

An
Coimisiún
Pleanála

Commission Order
ABP-319336-24

Planning and Development Acts 2000 to 2024

Planning Authority: Cork County Council

Planning Register Reference Number: 236560

APPEAL by Fintan and Valerie Coleman care of HW Planning of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 22nd day of February 2024, by Cork County Council to refuse permission for the proposed development.

Proposed Development: The construction of a four-storey apartment building providing 26 number apartment units and all ancillary site works. The proposed apartment building will provide three number three-bedroom apartments, seven number two-bedroom apartments and 16 number one-bedroom apartment units with ancillary communal rooftop terrace, car parking, bicycle parking and bin stores. The proposed development provides for the demolition of an existing shed structure and includes the realignment/reconfiguration of the existing pedestrian/cycle route on Johnstown Close to the south to facilitate access. The site was formerly within Ashbourne Garden and is considered to be within the curtilage and attendant grounds of Ashbourne House which is a protected structure (Ref 00498); all at Lackner, Glounthaune, County Cork.

Decision

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

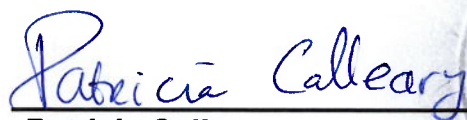
Reasons and Considerations

Having regard to the proposed road layout, it is considered that the proposed development lacks sufficient space to facilitate the turning of refuse trucks and other heavy goods vehicles accessing the site. This would lead to trucks reversing out of the site or using the existing car park adjacent to the site. It is considered that the proposed development would lead to conditions that conflict with pedestrian and cyclists and would endanger public safety by reason of a traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In arriving at its decision, the Commission did not share the view of the Inspector, with respect to recommended refusal reason number one, on the basis that in the absence of detailed information regarding the extent of the remains of the rock garden occurring within the site and potential impact thereon, the development proposed may impact on the historical, architectural and archaeological setting of the rock garden and accordingly be contrary to policy and lead to an (unacceptable) impact on the curtilage and attendant grounds of Ashbourne House. In this regard, the Commission noted the Historic Landscape Impact Assessment report submitted with the application in which it is evidenced that the rock garden is now overgrown and its original planting scheme is gone and the Inspector also noted that that the trees on the site have likely evolved over a number of years after the original planting associated with the rock garden was depleted and the Commission further noted from the grounds of appeal submitted by the appellant that the site was split from the original Ashbourne House lands by a change in ownership over 50 years ago and as such exhibits a different character to the current

Ashbourne House. The Commission also noted that the existing grotto, which originally formed part of the rock garden, would be conserved and integrated into the landscaping scheme as part of the proposed development. Overall, given the changed nature of the site over a significant time period, and the proposals to integrate the grotto as part of the landscape proposals and the archaeological mitigation that could be secured by planning condition, no unacceptable impacts on the architectural or archaeological heritage would remain.

In arriving at its decision, the Commission did not share the view of the inspector with respect to recommended refusal reason number two that in the absence of an Ecological Impact Assessment for the site and having regard to the loss of trees including two number heritage trees, the proposed development would potentially have a significant impact on the woodland habitats and that the proposed development would be contrary to policy Objectives GN-GO-03, BE 15-2 and BE 15-8 set out in the development plan. Instead, the Commission considered that the removal of two heritage trees associated with the gardens and woodlands of Ashbourne House, a Protected Structure (RPS number 00498), when considered that the mitigation recommended in the Historic Landscape Assessment provided by the applicant (planting of two replacement Heritage trees), would be acceptable. The Commission also took into account that the overall loss of seven trees (including the two heritage trees) would be adequately mitigated by the planting of 38 native/pollinator friendly trees.



Patricia Calleary

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 18th day of June 2025.