



An
Bord
Pleanála

Board Order ABP-321863-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/6608

Appeal by Ken Treacy of Driftwood, Ard Chuain, Church Hill, Passage West, County Cork and by others against the decision made on the 20th day of January, 2025 by Cork County Council to grant subject to conditions a permission to Parson Developments Limited care of Keystone Planning Consultancy of Rossbrin, Frankfield View, Old Youghal Road, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 18 number new detached homes and the restoration and change of use of Mount Saint Joseph's (a protected structure - RPD reference number 01471) from former institutional use to use as a private dwelling, which will include the demolition of former farm out buildings and the annexes to the rear and south-west of the structure. Modifications to the existing gated vehicular entrance at the Back Road (also part of the protected structure) to afford improved access to the development for emergency and utility vehicles and all associated ancillary development works, including access roads, drainage, parking, footpaths and public amenity areas, all at Former Mount Saint Joseph's, Back Road, Pembroke Passage West, County 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

The Board made its decision consistent with the:

- Climate Action and Low Carbon Development Act 2015, as amended.
- Climate Action Plan 2024.

Having regard to the location of the proposed development within the designated settlement boundary of Passage West, the 'Existing Residential/Mixed Residential and Other Uses (ER)' zoning objective of the site under the Cork County Development Plan 2022-2028, the existing pattern of residential development in the area, the built heritage constraints of the site's location arising from the site's proximity to a protected structure (Mount Saint Joseph's – Record Protected Structure reference number 01471) and its location within an Architectural Conservation Area (ACA), the topographical constraints of the site, the current vacant and neglected condition of the site, and the design, layout and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the character and setting of Mount Saint Joseph's or the Architectural Conservation Area, would constitute an acceptable density of residential development in this location, would not seriously injure the residential amenities of the area, would provide an acceptable standard of amenity for future residents, and would be acceptable in terms of traffic safety and convenience. 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 22nd day of August, 2024 and on the 22nd 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed fascia and soffit detail for all house types shall be omitted and shall be replaced with minimal eaves and verge detail.
 - (b) Revised fenestration details shall be provided to the side (north) elevation of unit number 11 and the continuation of the partial plaster plinth.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. 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.

4. Proposals for an estate/street 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. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

5. Prior to commencement of development, the developer shall engage the services of a suitably qualified conservation architect and shall submit the following details to the planning authority for its written approval:
- (a) A detailed method statement and catalogue for the windows of Mount St. Joseph's noting any proposed repairs, replacements and/or substitutions required.
 - (b) Revised landscaping proposals that reduce the extent of hard landscaping and increase the extent of soft landscaping surrounding the protected structure.
 - (c) A detailed assessment of the boundary wall, prepared by a suitably qualified chartered engineer with conservation accreditation, and a method statement for the consolidation of the wall.
 - (d) A detailed method statement for the works to be carried out to the entrance gates of the protected structure.
 - (e) Details and drawings of the material finishes of the proposed access road to include surface treatment of roads, paths and kerbing.

All works to the protected structure shall form part of Phase 1 of the development as illustrated on the submitted Phasing Plan (drawing number 2140-103) received by the planning authority on the 22nd day of November, 2024. All works shall be monitored by a suitably qualified architect with conservation expertise and accreditation. After completion of the works to the protected structure, the conservation architect shall furnish the planning authority with a report of the completion works.

Reason: In the interest of the protection of architectural heritage and to comply with Objective HE 16-14(i) of the Cork County Development Plan 2022-2028.

6. (a) Prior to commencement of development, the developer shall undertake reinforcement works along the western boundary of the site. These works shall be designed, completed and signed off by a suitably qualified chartered engineer. Details of such works shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Details of the boundary treatment along the perimeter of the site and the boundary treatments, including retaining structures, within the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of road safety, to protect architectural heritage and to protect the amenities of the area.

7. All invasive species on site shall be managed and eradicated by an invasive species specialist in accordance with the measures set out in the Invasive Species Management Plan received by the planning authority on the 22nd day of November, 2024.

Reason: To prevent the spread of invasive species, including Japanese Knotweed.

8. (a) The landscaping scheme shown on drawing number 22346-2-101, as received by the planning authority on the 22nd day of November, 2024, shall be carried out within the first planting season following substantial completion of external construction works.
- (b) 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 or until the development is taken in charge by the planning authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (c) All mitigation measures contained in the submitted Ecological Impact Assessment received by the planning authority on the 22nd day of August, 2024 shall be implemented in full.
- (d) All measures to protect and enhance biodiversity, as set out in the Biodiversity Enhancement and Management Plan received by the planning authority on the 22nd day of November, 2024, shall be implemented in full.
- (e) All works in proximity to trees shall be undertaken in accordance with the Arboricultural Impact Assessment received by the planning authority on the 22nd day of November, 2024.

Reason: In the interest of biodiversity, the protection of trees, residential amenity and visual amenity.

9. (a) Prior to commencement of development, the developer shall submit drawings of the building linked to the protected structure proposed to be used as a home office and gym for the written agreement of the planning authority.
- (b) Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, and any statutory provision amending or replacing them, the use of the proposed renovated outbuilding within the curtilage of unit number 1 shall be restricted to purposes incidental to the enjoyment of the dwellinghouse and shall not be used for commercial or industrial purposes.

Reason: In the interest of clarity.

10. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

11. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

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

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards as outlined in the Design Manual for Urban Roads and Streets (DMURS).

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

13. 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.

14. 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.

15. The 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 provide details of intended construction practice for the proposed development, including:

- (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
- (b) The location of areas for the construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate the queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be made available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection.

16. 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. 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.

17. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

18. 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.

19. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses 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: In the interest of sustainable transportation.

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the planning 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 the development.

21. Prior to commencement of development, the applicant or any 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 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.

22. (a) Prior to the commencement of any residential 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 residential unit) pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all relevant 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 residential unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified residential 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 residential 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 residential 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.

23. 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 planning authority of roads, footpaths, watermains, drains, public 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 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.

24. 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.



Declan Moore

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 5th day of JUNE 2025.