



An
Bord
Pleanála

Board Order
PL 28.249264

Planning and Development Acts 2000 to 2017

Planning Authority: Cork City Council

Planning Register Reference Number: T.P. 16/37053

Appeal by Justin McCarthy care of John Mac Carthy and Partners of 16 Mary Street, Cork and by others against the decision made on the 22nd day of August, 2017 by Cork City Council to grant subject to conditions a permission to Dildar Limited care of Coliemoire Architects of 6 Argyle Square, Morehampton Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Residential development of 204 units consisting of (1) 50 number two and three storey detached, semi-detached and terraced houses; (2) 153 number one, two and three bedroom apartments in five and six storey blocks over two number levels of basement car parking; (3) three storey mixed use building of 437 square metres containing a crèche of 259 square metres and 178 square metres commercial unit for use as a private gym; (4) alterations and single-storey rear extension to number 7 Eldred Terrace which is in an Architectural Conservation Area; (5) one number ESB transformer substation; (6) single storey bin store of 68 square metres; (7) 370 number total car parking spaces; (8) new vehicle and pedestrian entrance onto Douglas Road and new pedestrian access from Glenview Terrace, South Douglas Road; (9) new connection to existing public sewer on Douglas Road and South Douglas Road and (10) all associated landscaping external works and boundary works at Former Nemo Rangers GAA ground, South Douglas Road, and former FCA premises at Douglas Road with vehicle access from Douglas

Road, Cork, as amended by the further public notice received by the planning authority on the 1st day of February, 2017.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 day of January, 2017 and the 26th day of 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 number 09 to 13 inclusive along the northern boundary with Beechwood Place and Dwelling number 03 and 04 located to the rear of number 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 works on site.
 - b) Prior to commencement of development, the developer shall submit for the 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 the 26th day of 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 numbers 30, 31 and 32 as indicated on drawing 151001-PL-02-B received by the planning authority on the 26th day of July, 2017 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 the 26th day of 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 the 26th day of 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-A received by the planning authority on the 2nd day of 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 the 26th day of 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 number 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 number 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 the 26th day of 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 with the planning authority, 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.

