



An  
Bord  
Pleanála

## Inspector's Report ABP 306743-20

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<b>Development</b>	30 apartments and site development works.
<b>Location</b>	Off Cherry Lawn, Church Road, Blackrock, Cork.
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	18/38157
<b>Applicant</b>	Blackrock National Hurling Club
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Appellant</b>	Blackrock National Hurling Club
<b>Observer</b>	Leo Brownen
<b>Date of Site Inspection</b>	18/05/20
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.445 hectares, comprises of a roughly L-shaped piece of ground in the south-eastern corner of the Blackrock National Hurling Club grounds. It is fenced off from the playing pitch immediately adjoining to the west and has not been maintained. The eastern boundary is delineated by an embankment of the Old Blackrock-Passage Railway line, now the Blackrock to Passage West Amenity walk. A recently constructed dwelling and apartment complex served by underground carparking has been developed to the south. A four storey apartment block immediately adjoins the shared boundary. The said shared boundary is delineated by a palisade fence with planting backing same, with the entrance to the underground car park adjoining.

The southern site boundary onto Cherry Lawn is delineated by a 2 metre high wall. Berlingford Drive, accessed from Church Road, provides access to the Avonlea Court (also served by access from Church Road), Berlingford Drive, Cherry Lawn and Carrig Court housing estates. Traffic from Carrig Court and Cherry Lawn have to give way to traffic on Berlingford Drive. There is a speed ramp in close proximity to the junction. The 30kph speed limit applies.

## 2.0 Proposed Development

The application was received by the planning authority 30/11/18 with further plans and details received 01/08/19 and 01/11/19 following requests for further information and clarification of further information dated 04/02/19 and 26/08/19 respectively.

The proposal entails a 4 storey apartment building comprising of 30 apartment units in the following arrangement:

- 6 no. 1 bed units
- 24 no. 2 bed units

The apartments range in size between 49.5 sq.m. and 82 sq.m.

- 1,240 sq.m. of public amenity space
- 38 parking spaces

Access off Cherry Lawn

The application is accompanied by:

- Planning Report
- Architects Design Statement
- Housing Assessment
- Traffic and Transport Assessment
- Traffic and Mobility Management Plan
- Stage 1 Road Safety Audit
- Drainage Infrastructure Report
- Outline Construction Management Plan
- Photomontages
- Tree Survey
- Results of Archaeological Testing on adjoining site
- Illumination and light spill study

**Note 1:** A further Planning Submission was submitted in favour of the proposed material contravention of the development plan.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Refuse permission for the above described development on the grounds that the proposal materially contravenes the sports ground zoning objective and objective 11.9 of the City Development Plan which relates to the protection of sports grounds and facilities.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. Planning Reports

The **1<sup>st</sup> Senior Executive Planner's** report dated **01/02/19** notes:

- The site is situated on a peripheral section of the back playing field. Whilst it does not appear to be actively used for sports use the proposal would constitute a material contravention of the applicable development plan zoning objective. It will not result in the loss of any playing pitch or other facility. The applicant makes a strong case that the proposal will, in fact, facilitate the improvement of existing sports facilities at the club. The view of the Parks Superintendent is noted. On balance it is considered reasonable to recommend a material contravention of the development plan.
- The mix of units is acceptable.
- The main usable space is located at the northern end/corner of the site. It is not particularly well located but is overlooked by some of the apartments. This amounts to 11% of the overall site area. Subject to suitable landscaping it will provide an acceptable informal play/kick about area. Given the linear nature of the site and layout it is difficult to achieve a centrally located open space area.
- Further information recommended on the issues raised in the Roads and Drainage Sections reports summarised below.

The **2<sup>nd</sup> Senior Executive Planner's** report dated **22/08/19** following further information recommends clarification of further information on traffic calming measures, recalibrated traffic and transport assessment and shared surface arrangements.

The **3<sup>rd</sup> report** dated **27/11/19** notes that Part V does not apply due to the zoning objective for the lands but that the applicant is proposing a voluntary contribution of 3 units. The proposal is acceptable in planning terms however it contravenes materially the zoning objective. A grant of permission subject to the material contravention process set out in section 34(6) of the Planning and Development Act, 2000, as amended recommended.

The **4<sup>th</sup> report** dated **29/01/20** notes the decision by the Council on 13/01/20 not to proceed with the material contravention. As the proposal materially contravenes the zoning objective a refusal of permission is recommended.

The **Senior Planner** in a report dated **30/01/20** endorses the recommendation.

### 3.2.2. Other Technical Reports

**Parks Section** in a report dated **13/12/18** notes that the site is on the periphery of the sports pitch, has no beneficial sports use and will not compromise training facilities and playing matches. Should the club be granted permission the intention is to dispose of the site and invest the proceeds in upgrading pitch 2 to a sand based all-weather pitch that will facilitate year round use. This is a pragmatic approach to upgrading the club's playing facilities and maximising their use for the entire community. No objection to a grant of permission.

**Environment Waste Management and Control** in a report dated **10/01/19** has no objection subject to conditions.

**Drainage Section** in a report dated **15/01/219** recommends further information on the storm water drainage proposals. The **2<sup>nd</sup> report** dated **07/08/19** following further information has no objection subject to conditions.

**Transport and Mobility** report dated **23/01/19** recommends further information on access to greenway, swept path analysis, pedestrian connectivity via Cherry Lawn, traffic calming measures, compliance with DMURS, parking, revised traffic and transport assessment and revised road safety audit. The **2<sup>nd</sup> report** dated **09/08/19** following further information requires clarification as to the proposed traffic calming measures proposed at the site entrance and Cherry Lawn junction. The issues relating to the traffic and transport assessment were not adequately addressed. Clarification of further information recommended. The **3<sup>rd</sup> report** following clarification of further information dated **07/11/19** considers the outstanding matters have been resolved. No objection subject to conditions.

**Roads Design (Planning) Report** dated **23/01/19** concurs with the recommendations set out in the Transport and Mobility report with further requirements in terms of shared surface with pedestrian priority in accordance with DMURS. The **2<sup>nd</sup> report** dated **09/08/19** following further information considers there is lack of clarity and detail on proposed shared surface carriageway and pedestrian only zones. Clarification of further information recommended. The **3<sup>rd</sup> report** dated **27/11/19** states that the details on shared surfaces remain unclear. Details to be submitted prior to commencement of development. No objection subject to conditions.

**Director of Housing** in an email considers the proposal to be acceptable.

### 3.3. **Prescribed Bodies**

Irish Water has no objection subject to conditions.

### 3.4. **Third Party Observations**

Objections to the proposal received by the planning authority to the application and to the proposed material contravention of the City Development Plan are on file for the Board's information. The issues raised relate to:

- Contravention of the zoning objective
- Adequacy of road network to accommodate the development
- Traffic congestion in the area
- Reduction in amenities of the area during both construction and operation phases
- Density of proposal
- Scale and height of scheme
- Adequacy of parking provision
- Adequacy of open space
- Subsidence
- Adequacy of sewerage and water
- Adequacy of local services
- Lack of consultation
- Lack of details of proposed future development of the playing pitches

## 4.0 **Planning History**

TP 08/33100 – permission granted to Blackrock Hurling Club for 43 residential units comprising of 28 apartments and 15 terraced dwellings, basement parking and ancillary works on a site immediately adjoining to the south.

## 5.0 Policy Context

### 5.1. Development Plan

Cork City Development Plan, 2015

The site is within an area zoned ZO13 'sports grounds' the objective for which is to protect, retain and enhance the range and quality of sports facilities and grounds.

Chapter 11 which addresses Recreational Infrastructure outlines the City Council's position in relation to development of sports pitches.

Objective 11.9 - Protection of Sports Grounds and Facilities

To protect, retain and enhance the range and quality of sports facilities and grounds in the city and to ensure that lands zoned 'sports ground' is not developed for other purposes. There will be a general presumption against the loss of land zoned as sports grounds for development for other purposes. Limited ancillary\* development may be considered if the proposed development:

- a. Is ancillary\* to the principal use of the site as sports grounds and does not affect the quantity or quality of the pitches and provision of adequate training areas and facilities or adversely impact upon their use; and
- b. Only affects land incapable of forming part of the playing surfaces and does not result in the loss of any playing surface or pitch.

\*Ancillary uses include other sport and leisure facilities such as a clubhouse, changing rooms, meeting rooms, gym, sports training halls, catering facilities, caretaker's accommodation, and appropriate car parking facilities. Crèches and community uses are open for consideration provided that they are linked to the sports use.

Section 16.59 - Infill Housing

To make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances the planning

authority may relax the normal planning standards in the interest of developing vacant, derelict, and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Have an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

## 5.2. Natural Heritage Designations

The nearest designated site is Cork Harbour SPA (site code 004030) c. 1.2km to the south and c.1.4 km to the east.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The submission by Coakley O'Neill on behalf of the 1<sup>st</sup> party against the planning authority's notification of decision to refuse permission, which is accompanied by supporting documentation, can be summarised as follows:

#### 6.1.1. Overview

- The proposal complies with national and regional policy and accords with the guidelines for residential development in urban areas. It also accords with the City Development Plan objectives 11.9 and 11.10 with respect to sports facilities and grounds and accords with objective 6.1 in terms of encouraging the use of underused land.
- The granting of permission would allow the club to sell the lands. The funds raised would be used to progress the club's redevelopment plan. It will not facilitate the relocation of the club nor will it diminish the quality of facilities available. The loss of lands zoned for sports use in this instance is far



outweighed by the public benefits of enhanced sporting facilities at the club and provision of new homes.

- There are no planning implications arising with regard to the loss of sports facilities. The lands are not, nor have ever been, of sporting use. The proposal will not, in any way, compromise the club's playing pitches.
- The proposal has the benefit of diversifying the housing mix in the Blackrock area, which is currently dominated by 2, 3 and 4 bed houses.
- The proposal complies with the development standards set out in the guidelines for residential development in urban areas and in the City Development Plan.
- Residential and sporting uses are compatible with residential schemes granted at sporting grounds around the country.
- Given the 'sports grounds' zoning of the site the applicant is proposing to provide social housing similar to that which would be required under Part V.
- All roadways adjacent to the site are of sufficient width and construction to accommodate the proposal. The public road does not facilitate through traffic.
- A Traffic and Transport Assessment was prepared. It concluded that the proposal would have little or no effect on the road network and junctions will continue to operate with spare capacity.
- A Traffic and Management Plan and Road Safety Audit were prepared.
- A light rail corridor is proposed alongside the greenway adjoining the site in the Cork Metropolitan Transportation Strategy. The residential development guidelines promote development on public transport corridors.
- A light spill assessment demonstrates that the spill levels are within recommended standards at the windows of adjoining residential properties.

#### 6.1.2. Section 37(2)(b) of the Planning and Development Act, 2000, as amended

- The planning authority recommended a grant of permission.
- The Council voted not to proceed with a material contravention of the sports zoning applicable to the site.

- The proposal complies with national policy, the regional spatial and economic strategy for the area and Ministerial Guidelines.
- Since the adoption of the City Development Plan in 2015 several significant developments have occurred in the area, details of which are provided including:
  - Ursuline Gardens SHD (ABP 304177-19)
  - Blackrock House apartments
  - Eden Housing Development (PL28.249400 (16/37233))
  - Carrig Court Housing Development (08/33100 and subject of extension of duration).
  - Ard Mhuire Sheltered Housing (Part 8)
  - Standards Grove Sheltered Housing (Part 8)
  - Hormann's Housing Development (17/37349)
  - Bessboro Road Housing (ABP 302784-18 (18/37820))
  - Crawford Gate Housing (17/37565)
  - Aylesbury Housing (17/37288)
  - Greenway Development (Part 8)
  - Variation No.7 to the Development Plan, including rezoning of a site at Sunview, South Douglas Road which was previously zoned sports use.

## 6.2. Planning Authority Response

None

## 6.3. Observations

The submission by Leo Brownen on behalf of local residents can be summarised as follows:

- Regard should be had to the objections received by the planning authority.
- The Council rejected the material contravention proposal.

- There is a lack of open space in the area. The site would provide an ideal location for provision of open space.
- There is one badly configured road accessing Berlingford Drive, Cherry Lawn and Carrig Court from Church Road. The proposal would exacerbate the traffic congestion and hazard along same.
- The proposed access to the Old Railway line walkway would give rise to anti-social behaviour.
- There are alternative ways for the club to fund raise.

## 7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Zoning Provisions and Suitability of Site for Development
- Design and Compliance with Standards
- Access and Traffic
- Other Issues
- Section 37(2)(b) Planning and Development Act, 2000, as amended
- Appropriate Assessment

### 7.1. Zoning Provisions and Suitability of Site for Development

The site is an L- shaped plot of ground located to the rear of the Blackrock Hurling Club grounds. The site is within an area zoned ZO13 - sports grounds, the objective for which is to protect, retain and enhance the range and quality of sports facilities and grounds. As per objective 11.9 which seeks to protect, retain and enhance the range and quality of sports facilities and grounds in the city there is a general presumption against the loss of land zoned for such purposes save for limited ancillary development where certain criteria are met. The proposed residential development contravenes materially the zoning provisions and the said related objective.

I note that the site is on the periphery of a playing pitch and is fenced off from same. Due to its current uneven and somewhat overgrown condition I would accept the contention that it is not used as, nor forms part of a playing pitch, or is used for any other sports use. The club considers that the lands are superfluous to its needs and that its sale would provide a revenue stream for the improvement of the facilities at the club which would have the positive knock-on impact in terms of the quality of facilities available to the wider community. I note that the City Council's Park Superintendent has no objection to the proposal and considers it to be a pragmatic approach to upgrading the club's playing facilities and maximising their use for the entire community.

The City Development Plan in section 15.4 notes that the development plan objectives are written in the interests of the proper planning and development of an area. However, it acknowledged that it is not possible for the plan to take account of every eventuality and that situations may arise where proper planning and development of an area may be best served by a development or proposal that contravenes the zonings or objectives of the plan. Notwithstanding the recommendations of the Council planner's the Council voted against proceeding with the material contravention of the City Development Plan to allow for the development.

The site is considered to be located in an inner suburban and accessible location, within easy walking distance of good quality public transport and amenities in an existing serviced area and within walking/cycling distance to the city centre via an established greenway route. I submit that in view of the peripheral location of the site which serves no purpose in terms of the sports facilities and its location immediately adjoining the recently completed Carrig Court apartments to the south, the proposal would appear as a natural extension to same. I am of the opinion that given its immediate context, the delivery of residential development on this underutilised, serviced site, in a compact form comprising higher density units would be consistent with the provisions of the current City Development Plan for infill housing as set out in section 16.59 and with the policies and intended outcomes of current Government policy, specifically the National Planning Framework, which looks to secure more compact and sustainable urban development with at least half

of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b).

In conclusion, therefore, I consider that the site, in principle, is suitable for residential purposes.

## 7.2. Design and Compliance with Standards

The proposal for 30 units on a 0.445 hectare site equates to a density of 67 units per hectare. Within an area largely characterised by the traditional 2 storey 3 and 4 bedroom dwelling unit model the proposal, providing for a mix of 1 and 2 bedroom units, would assist in the diversification of dwelling units available in the area in accordance with prevailing policy and the Guidelines for Residential Development in Urban Areas.

The proposal accords with the 2018 Sustainable Urban Housing: Design Standards for New Apartments. It provides for 20% 1 bed units with the remainder comprising 2 bed units thereby complying with SPPR1 and SPPR2. Floor areas and floor to ceiling heights exceed the minimum requirements as set out in the guidelines with 80% of the units being dual aspect in compliance with SPPR3, SPPR4 and SPPR5. 2 of the 6 1 bed units are single aspect and west facing. Each apartment is served by a balcony and/or garden, with all exceeding the minimum requirements as set out in Appendix 1.

Whilst the communal open space area is located to the north of the apartment block and is not a central location, the relative narrowness of the site largely dictates the arrangement. The space is overlooked and will provide for adequate amenity.

38 parking spaces are provided which accords with the City Development requirements for such a suburban zone 3 location at 1.25 spaces per unit.

I submit that the proposal integrates in terms of building height and design with that recently developed to the south at Carrig Court. At a remove from the more traditional 2 storey units at Cherry Lawn and Berlingford Drive with frontage onto the sports grounds and backing onto the amenity walk, I consider the height to be acceptable and would not have an adverse impact on the visual amenities of the area which has the capacity to absorb a development of the nature and scale proposed. I submit this is evidenced in the photomontages that accompany the

application. The interface of residential and sports grounds is a common phenomenon with examples within Cork City provided in the Planning Report accompanying the application.

### 7.3. Access and Traffic

Access to the site is proposed from Cherry Lawn off Berlingford Drive. Berlingford Drive provides access to the same named estate (c.45 houses) Cherry Lawn (c.55 houses) and the recently constructed Carrig Court housing and apartment scheme (c.60 units). Access to Avonlea Court, which is served by access from Church Road, is also available. Berlingford Drive does not facilitate through traffic. The 30kph speed limit applies with traffic calming measures noted in the vicinity of the junction at Berlingford Drive which has right of way over vehicles accessing/exiting Cherry Lawn and Carrig Court.

A Traffic and Transport Assessment accompanies the application which concludes that the proposal would have little effect on the junctions and will continue to operate with spare capacity. I submit that the road infrastructure can accommodate the additional vehicular movements arising from the 30 units.

Priority is given to vehicles on Berlingford Drive with a stop sign governing vehicles exiting from Cherry Lawn and Carrig Court. A speed ramp on approach to the junction further slows vehicles. I submit that the proposed raised table, encompassing the proposed site access junction and the existing junction on Cherry Lawn, will act as a further traffic calming measure along this stretch of road.

As noted on day of inspection unrestricted on-street parking is possible along Berlingford Drive and Cherry Lawn save for double line yellows in proximity to the junctions of the two roads and the junction of Berlingford Drive and Church Road. As can be extrapolated from the submissions received by the planning authority issues arising from the sports grounds in terms of on-street parking and traffic congestion are prevalent. A Traffic and Mobility Management Plan which was prepared in response to concerns raised by local residential at a public consultation meeting held prior to the lodgement of the application accompanies the application. It sets out measures to be implemented by the club to encourage the use of alternative modes of transport to the car and management of parking. Whilst noted I submit that compliance with the recommendations of the strategy is outside the remit

of this application and that matters arising in terms of parking and traffic enforcement from club activities are matters best addressed to the relevant authorities.

In terms of the scheme's internal arrangements greater clarity is required in terms of pedestrian priority measures. This can be addressed by way of condition should permission be granted.

#### **7.4. Other Issues**

The applicant has provided a pedestrian link up to the boundary with the greenway to the east, however the actual link cannot be provided given the adjoining land is not owned by the developer. The future proofing of the layout to facilitate potential future connections is, in my view, warranted in the design presented and is to be welcomed in terms of improved connectivity and permeability with the surrounding area, particularly in the context of the Cork Metropolitan Area Transport Study which indicates the potential alignment of a light rail in this area in addition to the existing pedestrian/cyclist facility.

I note concerns in relation to the proposed construction period and impact on amenities. An Outline Construction Management Plan accompanies the application and details, amongst other issues, the proposal to provide for a compound for contractors with adjacent parking where construction workers will be directed to park. Whilst the concerns are noted the construction period, by its nature, is temporary. I consider that the issues arising during the construction phase, including hours of operation, noise etc. can be adequately addressed by way condition should the Board be disposed to a favourable decision.

Despite the fact that the obligations of Part V in terms of social and affordable housing do not apply in view of the sports grounds zoning provisions for the site, the applicant is proposing to provide for 3 units in the scheme for such purposes.

A Drainage Infrastructure Report accompanies the application. The site is fully serviced and is not with an area identified as at risk of flooding.

#### **7.5. Section 37(2)(b) Planning and development Act, 2000, as amended**

In view of the planning authority's reason for refusal on the grounds of the proposal contravening materially both the zoning objective for the lands and objective 11.9 as

set out in the current City Development Plan, the provisions of section 37(2)(b) of the Planning and Development Act, 2000, as amended, apply in this instance. I submit:

- (i) Whilst considered to be in compliance with national policy as set out in the National Planning Framework in terms of the efficient and sustainable use of lands within existing built up areas for housing purposes with regard had to National Policy Objectives 2(a), 3(b), 33 and 35, the proposal for 30 apartment units, in itself, cannot be considered to be of strategic or national importance.
- (ii) The objectives for the site as set out in the current City Development Plan are clearly stated, namely their retention/use as sports grounds. Ancillary development as defined in objective 11.10, only, can be considered subject to certain criteria being met. I also submit that there are no evident conflicting objectives in the current plan which would pertain to the proposal.
- (iii) The proposed development can be considered to be in accordance with national policy as set out in the National Planning Framework and as further distilled in the Regional Spatial and Economic Strategy for the Southern Region (RSES). In terms of the former specific regard is had to National Policy Objectives 2(a) and 3(b) which set a target of half (50%) of future population and employment growth to be focused in the existing five Cities and their suburbs. The proposal would also accord with National Policy Objectives 33 and 35 which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increase densities in settlements, through a range of measures including infill development schemes.

In terms of the RSES the proposal accords with objective RPO 10 which strives for compact growth in metropolitan areas by prioritising housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling. In terms of the Cork Metropolitan Strategic Area Plan (MASPs) the RSES states the sustainable growth of Metropolitan Cork requires consolidation, regeneration, infrastructure led growth and investment in specified locations including the city and suburban area expansion. The proposal would also



advance the provisions of objective RPO 32 to support Government policy and targets of the Housing Agency under “Rebuilding Ireland: Action Plan for Housing and Homelessness” and local authority actions that contribute to progress under the key pillars of addressing homelessness, accelerating social housing, building more homes, improving the rental sector and utilizing the existing building stock within the Region.

In terms of Section 28 Ministerial Guidelines and as noted in section 7.2 above, the proposal accords with the Guidelines for Sustainable Residential Development in Urban Areas which encourages the development of lands within inner suburban/infill sites and accords with the Guidelines for Sustainable Urban Housing Standards for New Apartments 2018.

- (iv) The appeal submission gives details of permissions for residential development granted in the vicinity of the site since the adoption of the current City Development Plan. As can be extrapolated from the detail provided, whilst the majority of the sites in question were appropriately zoned for residential development a number of cited cases, notably the development at Mahon Industrial Estate under ref. 17/37340, Bessboro Road under ref. 18/37820 (ABP 302784-18) entail lands rezoned by way of variation or following a material contravention. I also note that a Part 8 approval has been granted for the Mahon Passage Greenway improvement works with the Cork Metropolitan Area Transport Strategy (CMATS) proposing a light rail to be shared with the greenway. The plan states that the provision of LRT system will be a focal point to enable the growth of population, employment health and education uses as envisaged by the NPF 2040. The LRT system is a key enabler in CMATS.

On the basis of the above I consider that should the Board be disposed to a favourable decision it can have regard to subsections (iii) and (iv).

### **Appropriate Assessment**

Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from the nearest European Site, no appropriate issues arise and I consider that the proposed development would not be

likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## 8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 Reasons and Considerations

Having regard to:

- (a) National Planning Framework
- (b) Regional Economic and Spatial Strategy for the Southern Region
- (c) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (d) Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (e) the location of the site at the periphery of the Blackrock National Hurling Club sports grounds;
- (f) the pattern of development in the vicinity, including permissions granted for residential development in the vicinity since the adoption of the current Cork City Development Plan,

it is considered that, subject to compliance with the conditions set out below, the proposed development

- (i) would not adversely impact or diminish the function and usability of the sports grounds;
- (ii) would comply with National Policy Objectives 2(a) and 3(b) which set a target of half (50%) of future population and employment growth to be focused in the existing five Cities and their suburbs and National Policy Objectives 33 and 35 which prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location and increase densities in settlements;

- (iii) would accord with objective RPO 10 of the Regional Spatial and Economic Strategy for the Southern Region which strives for compact growth in metropolitan areas by prioritising housing and employment development in locations within and contiguous to existing city footprints;
- (iv) would not seriously injure the character of the area or the amenities of property in the vicinity, and
- (v) would be acceptable in terms of traffic safety and the convenience of road users.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 submitted on the 1<sup>st</sup> day of August, 2019 and the 1<sup>st</sup> day of November, 2019 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. Details of the materials, colours, and textures of all the external finishes and boundary and surface treatments including boundary treatments to private rear garden areas, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Revised plans and particulars detailing the proposed shared surface including pedestrian only zones, widths, materials and finishes which shall be in accordance with the Design Manual for Urban Roads and Streets (DMURS) shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. 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 for each apartment unit 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:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

6. All of the communal parking areas serving the residential units shall be provided with functional 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.

7. Drainage arrangements, including the attenuation and 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.

8. The developer shall enter into water and/or wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

9. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 30<sup>th</sup> day of November, 2018. The works shall be completed before any of the apartment units are made available for occupation.

**Reason:** In order to ensure the satisfactory development of the public open space areas.

10. Public lighting shall be provided in accordance with a scheme details of 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 the development.

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

11. 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 interests of visual and residential amenity.

12. Proposals for an estate 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 estate signs, and apartment 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.

13. 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 this development in the interest of residential amenity.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0900 and 1300 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.

15. The construction of the 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 development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Locations of areas for construction site offices and staff facilities
- (c) Details of 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 queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent 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.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

16. 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, 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 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.

17. 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.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**May, 2020**