

An
Coimisiún
Pleanála

Commission Order
ABP-319766-24

Planning and Development Act 2000, as amended

Planning Authority: Cork City Council

Planning Register Reference Number: 23/41980

Appeal by Kate Nagle of The Brambles, Wilton Road, Cork and by Donal O'Keeffe of Dennehy's Cross Dental Practice of Model Farm Road, Cork against the decision made on the 1st day of May, 2024 by Cork City Council to grant permission subject to conditions, to Dennehy's Cross Construction Limited care of Butler O'Neill Total Planning Solutions of 7 Old Thompson's Bakery, Thompson House, MacCurtain Street, Cork City for the proposed development.

Proposed Development: Permission for the redevelopment of the site of the former 'Dennehy's Cross Garage', the proposed development consists of the partial change of use from commercial to residential, the demolition of the former garage structure and the preservation of the existing 20th century structure on the site (former butchers) for use as an artisan market food store. Planning permission is also sought for the construction of a residential development consisting of 30 number apartment units over four storeys containing nine number one-bed units and 21 number two-bed units. A circa 179 square metres cafe/restaurant unit is also proposed on the ground floor. Permission is sought for the above as well as for the provision of bin storage and bike storage providing 49 number bike parking spaces as well as for new

vehicular access for emergency and facilities and for new pedestrian access, drainage, plant landscaping and all associated site development works at site formerly known as Dennehy's Cross Garage, Model Farm Road, Cork.

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 pattern of development in the area and its neighbourhood and local centre zoning under the Cork City Development Plan 2022-2028, it is considered that, subject to compliance with conditions below, the proposed development would provide a high-quality development on an underutilised site, would not seriously injure the character and heritage of the area or the amenities of property in the vicinity and would provide an adequate standard of residential amenity to future occupiers. The proposed development would be in accordance with the relevant provisions of the Cork City Development Plan 2022-2028, save for objectives relating to density and unit mix, where material contraventions can be considered to arise.

However, with respect to density, having regard to the quality of the proposed scheme and The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024), with particular reference to Table 3.1, which sets out density ranges for Dublin and Cork City and Suburbs, and given the locational context of the site, which is considered to be located within a City-Urban Neighbourhood, at a High Capacity Public Transport Node or Interchange within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop as per the

aforementioned Guidelines, the proposed density is considered to be acceptable.

With respect to unit mix, having regard to the quality of the proposed scheme, to the relevant provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (July 2023), including the consistency of the proposed development with the relevant Specific Planning Policy Requirements therein (SPPR 1 and SPPR 2), together with SPPR 3 of the Urban Development and Building Height Guidelines (2018) and noting the legislative obligation under Section 34 of the Planning and Development Act 2000, as amended, for both a planning authority and The Commission to apply SPPRs having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. 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 the planning authority on the 4th day of April, 2024, 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. Prior to commencement of development, the developer shall submit to the planning authority for their written agreement:
- (a) All windows on the eastern elevation to apartment numbers 7 and 15 up to a height of 1.5 metres from floor level shall be permanently comprised of obscure glazing.
 - (b) Balconies in apartment numbers 10 and 18 shall be permanently enclosed on their eastern side with obscure glazing.
 - (c) Revised drawings showing internal access to the communal storage area on the ground floor. This area shall be reserved for use by residents of the development only and shall not be used by the commercial unit.
 - (d) Maintenance plan for proposed landscaping areas.
 - (e) Removal/relocation of the loading bay/set down area along the frontage of the development and details regarding proposals for this area.
 - (f) Details outlining the provision of a two metre wide footpath along the entire site frontage of Model Farm Road.
 - (g) Submission of detailed Mobility Management Plan.
 - (h) Detailed drawings, at an appropriate scale, outlining all existing and proposed features, fittings, fixtures and signage of the 20th century building. Detailed drawings, at an appropriate scale, clearly showing all elements proposed for removal.

- (i) Proposals for energy use within the development, which endeavours to use sustainable sources of energy and operate an energy conservation policy on the design and operation of the development.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

- 3. The use of the ground floor retail unit shall be restricted to retail use (use as a shop) as defined within the Planning and Development Regulations 2001, as amended. No part of the premises shall be used as a hot food/fast-food takeaway outlet on foot of this grant of permission.

Reason: In the interests of protecting the amenity of the area.

- 4. 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.

- 5. Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interests of sustainable development and proper Planning.

6. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
- (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.
 - (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;
 - (c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works,

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 traffic safety and convenience.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1600 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.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

9. Prior to commencement of development, the developer shall enter into a water and/or wastewater collection connection agreement with Uisce Éireann.

Reason: In the interest of public health.

10. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development. 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 3 years of planting shall be replaced in the first planting season thereafter.

Reason: To ensure a satisfactory completion and maintenance of the development in the interests of residential amenity and in the interests of protecting the environment.

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/installation of lighting.

Reason: In the interests of amenity and public safety.

12. 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.

Reason: In the interest of visual and residential amenity.

13. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

14. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional plant, solar/PV panels, machinery or telecommunications structures shall be erected on the roof of the proposed development. No fans, louvres or ducts shall be installed unless authorised by a further grant of permission.

Reason: To protect the visual amenity of the area.

15. Proposals for a development name, 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 signs, and unit 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 placenames for new residential areas.

16. 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. This plan shall provide, inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise and dust management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

17. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

18. (a) 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
- (i) the nature and location of archaeological material on the site, and

- (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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 section 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 Coimisiún 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 of the area.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local 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 Coimisiún Pleanála for determination.

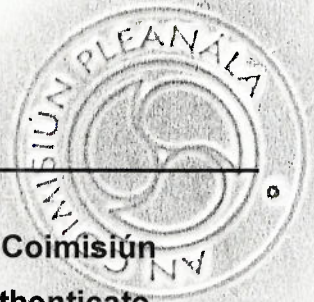
Reason: To ensure the satisfactory completion of the development.

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


Declan Moore

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 31st day of DECEMBER 2025