

An
Bord
Pleanála

Board Order
ABP-313628-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 21/40145

Appeal by Breda Heffernan care of John McCarthy of 16 Mary Street, Cork and by Geraldine MacCarthy care of John McCarthy of 16 Mary Street, Cork and by others against the decision made on the 27th day of April, 2022 by Cork City Council to grant subject to conditions a permission to Daniel McAuliffe care of Building Design Lab Limited of 6 Dundanion Terrace, Blackrock Road, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Partial demolition of existing mews structure and incorporation of front façade into new development of one number one-bedroom and two number two-bedroom apartments in a three-storey building with balconies to rear and associated site works, all at building adjacent to Marlboro Mews, Sidney Mews, Cork, as revised by the further public notices received by the planning authority on the 31st day of March, 2022.

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.

Reasons and Considerations

Having regard to the urban location of the site in close proximity to a wide range of existing and proposed public transport options, to the provisions of the Cork City Development Plan 2022 - 2028, to the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in 2020, and the updated 2022 version, to the National Planning Framework (2018), which seeks for compact development of brownfield sites, to the pattern and character of development in the area, and to the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would not seriously injure the amenities of surrounding properties in terms of overbearing, loss of privacy, overshadowing/loss of daylight, or seriously detract from the character of the area, would be acceptable in terms of pedestrian and traffic safety and convenience and would not endanger public health. 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 An Bord Pleanála on the 31st day of March, 2022, 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.

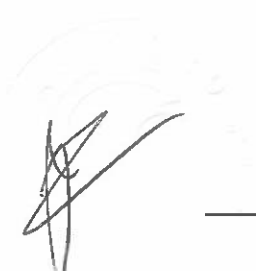
Reason: In the interest of clarity.

2. 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.

3. Prior to commencement of the demolition works, all specifications and methodologies relating to the retained front and west elevations of the existing building on site shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of the protection of the architectural heritage of the site.



4. The mitigation measures outlined in the Bat Survey Report (dated September 2021) shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To ensure the protection of the natural heritage of the site.

5. The proposed development shall not over-sail or otherwise physically impinge on the adjoining property boundaries. All gutters and eaves shall be contained within the property boundary.

Reason: In the interest of orderly development.

6. The developer shall submit details demonstrating compliance with the bicycle parking requirements contained in the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" issued by the Department of Housing, Local Government and Heritage in 2020, and the updated 2022 version, for agreement with the planning authority prior to commencement of the development.

Reason: In the interests of residential amenities and sustainable travel.

7. All external lighting details 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 amenities.



8. 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.

9. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the planning application. All equipment, such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

10. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.



11. The naming and numbering of streets, buildings and business or dwelling units shall be in accordance with a street naming and numbering scheme submitted to, and agreed in writing with, the planning authority. The names selected shall reflect local place names, or be of local historical interest, and be in both Irish and English, and shall be installed on site prior to the occupation of the scheme. The developer shall consult with the planning authority's Irish Officer in relation to the translation of names.

Reason: In the interests of orderly street naming and numbering, to enhance urban legibility, and to retain local place name associations.

12. Site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads. The said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

13. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interests of residential amenities of surrounding properties and of clarity.



14. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide, inter alia, details and location of proposed construction compounds, details of intended construction practice for the development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.



16. 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 materials and for the ongoing operation of these facilities 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. The plan shall provide for screened communal bin stores which shall be adequately ventilated, drained and illuminated. The design and location of same shall be included in the details to be submitted to the planning authority.

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

17. 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.

18. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.



19. 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.

20. 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 planning 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.



21. 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.



22. The developer shall pay to the planning authority a financial contribution in respect of 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 the 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.



Joe Boland

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *5th* day of *September* 2023.