

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 2241568

APPEAL by MWB Two Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork against the decision made on the 20th day of January, 2023 by Cork City Council to refuse permission.

Proposed Development: Permission for the construction of a residential development of 92 number apartments and creche, to be provided in two buildings ranging in height from five to eight storeys and all ancillary site works. The proposed development consists of the construction of one number studio apartment, 43 number one-bedroom apartments, 30 number two-bedroom apartments and 18 number three-bedroom apartments. The proposed apartment buildings include ancillary communal resident amenity facilities, bicycle and bin stores, plant areas, switch room, rooftop plant and photovoltaic panels. The proposed development includes the provision of a new pedestrian and cyclist ramp access to the site from the Passage West Greenway to the east and vehicular access to the proposed development will be via an existing access road off the Bessboro Road. Ancillary site development works include an ESB substation, and the upgrade of existing foul sewer infrastructure to serve the development. Part of the proposed development is situated within the curtilage of Bessborough House which is a

protected structure (Reference: RPS 490) all at Bessborough, Ballinure, Blackrock, Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the Board's decision to refuse permission for a previous application (ABP-308790-20), the Board is satisfied that no new material information or evidence has been presented in this application to substantiate a different conclusion following that previous decision. The Board considers that the potential exists for the presence of human remains and/or burials at this proposed development site associated with the former use of the lands as a Mother and Baby Home over the period 1922 to 1998. The Board considers it would therefore be premature to grant permission for this proposed development prior to establishing the extent of human remains and/or burials, if any, and that such a matter extends beyond the scope of normal planning conditions particularly having regard to the impact this may have on the development as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height, scale, and design of the proposed apartment blocks, and to their poor relationship to the historic landscape which forms the setting of Bessborough House, a Protected Structure, and its folly and landscaped gardens, it is considered that the proposed development, notwithstanding the revised scheme submitted with the grounds of appeal, would result in isolated residential blocks which

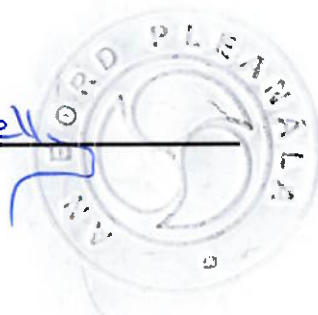
would be visually obtrusive within the curtilage and adversely affect the character and setting of the Protected Structure and the associated folly which sits within a Landscape Protection Zone, and would comprise haphazard, piecemeal development which would dominate this historic landscape and detract from the character of the landscape which is designated as an Area of High Landscape Value in the Cork City Development Plan 2022-2028. The proposed development would, therefore, seriously injure the visual amenity and heritage assets of this important historic landscape, would be contrary to Objectives 6.12 and 6.13 (Landscape), and 8.19 and 8.20 (Protected Structures) in the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *13th* day of *September*, 2024.