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## **Planning and Development Acts 2000 to 2018**

### **Planning Authority: Cork City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11<sup>th</sup> day of April 2019 by Glenveagh Homes Limited care of McCutcheon Halley Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, County Cork.

#### **Proposed Development:**

A five-year planning permission for a strategic housing development at Blackrock, Cork.

The proposed development includes works within the curtilage of the Ursuline Convent, protected structure number PS493. The proposed works will result in modifications to the residential scheme permitted under Cork City Council reference number 16/37233 (An Bord Pleanála reference PL 28.249400).

The development will consist of:

- (a) The construction of 274 number residential units in two number, five to seven storey blocks (comprising a mix of studio, one, two and three-bed apartments) (modifications to previously permitted scheme under reference 16/37233, An Bord Pleanála reference PL 28.249400)
- (b) The provision of landscaping and amenity areas to include two podium areas in Block A, one number podium area in Block B, the Convent Gardens, the area to the north of The Old Convent building and smaller informal areas of

open space which incorporates seating, play areas and paths for pedestrians and cyclists;

- (c) All associated ancillary development to include the provision of pedestrian/cyclist facilities including footpaths and cycle lanes, lighting, drainage, boundary treatments, bicycle and car parking and bin storage;
- (d) Access will be provided via the permitted vehicular access on the Blackrock Road.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

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

- (a) the site's location close to Cork City centre on lands with a zoning objective for residential development in the Cork City Development Plan 2015-2021;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) 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;

- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (f) the Urban Development and Building Heights, Guidelines for Planning Authorities 2018;
- (g) the Architectural Heritage Protection, Guidelines for Planning Authorities, 2004
- (h) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of social infrastructure;
- (k) the pattern of existing and permitted development in the area;
- (l) the planning history within the area;
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not detract from the character and setting of the protected structure or other nearby protected structures, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **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 area, the Screening for Appropriate Assessment report 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 Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes 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.

## 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) In order to comply with Specific Planning Policy Requirement 6 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, apartments in the central east-west arm of Block A from level 01 to level 05 shall be omitted, which relates to apartments 65A2, 66A2, 76A2, 77A2 on level 01, and the apartments directly above these units up to and including those on level 05. The remaining area on level 01 shall be incorporated into the communal amenity area.
  - (b) The floorplans of Block B shall be amended to include a lift shaft along with the stairwell indicated to the northwest section of the building and the floorplan on each level shall be amended within the existing footprint in order to facilitate this lift shaft and to demonstrate compliance with Specific Planning Policy Requirement 6.
  - (c) Apartments 3A1 and 4A1 shall be amalgamated and the projecting ground level to apartment 3A1 shall be removed on the northern elevation so that the ground level elevation is flush with the units directly above and the remaining space shall be incorporated as a continuation of the proposed privacy strip.
  - (d) Apartments 1A1 and 2A1 shall be omitted and the space redesigned for

use as a crèche, with an outdoor private amenity/play area provided for along the northern and western elevation to serve the crèche, with the omission of the pedestrian route and the 24 bicycle spaces along the northwest corner of the building.

- (e) The ground level car park shall be amended as required to accommodate the requirements of the crèche facility.
- (f) The design and layout of the entrance to the site from the existing roundabout, which also serves Blackrock House apartments and the secondary school, shall be redesigned to ensure pedestrian/cyclist priority movement is integrated into the entrance and the access arrangements are in accordance with the requirements of the Design Manual for Urban Roads and Streets.
- (g) A landscaped privacy strip shall adjoin all ground level patios to Block A and Block B.
- (h) The level 5 roof terraces in Block A shall provide for a landscaped privacy strip along the northern and southern boundary walls with the adjoining apartments, and the side windows serving the living room areas of apartments 50A1 and 54A3 shall be increased in size to maximise the dual aspect design of these units.
- (i) The opposing bedroom windows serving apartments 7A1 and 8A1 on level 02, and related windows to the apartments directly above these units up to level 05, shall be staggered so they are not directly opposing windows.
- (j) An additional window shall be inserted on each floor in the northwest elevation of Block B, serving the combined living room/kitchen area of apartment 14B and the apartments on each floor above this unit, to improve the dual aspect design of these units.
- (k) Revised landscape drawings for the podium levels of Block A shall be submitted incorporating a privacy landscape strip where bedroom windows are proposed directly onto to the podium.
- (l) Revised landscape drawings of the communal open space shall be provided identifying children's play equipment for the needs of toddlers and children up to six as well as play areas for older children/teenagers.
- (m) A revised ground level southwest elevation to Block B shall be submitted

which provides for a living green wall/designed wall where the ground elevation to the greenway is designed as a blank façade.

- (n) Details of privacy screens which shall be provided between balconies.
- (o) Additional bicycle parking spaces shall be provided in proximity to the main pedestrian entrances to Blocks A and B and also in proximity to the entrances to the formal garden. Details shall be submitted for the written agreement of the planning authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In order to provide a satisfactory standard of residential accommodation and to comply with the recommendations of the Design Manual for Urban Roads and Streets.

- 3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 26<sup>th</sup> day of February 2018, under planning register reference number PL28.249400, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

- 4. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) The findings of the Stage 1/2 Road Safety Audit and the undertaking of a Stage 3/4 Road Safety Audit and its findings, shall be closed out, signed off and incorporated into the development at the developer's expense.

Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.

- (b) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths, kerbs, pedestrian crossings and sight lines shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
- (c) A revised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority and shall include committed mobility management measures, with defined targets and milestones and shall be monitored by a designated Mobility Manager. The revised plan shall be reviewed with the planning authority with revised targets agreed at yearly intervals.

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

- 5. The following provisions in relation to the location and management of car parking spaces shall be incorporated within the development and details shall be submitted to and agreed in writing with the planning authority with prior to commencement of development:

- (a) The seven number surface car parking spaces located to the northwest of the site shall be reserved for use by Go-Car only, or other similar car sharing clubs, unless otherwise agreed in writing with the planning authority.
- (b) The provision of details regarding the management of both short term and long-term car parking spaces.

**Reason:** To ensure adequate and secure parking provision is available to serve the proposed development and to cater for more sustainable energy use in line with national policies for the development of electric vehicles.



6. All of the communal parking areas serving the apartments shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interests of sustainable transportation.

7. Prior to the commencement of development, a revised landscape plan shall be submitted to and agreed in writing with the planning authority and shall include, among other things, the following:
  - (a) Identification of trees proposed for removal. Tree felling, and clearing shall take place outside of the bird nesting season.
  - (b) Identification of trees proposed for retention.
  - (c) All mature trees along the railway line shall be retained where possible. If any tree is removed, uprooted or destroyed or dies another tree of appropriate species shall be planted at the same location.
  - (d) All trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.
  - (e) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.
  - (f) Existing trees proposed to be retained shall not be removed without the

express prior written consent of the planning authority.

- (g) Measures to enhance existing landscaping across the site, specifically measures relating to the formal garden.
- (h) A maintenance plan for the site landscaping.
- (i) Detail in relation to a revised location and detailed design of the proposed playground, which shall be located in the northern half of the public open space north of the site, unless otherwise agreed in writing with the planning authority.

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 three years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interests of amenity, ecology and sustainable development.

- 8. Full details including samples of the materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development, and specifically the detailed finishes to the 'linear pedestrian priority plaza' street between Block A and the formal gardens, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

9. An updated management plan for the control of alien invasive plant species shall be submitted to and agreed in writing with the planning authority prior to commencement of development, with the Japanese Knotweed on the site to be treatment through application of chemicals, unless otherwise agreed in writing with the planning authority in consultation with the National Parks and Wildlife Service.

**Reason:** In the interest of visual amenity and to prevent the spread of alien plant species.

10. 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 sensitive to bat species in the area.

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

11. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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

12. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

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

13. 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 residential amenity of property in the vicinity and the visual amenity of the area.

14. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

15. Prior to commencement of development, proposals for an apartment naming and 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 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 place names for new residential areas.

16. 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.

17. 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 apartments 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.

18. Prior to commencement of development, the developer 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.

19. 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 pedestrian and traffic safety, and in order to comply with national policy in this regard.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

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 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.

22. 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 planning authority of roads, footpaths, 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 referred to the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

23. 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.

