



An  
Bord  
Pleanála

**Board Direction**  
**BD-019548-25**  
**ABP-319092-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/04/2025.

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 provisions of the Cork City Development Plan 2022-2028, including the relevant policies and objectives and the ZO 1 Sustainable Residential Neighbourhood zoning objective for the area, to the "Urban Development and Building Height Guidelines for Planning Authorities" issued by the Department of Housing, Planning and Local Government in December, 2018, the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in December, 2022, and the "Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in January, 2024, and having regard to the scale, form, design, and layout of the proposed development 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 acceptable in terms of design, density, unit mix, residential amenity for future residents, and traffic and pedestrian safety, would not seriously injure the character of the area or the residential amenity of dwellings in the area, would not be prejudicial to public health,



and would overall promote the efficient development of housing on an accessible and sustainable site, and would accord with the policies and provisions of the Development Plan. 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 received by the planning authority on the 8<sup>th</sup> day of November, 2023 and the 21<sup>st</sup> day of December, 2023, 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 design of the proposed two-storey duplex to the east of Block 3 shall be revised by the omission of the pitched roof and its replacement with a flat roof. Prior to the commencement of development, revised plans and elevations showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority.

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

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with,

the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
  - (i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.
  - (iv) Details of screen planting, which shall not include cupressocyparis x leylandii.
  - (v) Details of roadside/street planting, which shall not include prunus species.
  - (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment, and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation, including details of phasing

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

- 5. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All



records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of reducing waste and encouraging recycling.

6. 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:
- (a) Location of the site and materials compound including areas identified for the storage of construction refuse.
  - (b) Location of areas for construction site offices and staff facilities.
  - (c) Details of site security fencing and hoardings.
  - (d) Details of on-site car parking facilities for site workers during the course of construction.
  - (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.
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
  - (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.
  - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
  - (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.
  - (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.



- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety and environmental protection.

7. Proposals for an estate name, house and 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 and to ensure the use of locally appropriate placenames for new residential areas.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All



existing over ground cables shall be relocated underground as part of the site development works.

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

11. Prior to the occupation of the development, a Mobility Management Plan (MMP)/Travel Plan shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

12. 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 and for the ongoing operation of these facilities for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.

14. No additional development shall take place above roof parapet level, 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 visual amenities of the area.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees and landscaping. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

17. The total parking supply on the site shall not exceed 24 spaces. The following shall apply:
- (a) the provision of a maximum of 24 car parking spaces inclusive of 2 disabled parking spaces for the full development,
  - (b) the provision of a minimum of 171 high quality covered cycling parking facilities,
  - (c) the provision of 4 EV car charging spaces and the rest ducted for future EV car use, and
  - (d) the applicant shall submit a Car Park Management Plan and details of car parking design, layout and management to the planning authority for agreement in writing prior to the commencement of development.

**Reason:** In the interest of sustainable transport and safety.



18. Prior to commencement of development, the applicant shall agree the details and the extent of all road markings and signage requirements on R852 Skehard Road with the planning authority. All costs associated with the requirements of this condition shall be borne by the applicant.

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

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery, and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transport and safety.

21. All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the planning authority for written agreement.

**Reason:** In the interests of public health and surface water management.

22. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has



not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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.

24. 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.

25. 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.



**Notes:**

- i) In deciding to uphold the first party appeal against Condition 2, and not to accept the inspector's recommendation to omit floor 2 of the proposed apartment buildings to reduce it to four storeys, the Board noted that the proposed development of buildings of 5 storeys complies with the target building heights of 3-5 storeys set for the Inner Urban Suburbs area (as identified on Figure 11.1 of the Cork City Development Plan 2022-2028). The Board also considered and agreed with the report of the Cork City Architect which noted that the proposed development forms a satisfactory and varied street edge to Skeward Road and that the overall massing is satisfactory. The Board noted that while the City Architect suggested the possible removal of floor height in his report, this was in the context of one of three potential measures to reduce the density and was not in itself a recommendation to reduce the height. The Board considered that the separation distances to adjoining properties were adequate to prevent the proposed development being overbearing on neighbouring properties, and also accepted the findings of the Daylight and Sunlight Assessment Report submitted which found that all results were within recommended limits in the BRE Guidelines and that any impacts on the adjacent properties in terms of sunlight and overshadowing would be minor and concluded therefore that there would be no measurable adverse impact on the residential amenities of neighbouring properties. The Board also considered, based on the plans and particulars submitted, that while the proposed development would result in a change in the visual landscape of the area, having regard to the overall high standard of design of the proposed development, the variation in building height along the street and the well articulated facades, the proposed development would not give rise to an unduly abrupt transition and would not seriously injure the character of the area.

In relation to density, the Board considered that while the density of the proposed development at 143 dwellings per hectare (dph) is in excess of the target range specified in Table 11.2 of the Development Plan for the Ballintemple & Blackrock area of 40-80 dph, the density is in accordance with the Compact Settlement Guidelines which apply a density range of 50-250 dwellings per hectare in the City-Urban Neighbourhoods of Cork, and was satisfactory having regard to the overall location, proximity to high frequency public transport, and



the quality and design of the proposed development. The Board agreed with the inspector's assessment in Section 7.3.13 of the Inspector's Report that the proposed density of 143 units per hectare was acceptable in principle at the site notwithstanding his commentary that the reduced density which would be achieved by the recommended condition 2 represents a more balanced approached to the uplift in density in the area. Furthermore, the Board shared the inspector's assessment in Sections 7.3.14 and 7.3.15 of the Inspector's Report that the proposed density would not constitute a material contravention of the development plan. The Board considered therefore that the proposed development would not seriously injure the residential amenity of adjoining properties or the character of the area, and would generally be in accordance with the objectives of the Development Plan. The omission of one floor from the apartment blocks was therefore not warranted or necessary.

- i) The Board considered that the design and height of the gable wall of the proposed 2 storey duplex to the east of Block 3 was visually incongruous and while noting the recommendation of the inspector to retain Condition 3, considered that the omission of the pitch roof and replacement with a flat roof would be a more suitable design response in keeping with the overall development.

**Board Member**

  
Mary Gurrie

**Date:** 06/05/2025