quay elevation the Board was satisfied that the proposed elevational treatment represented a high quality visual treatment and would not detract from the formality of the Quayside elevation and would add to the diversity and visual interest of the Horgan's Quay streetscape. Furthermore, the Board that the quantum of 50 car spaces as proposed was acceptable in the context of the number of residential units and did not consider it necessary to reduce the quantum to 22.

**Board Member**

**Date:** 12/11/2019

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Paul Hyde