



An
Bord
Pleanála

Board Order
ABP-321639-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 2442645

Appeal by David Senior of 7 Rathmore Lawn, South Douglas Road, Cork City and by others and by Johnson and Perrott Property Developments Limited care of Tom Phillips and Associates of 1 Horgan's Quay, Waterfront Square, Cork City against the decision made on the 18th day of December, 2024 by Cork City Council to grant permission, subject to conditions, to Johnson and Perrott Property Developments Limited for the proposed development.

Proposed Development: The development will consist of a residential and creche development comprising: 93 number residential units (two number semi-detached units, 48 number townhouses, 11 number mews units (comprising nine number mews houses and two number mews apartments) and 32 number duplexes (comprising 17 number duplex houses and 15 number duplex apartments) (with terraces and private open space, where relevant) (the overall unit mix will comprise 6 number one-bed units, 16 number two-bed units, 53 number three-bed units and 18 number four-bed units); a creche (circa 144 square metres) (with associated open space); vehicular, cyclist and pedestrian access from the South Douglas Road frontage; internal roads, footpaths, pedestrian crossings and home zones; car parking and bicycle parking; public open space; boundary treatments; bin

stores; attenuation tanks; permeable paving; and SuDS measures and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and associated site servicing (foul and surface water drainage and water supply); all on this site of circa 1.98 hectares on lands located at South Douglas Road, between Rathmore Lawn and Tramore Lawn, Douglas, Cork as amended by the revised public notices received by the planning authority on the 25th day of September, 2024, amending the proposed residential units to 94.

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 zoning objective for the site in the Cork City Development Plan 2022-2028, to the design and scale of the proposed development, to the nature of the site, and to the pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would represent an appropriate residential density, would be acceptable in terms of traffic safety and parking, would not endanger public health, and would comply with the relevant provisions of the Cork City Development Plan 2022-2028, the National Planning Framework – Ireland 2040, and the “Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities” issued by the Department of Housing, Local Government and Heritage in January, 2024. 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 on the 13th day of September 2024, and by clarification of further information received by the planning authority on the 21st day of November 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. This permission is for 94 residential units.

Reason: In the interest of clarity.

3. The Pathway/road to Ballincurrig Villa, as presented in the northern public open space on Drawing number P23-215C-RAU-00-XX-DR-AR-1003 Further Information Site Layout Plan Phase 1, shall be restricted to pedestrian use only and not vehicular access. The roadway to the northwestern corner of the site, including parking spaces 76-79 inclusive, shall be reorganised to facilitate future vehicular access to Ballincurrig Villa. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

4. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

5. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

6. Proposals for an estate/street name, house and 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 estate/street signs and house and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

7. 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 and to ensure an appropriate high standard of development.

8. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 reducing waste and encouraging recycling.

9. Construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include inter alia: details and location of site offices, staff facilities, site compounds, on-site parking facilities, storage locations (for plant, machinery, materials), intended construction practice for the development including noise and dust management measures, a construction traffic management plan with details on access arrangements, haulage routes, timing and routing details for deliveries and disposal trips, staff parking, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and directional signage.

Reason: In the interests of amenity and public safety.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 amenities of properties in the vicinity.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

12. 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. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

13. (a) A site layout plan indicating the areas and/or infrastructure to be taken in charge by the local authority shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The management and maintenance of areas and/or infrastructure not being taken in charge by the local authority shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of same 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 residential amenity and public health.

14. Drainage arrangements, including the 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 and surface water management.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

16. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall be in accordance with all relevant provisions as outlined in the Design Manual for Urban Roads and Streets.

Reason: In the interest of amenity and of traffic and pedestrian safety.

17. The development shall be carried out and operated in accordance with the provisions of the Mobility Management Plan (MMP) submitted to the planning authority on the 7th day of February, 2024. The specific measures detailed in Sections 6 and 7 of the MMP, to achieve the objectives and modal split targets for the development, shall be implemented in full upon first occupation of the development. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority on an annual basis and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

18. Car parking and bicycle parking provision shall be in accordance with the layout, finishes and quantity of spaces as indicated on the drawings and details submitted to the planning authority with the application, including subsequent revisions, save for any changes necessitated when complying with Condition 3 above.

Reason: To ensure that there is adequate car parking and bicycle parking spaces to serve the development, and to provide parking facilities for all likely users of the development in order to avoid on-street parking and congestion.

19. A Stage 3/4 Road Safety Audit shall also be undertaken at the appropriate stage, closed out, signed off and the recommendations incorporated into the development. All costs associated with this condition shall be borne by the developer.

Reason: In the interests of orderly development and traffic safety.

20. In-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses, and non-curtilage car parking spaces serving the residential units shall be provided with functional electric vehicle charging points to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

21. The car parking along the South Douglas Road is public car parking as this car parking is taken in charge by Cork City Council. Therefore, it shall not be included in the proposed development and shall not be assigned to privately owned properties.

Reason: In the interest of orderly development and management of public land.

22. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes including materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including wall/ fence heights, materials, and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity and to safeguard the amenities of properties in the vicinity.

23. The area of public open space shown on the lodged plans shall be reserved for such use and shall be levelled and/or contoured, as applicable, soiled, seeded, and landscaped in accordance with the landscape plans and report submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until/in the event that it is taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

24. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

25. The mitigation and monitoring measures outlined in the plans and particulars including the Ecological Impact Assessment relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Where any mitigation measures set out in the Ecological Impact Assessment or any conditions of approval required further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.

26. 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.

27. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord 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 for the area.

28. 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 local authority of roads, footpaths, watermains, drains, public 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 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

29. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this *19th* day of *May*, 2025.