

An
Bord
Pleanála

Board Order ABP-321857-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 24/43187

Appeal by Kieran and Kathleen O’Riordan of Towering Heights, Tower, Blarney, County Cork and by Eamonn and Eucharika Kenneally of 10 Towering Heights, Tower, Cork against the decision made on the 23rd day of January, 2025 by Cork City Council to grant subject to conditions a permission to QBH Developments care of QDM Architecture of 19 South Mall, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of four single assisted living dwelling units (four number two-bedroom), new vehicular entrance and exit, new pedestrian entrance, car parking spaces, bin store and all associated site works, all at Saint Ann’s Hill, Kilnamucky, Tower, 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 location of the site within Tower Town, and zoned as ZO1 – Sustainable Residential Neighbourhoods in the Cork City Development Plan 2022-2028, the separation distance to the existing properties, the proposed boundary treatments, and the proposed traffic safety measures, including separate exit and entry points to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously affect the traffic safety of the area or impact the residential amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 19th day of December, 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 proposed 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 and to ensure an appropriate high standard of development.

3. The landscaping scheme shown on drawing number PL-2 & PL-3, as received by the planning authority on the 14th day of August, 2024 shall be carried out within the first planting season following substantial completion of external construction works. In accordance with the proposals in the submitted scheme, there shall be no alterations to the north-eastern boundary, and the existing hedgerow shall remain, unless otherwise agreed with the neighbouring property. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. Proposals for a name, house 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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.

5. 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 the development in the interest of residential amenity.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including 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, collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety, traffic safety, and residential amenity.

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 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing landscape plan, drawing numbers PL-2 & PL-3. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

9. 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.

10. Prior to commencement of development, a Stage 1/2 Road Safety Audit shall be submitted to the planning authority for written agreement. All findings of the Road Safety Audit shall be closed out, signed off and incorporated into the proposed development. A Stage 3/4 Road Safety Audit shall also be undertaken, closed out, signed off and acted upon. All costs associated with this condition shall be borne by the developer.

Reason: In the interest of traffic safety.

11. Parking for the proposed development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for ducting for future EV use.

Reason: To ensure that adequate off-street parking provision is available to serve the proposed development.

12. Prior to commencement of development, the developer shall agree in writing the details and the extent of all road markings and signage requirements on St. Ann's Hill R617 and Towering Heights with the planning authority. All costs associated with this condition shall be borne by the developer. The arrangement for the proposed vehicular entrance/exit shall be clearly stated for residents and visitors to the assisted living units. The proposed entrance and exit shall be clearly marked through lines and signs.

Reason: In the interest of traffic safety.

13. Prior to commencement of the development, the developer shall submit for the written agreement of the planning authority details of the proposed tabletop ramps, as indicated on drawing numbers RFI-1 and RFI-2. Revised plans and particulars shall be submitted to the planning authority providing for the following:

- (a) Details of the materials, finishes and other measures proposed to ensure that traffic speeds are kept to a minimum and a safe pedestrian environment is provided.
- (b) The tabletop ramps shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS).

Confirmation that all works associated with this condition shall be completed by the developer and at the developer's expense prior to occupation of the proposed development.

Reason: In the interest of traffic and pedestrian safety.

14. Prior to commencement of development, detailed drawings of the proposed alternative location for the existing dishd footpath at Towering Heights shall be submitted to, and agreed in writing, with the planning authority. Any damage to the existing (estate) road(s), footpath and services resulting from the proposed development shall be repaired by the developer to the satisfaction of the planning authority at the developer's own expense.

Reason: In the interest of orderly development.

15. Prior to commencement of development, the developer shall enter into a connection agreement (s) with Uisce Éireann 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 disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

17. 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.

18. 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.

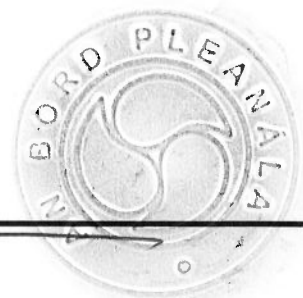
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



MaryRose McGovern

Member of An Bord Pleanála

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



Dated this *4th* day of *June* 2025.