

An
Bord
Pleanála

Board Direction
BD-019007-25
ABP-319482-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/02/2025.

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 ZO 1 zoning objective, to the Ministerial Guidelines including the Architectural Heritage Protection Guidelines for Planning Authorities (2011), the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), and the Sustainable Urban Housing: Design Standards for New Apartments (2023), to the nature and scale 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 not seriously injure the character of the area or the amenities of property in the vicinity, would not adversely impact on the character or setting of the Blackrock Road Architectural Conservation Area (ACA), the two no. National Inventory of Architectural Heritage (NIAH) listed dwellings or any protected structure in the vicinity of the site, and would be acceptable in terms of density, design, unit mix, residential amenity for future residents, and traffic and pedestrian 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, as amended by the further plans and particulars received by the planning authority on the 21st day of December, 2023 and the 8th day of March 2024, 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 be amended as follows:
 - (a) The north facing bedroom windows in the northern elevation of the western block at second and third floor plan in apartment numbers 16, 17, 26 and 27 shall be altered to high-level windows and the ensuite windows shall be of obscured glazing and maintained as such.
 - (b) Screening shall be included to the north-facing side of the balconies in the northern elevation of the western block for apartment number 35.
 - (c) The north facing bedroom windows in the northern elevation of the eastern block at first, second, third and fourth floor plan in apartment numbers 12, 22, 32 and 40 shall be altered to high-level windows and the ensuite windows shall be of obscured glazing and maintained as such.
 - (d) Screening shall be included to the north-facing side of the balconies in the northern elevation of the eastern block for apartment number 44.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Prior to commencement of development, the developer shall submit revised plans and elevations to the planning authority for full agreement in writing

showing the full details of the gates and railings for the four number mews dwellings, including defining which elements are fixed and which can open, and clearly indicating the proposed materials used.

Reason: In the interests of clarity and visual amenity.

4. All areas of modern blockwork and fabric of the boundary wall in the southwest corner of the site shall be rebuilt in stone, in accordance with best practice conservation and the method statement in the Architectural Heritage Impact Assessment submitted with the planning application.

Reason: In the interest of the enhancement of the architectural conservation area.

5. Prior to the commencement of development the developer shall submit revised plans and particulars to the planning authority for agreement, providing for the following:

- (a) details of the proposed table top ramp, which shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS), on the Blackrock Road/Ashton Place Junction.
- (b) details of materials, finishes and other measures proposed to ensure that traffic speeds are kept to a minimum and a safe pedestrian environment is provided.
- (c) details and the extent of all road markings and signage requirements on Blackrock Road and Ashton Park Road with the planning authority.

All works associated with this condition shall be completed by the developer and at the developer's expense prior to occupation of the development unless otherwise agreed with the planning authority.

Reason: In the interest of pedestrian and traffic safety.

6. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. (a) All findings of the stage 1/2 Road Safety Audit shall be closed out, signed off and incorporated into the development

(b) A Road Safety Audit (Stages 3/4) shall be submitted to, and agreed in writing with, the planning authority prior to the completion of development, in order to demonstrate that appropriate consideration has been given to all relevant aspects of the development in accordance with the Design Manual for Urban Roads and Streets (DMURS).

(b) The measures recommended by the audit shall be undertaken, unless the planning authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report shall also be submitted.

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

8. Details of the materials, colours and textures of all the external finishes to the proposed development 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.

9. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a specification and method statement, covering all works to be carried out, to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interests of the protection of architectural heritage.

10. 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 interests of public health and surface water management.

11. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

12. (a) A minimum of 90 number safe and secure bicycle parking spaces and three number motorbike parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Electric charging points shall be provided at an accessible location for charging cycles/scooters/mobility scooters. Details shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development and in the interest of sustainable transportation.

13. 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. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

14. 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 interests of visual and residential amenity.

15. 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) existing trees, hedgerows, stone walls, specifying which are proposed for retention as features of the site landscaping,
 - (ii) the measures to be put in place for the protection of these landscape features during the construction period,
 - (iii) the species, variety, number, size and locations of all proposed trees and shrubs,
 - (iv) details of screen planting,
 - (v) details of roadside/street planting, and
 - (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.

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 interests of residential and visual amenity.

16. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted to the planning authority. This work shall be completed before any of the residential units are made available for occupation unless otherwise agreed in writing with the planning authority.

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

17. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

18. Prior to the occupation of the development, an updated Mobility Management Plan (MMP) 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/occupants/staff employed in the development. 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.

19. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

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 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.

21. 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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.

22. Site development and building works shall be carried out 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 shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

23. 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 interests of sustainable transport and safety.

24. 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 interests of reducing waste and encouraging recycling.

25. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

27. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued

by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

28. Proposals for an estate/street name, 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 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.

29. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

30. 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.

31. 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.

Notes:


- (i) In deciding to uphold the first party appeal against Condition 3 imposed by the planning authority the Board agreed with the Inspector that while the restoration of the two no. NIAH listed dwellings at Nos 1 and 2 Ashton Place is

desirable, the imposition of Condition 3 could undermine the implementation of the entire development given the lack of clarity in relation to the works proposed, and further considered that the development of the proposed dwellings and apartments on site could be undertaken independently of the restoration of the NIAH listed dwellings and would not prevent or undermine their future restoration.

- (ii) In deciding to uphold the first party appeal against Condition 4, and not to accept the inspector's recommendation to omit a floor of the proposed six storey apartment building to reduce it to five storeys, the Board noted that while the southern part of the site is within the Inner Urban Suburbs area (as identified on Figure 11.1 of the Cork City Development Plan 2022-2028) the northern part of the site is within the City Fringe Corridor area and that while Table 11.1 of the Development Plan sets target building heights for both these areas at 3-5 storeys and 5-7 storeys respectively it does not prohibit buildings of six storeys in the Inner Suburbs Area. 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, the view of the proposed development particularly from the Blackrock Road would be limited and transitory and having regard to the high quality design of the proposed development, which responds respectfully and sympathetically to the receiving environment, would not unduly affect the character or setting of the ACA, the NIAH listed dwellings or any protected structures in the vicinity of the site. The Board further considered that the density of the proposed development at 83 dwellings per hectare (dph), while in excess of the range specified in Table 11.2 of the Development Plan for the Ballintemple & Blackrock area of 40-80 dph, is within the range of 45-100dph for the Inner Urban Suburbs set out in the Table, and 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, quality and design of the proposed development. 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. The Board considered therefore that the proposed development would not seriously injure the residential amenity of adjoining properties or the character or setting of the ACA, the NIAH listed dwellings or any protected structures in the vicinity of the site, and would generally be in accordance with the Development Plan in relation to building height and density. The omission of one storey from the six-storey apartment block was therefore not warranted or necessary.

Board Member



Mary Gurne

Date: 07/03/2025