



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319482-24

#### Development

Permission for development which will consist of (i) the partial demolition of the existing ruined building in the south west corner of the site; (ii) The construction of 2 no. apartment blocks ranging in height from 5 to 6 storeys containing 44 no. apartment units comprised of 1 no. studio apartment, 9 no. 1 bed apartments, 29 no. 2 bed apartments and 5 no. 3 bed apartments, all served by open space in the form of balconies and/or ground floor terraces; (iii) The construction of 4 no. 3 storey 4 bed mews houses; (iv) The development will be accessed via a new vehicular entrance off Ashton Park. The proposal includes improvement works on the junction between Ashton Park and Blackrock Road and includes the provision of a controlled pedestrian crossing on Blackrock Road to the north and an uncontrolled crossing on Ashton Park to the west as part of enabling infrastructure as well as the re-

instatement of the existing historical public lane (Ashton Avenue) from Blackrock Road running west of no. 1 Ashton Place, which will be used as a pedestrian and cycle access into the development. Provision for outdoor amenity areas (including podium level amenity space), landscaping, car parking, bicycle parking, bin stores, ESB substation, public lighting, roof mounted solar panels, signage and all ancillary site development works.

**Location**

Lands associated with 1 and 2 Ashton Place and Ashton Park, Blackrock Road, Cork

**Planning Authority**

Cork City Council

**Planning Authority Reg. Ref.**

2342162

**Applicant(s)**

Dwellings Developments Blackrock Road Ltd.

**Type of Application**

Permission

**Planning Authority Decision**

Grant permission

**Type of Appeal**

First Party & Third Party

**Appellant(s)**

Dwellings Developments Blackrock Road Limited;  
Michael O'Halloran Sr;  
Kenneth & Mary Murphy; Frankie & Josephine Whelehan; Niall & Amanda

O'Regan; John & Anette Howell;  
Dunraven Downs Management  
Services Ltd.; John Scanlon; Elizabeth  
O'Sullivan; John Walsh & Susan  
Walsh; and Patrick & Mary Buckley;

**Observer(s)**

Des Cahill;  
Peter Murphy

**Date of Site Inspection**

15th January 2025

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The site, with a stated area of 0.766ha, is located at the junction of Blackrock Road and Ashton Park at a distance of approximately 1.5km from Cork City centre. The site is generally flat and is irregular in shape. The site is occupied by No.'s 1 and 2 Ashton Place which are a pair of semi-detached three storey three bay houses with two storey side annexes located to the north and derelict outbuildings in the southwest and southeast corners. No.'s 1 and 2 are currently unoccupied and in a state of disrepair. There is a historic wall to the rear of the two houses beyond which is an area of unkept grassland. The southern and western boundary are comprised of historic walls. Ashton Avenue, a masonry wall-bounded laneway on the site's western side provides access from Blackrock Road to the rear of no. 1 and 2 Ashton Place.
- 1.2. The area is characterised by residential development including a mix of styles. To the south and west of the site is a public road off which are a number of detached two storey dwellings and three storey flat roof apartment buildings with access on to Ashton Park along with a apartments in Dunraven Downs to the west. Beyond the eastern site boundary is an area of land associated with a monastery.
- 1.3. The site is served by public transport, with a bus stop located on Blackrock road adjacent to the site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following
- partial demolition of the existing ruined building in the southwest corner of the site;
  - construction of 48 residential units comprising:
    - 2 no. apartment blocks located in the southern part of the site ranging in height from 5 to 6 storeys containing 44 no. apartment units comprised of 1 no. studio apartment, 9 no. 1-bed apartments, 29 no. 2-bed apartments, and 5 no. 3 bed apartments all served by open space in the form of balconies and/or ground floor terraces;

- 4 no. 3 storey 4 bed mews houses located centrally within the site to the rear of the existing dwellings;
- a new vehicular entrance off Ashton Park;
- improvement works on the junction between Ashton Park and Blackrock Road including the provision of a controlled pedestrian crossing on Blackrock Road to the north and an uncontrolled crossing on Ashton Park to the west as part of enabling infrastructure;
- re-instatement of the existing historical public lane (Ashton Avenue) from Blackrock Road running west of no. 1 Ashton Place, which will be used as a pedestrian and cycle access into the development;
- outdoor amenity space, landscaping, 39 car parking spaces, 90 bicycle parking spaces, bin stores, ESB substation, public lighting, roof mounted solar panels, signage, and all ancillary site development works.

2.2. The application was accompanied by, inter alia, a Design Statement, Architectural Heritage Impact Assessment, Daylight and Sunlight Analysis Report, Photomontages, a Site Specific Flood Risk Assessment and Landscape Architecture Report.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 04<sup>th</sup> April 2024, Cork City Council issued notification of the decision to grant planning permission subject to 35 conditions.

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

##### **3.2.1. Planning Reports**

There are three planning reports on the file, the first recommending a request for further information dated 08/09/2023 and which can be summarised as follows:

- Residential density should be recalculated to reflect the fact that the northern portion of the site containing the NIAH buildings is not being developed. The

southern part of the site where the apartments are proposed has a target density of 40-80 units per ha. The proposed density does not accord with the density requirements in the development plan.

- The housing mix should be amended to increase the number of 3 bed units to align with table 11.8 and objective 11.2 of the Development Plan.
- The height and scale of the two apartment blocks at 5 and 6 storeys do not conform with the existing established height and scale of buildings in the immediate surrounding area, do not comply with table 11.1 of the development plan and are not acceptable.
- The proposed three storey mews dwellings should be subservient and sympathetic to the scale of the existing NIAH buildings, the curtilage of which the proposed mews dwellings are located within.
- Details relating to the refurbishment and reuse of the existing NIAH listed buildings should be submitted.
- There are concerns in relation to impacts on the residential amenities of residents in the adjacent dwellings to the north of the site which can be addressed with a reduction in height of the apartments and mews.
- Clarification is required in relation to land ownership and to confirm vehicular access on to Ashton Park can be provided.

Following receipt of further information the planners report dated 26/01/2024 can be summarised as follows:

- The matter of legal ownership has been adequately addressed.
- When the two existing NIAH listed structures are omitted it is estimated that the density of the development would be approximately 95dph which is above the maximum limit of 80dph for this Inner Urban Suburban Area.
- The eastern 6 storey block is considered to be at odds with the prevailing scale and massing of the receiving historic environment and would have a negative impact on the character of the Blackrock Road ACA when viewed from Blackrock Road as shown on viewpoint 7 included in the photomontages. A condition is considered appropriate to omit level 3 to

reduce the impacts on the ACA and comply with height targets in the development plan.

- A condition should be attached to address overlooking from windows and balconies on the north elevation of the western block.
- Revisions to the mews provides for the retention of considerably more of the boundary wall. There are concerns in relation to the retention of the four car parking spaces on the ground floor amenity areas and the impact of positioning of the dwellings 1.5m closer to the NIAH structures. The car parking should be relocated to the undercroft parking area and the mews houses repositioned back to the position originally applied for to ensure the maximum separation distances and retention of large garden plots to the rear of the NIAH structures.
- Amendments to the parking podium and amenity area are required to improve activation and usability of the public amenity area.
- The unit mix is considered acceptable.
- The daylight/sunlight report indicates that the proposed development will have minor impacts in terms of sunlight and overshadowing which are within the limits stated in the BRE guidelines.
- All units meet or exceed the floor area requirements and private open space requirements set out in apartment guidelines.
- Clarification is required to clearly indicate areas of public open space and areas of communal open space.

Following receipt of clarification of further information the planners report dated 04/04/2024 can be summarised as follows:

- The 4 mews dwellings have been repositioned as originally proposed and 4 car parking spaces removed which is acceptable.
- Amendments have been made to create an active frontage onto the open amenity area which is acceptable.
- 2168sq. of open amenity area (c.30% of the site area) is proposed which is considered acceptable.

- It is recommended that permission be granted.

### 3.2.2. Other Technical Reports

#### Conservation Officer

Report dated 08/09/2023 can be summarised as follows:

- Further information is required in relation to the impact of the proposed mews dwellings on no.'s 1 and 2 Ashton Place and the refurbishment of these properties and the reduction of each apartment block by one storey to mitigate the negative impact on the character of the Blackrock ACA.

Report dated 23/01/2024 following receipt of the additional information submission can be summarised as follows:

- Revisions include retention of more of the historic boundary wall to the south of the mews houses which is acceptable. These houses have been relocated 1.5m further north which is not acceptable due to impacts on the garden of 1-2 Ashton Place and should revert to the original proposal.
- No objection to grant of planning subject to conditions to omit one storey from each apartment block and in relation to works to the boundary wall and limestone kerbs.

Report dated 26/03/2024 can be summarised as follows:

- No objection subject to conditions.

#### Architects Department

- There are concerns in relation to opposing windows of the western block and activation of public space. On curtilage parking for the mews should be facilitated elsewhere on the site. The height of the apartment blocks is a storey too high.
- It is recommended that the overall height be reduced, addressing overlooking and separation of the shared surface from car movements on the site and apartments should address the ground floor of the scheme.
- A condition should be attached in relation to completion of works to No.'s 1 & 2 Ashton Place.

## Environment Directorate

- No objection subject to conditions

## Traffic: Regulation & Safety Report

- Further information required in relation to proposed changes to an existing bus stop, disability and motorcycle parking, public lighting and road markings and signage.

## Urban Roads & Street Design

- Following a request for further information the report recommends no objection subject to condition.

## Infrastructure Development Report

- Report requests further information requiring details in relation to widths of traffic lanes and footpaths at Blackrock Road and Ashton Park,

## Drainage Report

- Following a request for further information the report states no objection subject to conditions.

## Contributions

- Outlines requirement for general contribution and supplementary development contribution in relation to the Cork Suburban Rail Project.

### 3.2.3. Conditions

The following conditions of note were attached by the planning authority:

Condition 3 requires all works/redevelopment to No.'s 1 and 2 Ashton Place be completed before any of the units within the overall development are made available for occupation. Reason: In the interests of the protection and enhancement of the built heritage and to ensure the satisfactory completion of the development.

Condition 4 requires the omission of level 3 of the Eastern apartment block. Reason: In the interests of clarity and residential amenity.

Condition 5 requires alteration of windows on the north facing elevation of the western block to high level windows in bedrooms and obscured glazing in ensuites, and screening to balconies. Reason: In the interest of residential amenity.

Condition 6 requires submission of details of gates and railings for the 4 no. mews dwellings. Reason: In the interest of clarity and visual amenity.

Conditions 7, 8, 9 and 10 relate to details in relation to the refurbishment of 1-2 Ashton Place. Reason: In the interests of protection / enhancement of the built heritage.

Condition 11 relates to the rebuilding of the boundary wall in the southwest corner of the site. Reason: To enhance the character of the architectural conservation area.

Conditions 12, 13, 14, 16 and 17 relate to traffic safety measures in relation to the site. Reason: In the interests of traffic safety.

### **3.3. Prescribed Bodies**

TII: No objection

Cork Airport: No objection

Uisce Eireann: Confirmation of Feasibility in relation to water and wastewater was issued and capacity exists without requiring infrastructure upgrades. No objection

Inland Fisheries Ireland: Sufficient capacity should exist in the public sewer to serve the development.

Health and Safety Authority: No objection

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

24 no. third party observation were received objecting to the proposed development.

The issues raised are similar to those raised in the third party appeals and observations.

## **4.0 Planning History**

No recent relevant planning history.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Cork City Development Plan 2022-2028 is the operative Development Plan for the area. It has regard to national and regional policies in respect of infill development within existing built-up areas.
- 5.1.2. The site is in an area zoned Objective ZO 1, Sustainable Residential Neighbourhoods - To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. Primary uses in this zone include residential uses.
- 5.1.3. Volume 1 of the development plan contains the written statement wherein I consider the following objectives relevant to the appeal site:

#### Chapter 2 Core Strategy

- Objective 2.31 City Growth – target the delivery of 65% of all new homes on lands within the existing built footprint of the City.

#### Chapter 3 Delivering Homes and Communities

- Objective 3.4 Compact Growth – at least 66% of new homes to be provided within the existing footprint of Cork with 33% of new homes in brownfield sites, and optimise potential housing delivery on suitable brownfield sites to achieve compact growth targets;
- Objective 3.5 Residential Density – higher densities to be achieved in accordance with the Cork City Density Strategy, Building Height and Tall Building Study whilst ensuring a balance between protecting the established character of the surrounding area and existing residential amenities, creating successful integrated neighbourhoods, and achieving high quality architectural, urban and public realm design;

#### Chapter 4 Transport and Mobility

- Objective 4.3 Strategic Location of New Development – ensure new residential and commercial development is focused in areas with good access to the planned high frequency public transport network;

- Objective 4.5 Permeability – require new development to include permeability for pedestrians, cyclists, and public transport to maximise its accessibility.

#### Chapter 8 Heritage, Arts, and Culture:

- Objective 8.22 National Inventory of Architectural Heritage - Ministerial Recommendations will be taken into account when Cork City Council is considering proposals for development that would affect the historic or architectural interest of these structures.
- Objective 8.23 Development in Architectural Conservation Areas – design and detailing required to respond respectfully to the historic environment.
- Objective 8.24 Demolition in Architectural Conservation Areas - Demolition of structures and parts of structures will in principle only be permitted in an Architectural Conservation Area where the structure, or parts of a structure, are considered not to contribute to the special or distinctive character, or where the replacement structure would significantly enhance the special character more than the retention of the original structure.

#### Chapter 11 Placemaking and Managing Development:

- Section 11.27 - Well-conceived designs for new buildings should be informed by the prevailing urban characteristics of the neighbourhood they would inhabit.
- Section 11.28 – The building height strategy in Table 11.1 will be applied when assessing development proposals.
- Section 11.32 Prevailing heights in any given area determines what is considered ‘tall’ in different parts of Cork City. Figure 11.2 Prevailing heights sets out the prevailing heights in each of Cork’s neighbourhoods.
- Table 11.1 sets out Building Height Standards. The City Fringe Corridor has a prevailing height of 3 – 6 storeys and a target height of 5 – 7 storeys. The Inner Urban Suburbs of Ballintemple and Blackrock have a prevailing height of between 2 and 4 storeys and a target height of between 3 and 5 storeys.

- Section 11.37 relates to height in the City Fringe and seeks to ensure the best use of land is achieved, whilst responding to local context, new development should respect this context.
- Section 11.38 outlines discernible areas that fall within the Inner Urban Suburbs with No. 3 Ballintemple and Blackrock identified as a historic established suburban area of the City which will be served by the planned Light Rail project.
- Section 11.45 A tall building is defined as a building which is equal to or more than twice the height of the prevailing building height.
- Section 11.72 relating to residential densities states density targets and prevailing character will be the key measures in determining site-specific density. In accordance with relevant Section 28 Guidelines (e.g. Sustainable Residential Development in Urban Areas) minimum density targets will be applied in the development of all sites, apart from in exceptional circumstances.
- Table 11.2 indicates density targets of 50-150dph for the City Fringe/Corridor and 40-80dph for the Inner Urban Suburb of Ballintemple & Blackrock.
- Dwelling Size Mix, Section 11.76 and Objective 11.2 – all developments to comply with dwelling size mix, and for residential developments between 10-50 units the standard for dwelling mix for small apartment schemes shall be in accordance with Table 11.8 (the appeal site is located in the City Suburbs) which indicates between 15%-25% with a target of 20% for 1 bed, between 25%-40% with a target of 34% for 2 bed, between 18%-38% with a target of 28% for 3 bed and between 5%-15% with a target of 8% for 4 bed units.
- In relation to Housing Quality Standards, Objective 11.3 and sections 11.87 to 11.92 list quantitative apartment standards including a requirement to comply with national planning guidelines including in relation to floor areas, open space, storage and cycle parking.
- In relation to Daylight, Sunlight and Overshadowing (DSO), relevant sections include sections 11.98-11.99 and Objective 11.4 – habitable rooms of new residential units shall have appropriate levels of natural / daylight and

ventilation, and a DSO assessment should take into account the amenities of the proposed development, its relevant context, and likely impact on adjacent sites, with criteria for assessment set out.

- Public open space in housing developments is addressed in Table 11.11 which requires a general provision of 10%.
- In relation to Car Parking, Table 11.13 sets out Maximum Car Parking Standards with Zone 3 requiring 1.25 spaces for a 1-2 bedroom units and 2.25 spaces for a 3 & 3+ bedroom unit.

#### Chapter 12 Land Use Zoning Objectives

- ZO 1.1 states that the provision and protection of residential uses and residential amenity is a central objective of the ZO 1 zoning objective. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.
- ZO 1.2 states development in this zone should generally respect the character and scale of the neighbourhood in which it is situated. Development that does not support the primary objective of this zone will be resisted.

5.1.4. Volume 2 – Mapped Objectives includes the following relevant objectives and designations:

- The site contains the Zoning Objective ZO 1, Sustainable Residential Neighbourhoods - To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses (Map 03 Central-Suburbs).
- Density and Heights Maps comprises spatial zones determined by their relative suitability for density and heights. The site is included on Map 06 wherein the northern part of the site is located in the City Fringe part of the 'City Fringe/Corridor/Centre' area and the southern part of the site is located in the 'Inner Urban Suburbs' of Ballintemple & Blackrock.
- Chapter E sets out parking zones wherein the site is located in Zone 3.

- On the Core Strategy Map the site is within the Built Environment Hinterland.
- The site is located within the Blackrock Road ACA Sub Area A.

5.1.5. Volume 3 of the Development Plan outlines Built Heritage Objectives in Part 1 wherein Section 1.47 outlines issues relating to the Blackrock Road ACA stating that it is important that the condition and character of the existing building stock be maintained as well as the integrity of the streetscape and the riverside landscape.

## 5.2. **Derelict Sites Register**

5.2.1. No.'s 1 and 2 Ashton Place are on the Derelict Sites Register, Reg. Entry No. 289; DSP Ref. DSP-1827.

## 5.3. **National Inventory of Architectural Heritage**

5.3.1. No. 1 and 2 Ashton Place are included on the National Inventory of Architectural Heritage (NIAH) and identified as of regional architectural importance. Reg No: 20509092 and 20509091.

## 5.4. **Ministerial Guidelines**

5.4.1. Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011 provide guidance in relation to development and built heritage, in particular works affecting historical buildings or structures and development within Architectural Conservation Areas. Section 3.10 outlines criteria for assessing proposals for development within an Architectural Conservation Area, stating that the design of new development is of paramount importance. It is recommended that where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged.

5.4.2. Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (Compact Settlements Guidelines) outline that in city urban neighbourhoods it is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The following Specific Planning Policy Requirements (SPPR) are relevant:

- SPPR 1 requires a separation distance of at least 16 metres between rear opposing windows above ground floor level. Separation distances below 16

metres may be considered where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

- SPPR 2 sets out minimum private open space requirements for houses with a 3 bed house requiring a minimum of 40 sq.m. and a 4+bed house requiring a minimum of 50 sq.m.
- SPPR 3 requires that in city centres car-parking provision should be minimised, substantially reduced or wholly eliminated.
- SPPR 4 relates to cycle parking and storage and states that a general minimum standard of 1 cycle storage space per bedroom should be applied.

5.4.3. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) set out national policy and standards for apartment development including recommended standards in relation to housing mix, aspect, and minimum floor areas.

5.4.4. Urban Development and Building Heights Guidelines states a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. Principles in considering development proposals for buildings taller than prevailing building heights in urban areas are outlined and SPPR 3 provides that where an applicant for planning permission sets out how a development proposal complies with the relevant criteria and the assessment of the planning authority concurs, then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

## **5.5. Natural Heritage Designations**

None relevant.

## **5.6. EIA Screening**

5.6.1. See Appendix 1 - Form 2 EIA Preliminary Examination attached to this report. Having regard to the nature and scale of the proposed development, to the established urban nature of the receiving environment, to the nature, extent,

characteristics and likely duration of potential impacts, and to the criteria set out in Schedule 7 of the Regulations, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Assessment is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The application is subject to 1 no. first party appeal and 10 no. third party appeals.

6.1.2. The first party appeal can be summarised as follows:

- Condition 4 is requested to be omitted on the following grounds:
  - the removal of a floor from the eastern apartment block will significantly undermine the viability of the scheme.
  - Contrary to the report of the planning officer, it is not the policy of the development plan to cap development at 5 storeys and a building of 6 storeys is not precluded in policy terms at this location.
  - The Council has failed to have appropriate regard to Sustainable Residential and Compact Settlements Guidelines and Urban Development and Building Height Guidelines which support the proposed development at this highly accessible location within walking distance of Cork City Centre.
  - The proposal provides for a high-quality development which does not result in adverse impacts on adjoining residential amenities and the removal of a floor is not justified in this regard. The proposal does not have any adverse impact on the Blackrock ACA.
- Condition no. 3 is requested to be omitted on the following grounds:
  - The condition requires works be carried out to No.'s 1 and 2 Ashton Place in accordance with details submitted to the planning authority. However no

planning permission was sought for works to these dwellings and the details submitted were indicative.

- The two dwellings were not included to allow for these units to be sensitively redeveloped by a third party in the short-term unincumbered from the longer term construction scheme for the overall development. The stipulation that certain works be implemented unnecessarily inhibits the ability of a third party to undertake alternative works to bring the units back into productive use.
- The condition is not expedient for the purposes of or in connection with the development authorised by the permission.

6.1.3. 10 no. third Party appeals have been received from Michael O'Halloran Sr; Kenneth & Mary Murphy; Frankie & Josephine Whelehan; Niall & Amanda O'Regan; John & Anette Howell; Dunraven Downs Management Services Ltd.; John Scanlon; Elizabeth O'Sullivan; John Walsh & Susan Walsh; and Patrick & Mary Buckley. The grounds of appeal are summarised as follows:

#### Land Ownership

- Part of the western boundary of the application site on Ashton Avenue is included within the folio relating to Dunraven Downs and owned by Dunraven Downs Management Services Company Limited who's written consent has not been provided and therefore the proposal does not comply with the requirements of Article 22 (g) (i) of the Planning and Development Regulations and is invalid. Land registry details in relation to the area of land are included with the appeal.

#### Height, Density and Design

- The proposed density and height exceed that permitted for sites within the inner urban suburbs in the development plan.
- The recommended densities in the Compact Settlements Guidelines are not SPPR's and have no statutory relevance until the development plan is varied to take them into account.
- The 5 and 6 storey apartment blocks are incongruous with that of the prevailing height of 1 – 3 storeys in the immediate area and will dominate

surrounding properties and the ACA. The elevated nature of the site further accentuates the visual impact. The omission of level 3 as required by condition will not reduce this impact.

- The height does not comply with Building Height Guidelines as it is an architecturally sensitive area.
- No visual impact assessment was submitted as required by Building Height Guidelines.
- The location of submitted CGI views fails to show the impact of the proposal.
- The design of the mews and apartments is inappropriate for the area.
- The proposal does not comply with the zoning objective as it fails to protect existing residential amenities.
- The proposal results in overdevelopment resulting in injury to the character and residential amenity of the area.
- The proposal will result in undue overshadowing resulting in impacts on residential amenity on existing dwellings.
- The proposal impacts on potential future redevelopment of adjoining property.
- Proximity to neighbouring properties will result in excessive overlooking, loss of privacy and overbearing.
- There are concerns in relation to capacity of services to serve the density proposed.
- Proposed open space offers little amenity or usability.
- Proposed mews houses will be overshadowed by apartments.
- Recent applications of a similar nature have been refused permission by Cork City Council.
- The proposed unit mix materially contravenes development plan Table 11.8.

#### Built Conservation

- The proposal will negatively impact the ACA and contravenes objectives in the development plan in relation to the protection of ACA.

- The concerns of the Conservation Officer were not addressed in the decision with no rationale was given for not removing a floor from each block. This goes against the legal judgement in the Clonliffe case.
- Failure to consider the impact on the ACA of the demolition of a wall for vehicular traffic.
- Failure to consider impacts on NIAH structures.
- Details relating to refurbishment of No.'s 1 and 2 Ashton Place were not included in the planning application.
- Failure to comply with Architectural Heritage Protection Guidelines.
- Issues raised in pre-planning consultation were not addressed and conditions attached do not resolve these issues.

#### Traffic Hazard

- The junction of Ashton Park and Blackrock Road is at a dangerous bend close to a bus stop. Creation of a new vehicular entrance on Ashton Park and pedestrian access from Ashton Avenue will result in a traffic hazard.
- Inadequate sightlines at Blackrock Road junction are available in accordance with DMURS. This has the potential to give rise to a traffic hazard for vehicles, pedestrians and cyclists which is identified in the Road Safety Audit.
- Sightlines indicated on drawings are inaccurate.
- The shortfall in car parking has the potential to result in parking in Dunraven Downs estate and on streets resulting in congestion and safety issues.
- No motorcycle parking provided.
- Failure to provide a turning circle and adequate access for refuse and emergency vehicles.
- Traffic hazard from construction vehicles
- The submitted Mobility Management Plan contains errors.
- Removal of the wall in front of No.'s 1 and 2 Ashton Place and pier containing post box should be considered to facilitate improved sightlines.

- The entrance on Ashton Park should be located opposite the existing Dunraven Downs entrance for better circulation.
- Assessment is required of the impacts of increased vehicular traffic accessing No.'s 1 and 2 Ashton Place.

#### Nature Conservation

- A direct pathway to a SPA exists within 700m of the site, therefore stage 2 NIS is required.
- Grey heron were previously noted on the site.
- Construction impacts on trees to be retained means the trees will be unlikely to survive which will impact on the availability of these trees for screening.
- Existing mature trees on site have been removed.
- There are discrepancies on drawings in relation to trees to be retained and replaced.
- Proximity to the Atlantic Pond nature reserve has not been considered.
- No ecological survey or bat survey submitted.
- The proposal is in breach of objective 6.22 of development plan in relation to protection of biodiversity.

#### Other

- There are errors in the flood risk assessment.
- Failure to consult with neighbours.
- Concerns in relation to lack of maintenance.
- Proposed mews houses are on land outside Cork City Council's Land Tax draft map and the proposal therefore contravenes the development plan.
- No archaeological assessment was submitted.
- Mislabelling of foul sewer and storm sewer on drawings.
- Invalid application due to site notice.
- Potential for anti-social behaviour.

## 6.2. Applicant Response

Two responses to the appeal were received on behalf of the first party. The response includes a letter from the first party's solicitor and Cork City Council in relation to an area taken in charge. The responses can be summarised as follows:

- No evidence has been submitted to support the claims that the area referred to is not under the control of Cork City Council who have maintained the area for over 30 years, have confirmed that the area is taken in charge and have provided a letter of consent to the applicant to make the application.
- Notwithstanding any legal claims, the Board are not precluded from determining the application having regard to Section 34 (13) of the Planning and Development Act.
- The Council's height strategy which informs the development plan does not preclude heights of 6 storeys or cap development height at this location.
- The site is highly accessible, and the proposal complies with Sustainable Residential Guidelines and Compact Settlements Guidelines and Urban Development and Building Height Guidelines which justify the design approach and height and density proposed.
- The proposal provides for a high-quality design which will not result in any adverse impacts on residential amenities of surrounding properties.
- The pre-planning comments referred to in appeals were based on an initial interpretation of outline proposals and are 'without prejudice' comments which do not justify grounds that the development is inappropriate. During the course of the assessment of the planning application the Council confirmed that the scheme is high quality and an appropriate response for the local context.
- The Architectural Heritage Assessment submitted with the planning application identified no potential impacts on the character of the ACA or any buildings in the vicinity and the removal of part of the original stone wall on Ashton Avenue to provide vehicular access is not contrary to the development plan.

- A daylight and sunlight assessment confirms the development complies with BRE Guidance.
- Design safeguards have been incorporated into the scheme to improve the interrelationship between the proposal and existing properties to the north, including screen planting, screen glazing to roof terrace and obscure glazing along with appropriate set back from houses at Dunraven Downs and Ashton Park.
- The proposed road improvement works will greatly improve the 'do-nothing' scenario on the Blackrock Road. The raised table junction will slow traffic and improve pedestrian safety with dedicated pedestrian crossing points.
- A Road Safety Audit in relation to the proposal demonstrates that it is safe and removal of the wall at 1 and 2 Ashton Place is not required.
- The Councils internal roads and traffic departments endorsed the proposal and recommended a grant of permission. Consensus has been established that the proposal will improve traffic management and road safety.
- There is no basis to claims that unauthorised parking will arise, and any such issues are a matter for parking regulation/enforcement.
- The permitted car parking ratio of 0.81 units complies with the development plan and national/regional policy.
- The proposed unit mix complies with the development plan and provides for increased mix of unit type in the area which is largely comprised of 3+ bed units.
- The site notices were in accordance with the Planning and Development Regulations and there is no basis to invalidate the application.

### **6.3. Planning Authority Response**

None received.

## **6.4. Observations**

Two observations have been received from Peter and Jane Murphy and Cllr Des Cahill. The issues raised can be summarised as follows:

- Traffic safety concerns.
- Access should be from the east.
- Land ownership concerns.
- Failure to ensure the conservation of protected dwellings at No.'s 1 and 2 Ashton Place.
- Proposed height is out of character with the area and comparisons with Springville House does not take into consideration that Springville House is situated at a lower level.
- The third party appeal by Coakley O'Neill is fully endorsed.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development
- Height and Density
- First Party Appeal Against Condition 4
- Residential Amenity
- Visual Impact
- Impact on Architectural Heritage
- First Party Appeal against Condition 3
- Traffic Safety

- Land ownership
- Landscaping and Biodiversity
- Flooding and Drainage
- Other Issues

## **7.2. Principle of Development**

- 7.2.1. The site is zoned ZO 1, Sustainable Residential Neighbourhoods - To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses whereby objective ZO 1.1 states that the provision and protection of residential uses and residential amenity is a central objective of this zoning and the primary uses in this zone include residential uses. The site comprises an infill site which is surrounded by residential development and is serviced. I note that national, regional and local policy and Ministerial guidelines seek to consolidate and provide for compact growth in urban areas. I am satisfied that residential development is acceptable in principle subject to other relevant planning considerations, including the impact of the proposed development on the built heritage of the area and residential amenities of surrounding properties.

## **7.3. Height and Density**

- 7.3.1. The proposal seeks permission for a total of 48 residential units comprising a terrace of 4 no. three storey dwellings located within the rear gardens of No. 1 and 2 Ashton Place and 44 no. apartments contained in two blocks to the rear (south) of the site. The western block is 5 storeys and the eastern block 6 stories in height. Following requests for further information and clarification of further information a number of minor amendments were made to the overall layout with no changes made to the number of units or building height. My assessment of the proposal relates to the revised layout submitted in response to the clarification of further information request by the planning authority.
- 7.3.2. The planning authority decision to grant permission included a number of conditions amending the permitted development, including that the third floor be omitted from the eastern apartment block to reduce it to 5 storeys and incorporation of screening to windows and balconies to the north elevation of the western apartment block.

- 7.3.3. The third-party appeals raise concerns in relation to the proposed height and density of the apartment blocks and the impacts on residential and visual amenities and built heritage of the area which the appellants consider have not been addressed with the omission of one storey and which is considered to contravene development plan policy relating to building height and density.
- 7.3.4. Chapter 11 of the Development Plan sets out policy and guidance in relation to building height. Section 11.27 refers to the need to be informed by prevailing urban characteristics of the neighbourhood, Section 11.28 states that the building height strategy in Table 11.1 will be applied when assessing proposals and Section 11.31 states that an understanding of the character of an area is essential to inform strategies for the development of sites. Table 11.1 sets out Cork City building Height Standards, including prevailing heights and target heights, for character areas within the city which are illustrated on Figure 11.1.
- 7.3.5. The appeal site is located within two different areas, with the area to the north around No.'s 1 and 2 Ashton Place located in the City Fringe/Corridor area and the area to the south where the proposed apartments will be located within the 'Inner Urban Suburbs' area of Ballintemple and Blackrock. Table 11.1 states that the City Fringe Corridor has a prevailing height of 3 – 6 storeys and a stated target height of 5 – 7 storeys and that the Inner Urban Suburbs of Ballintemple and Blackrock have a prevailing height of between 2 and 4 storeys and a stated target height of between 3 and 5 storeys.
- 7.3.6. I consider the proposed 6 storey apartment block exceeds the upper target limit for Ballintemple and Blackrock and does not comply with the development plan height targets for this area. The first party argues that the lines delineating between respective 'character' areas are drawn in an arbitrary manner and deemed indicative in nature and that given the sites location and access to sustainable transport that the site is a location where increased height should be promoted. I agree with the first party that the site is in an accessible location proximate to the city centre. In relation to the first party's case that the character area boundaries are arbitrary in nature, whilst the map shows boundaries faded into one another, the location of the proposed apartments is clearly within the Ballintemple and Blackrock area within which the stated target building height is 3 – 5 storeys. I also note that there are a number of sensitivities including the site's location within the Blackrock Road

Architectural Conservation Area, the presence of two NIAH listed structures on the site and the prevailing pattern of development of between one to three storeys. I do not consider there is adequate justification for exceeding the upper target building height for this location as set out in the development plan.

- 7.3.7. The site has a total area of 0.766 ha with a proposal for 48 units which amounts to a stated density of 63dph. The planning authority raised concerns in relation to the density proposed, noting the density should be recalculated to reflect the fact that the northern portion of the site containing the NIAH buildings is not being developed. The planning officers report notes that the sites of the two NIAH dwellings equates to approximately 25% of the overall area and when these sites are omitted the density equates to approximately 95dph which would be above the maximum limit in the development plan of 80dph for the Inner Urban Suburb area. I agree with the planning authority's assessment in this regard and I note that 75% of the overall site amounts to a site area of approx. 0.576ha resulting in a proposed density of 83dph which exceeds the upper density target for this area and therefore does not comply with the density standards of between 40-80dph in Table 11.2 of the development plan.
- 7.3.8. I acknowledge that increased density is required in order to generate more compact growth and that the area is located proximate to Cork City centre and benefits from access to sustainable transport modes. As noted above there are a number of sensitivities including the sites location within the Blackrock Road ACA, the presence of NIAH listed buildings and the prevailing built character. Section 11.72 of the Development Plan states 'Density targets and prevailing character will be the key measures in determining site-specific density'. I do not consider there is justification for breaching the development plan upper density target of 80dph at this location. The Planning Authority attached condition 4 requiring the removal of the third floor from the east apartment building. This would have the effect of reducing the total number of units from 48 to 42 resulting in a density of approx. 73dph based on 75% of the site area being developed which I consider is in line with the density parameters for this location of between 40 and 80dph.
- 7.3.9. I note that the Development Plan was informed by the Cork City Urban Density, Building Height and Tall Building Study prepared in 2021 which takes account of the Urban Development and Building Heights Guidelines. As such I am satisfied that

these guidelines have been considered in identifying suitable building height for this location and I note the density is within the range of between 50dph and 250dph for urban neighbourhoods in Cork as provided in Compact Settlements Guidelines. Furthermore, the Compact Settlements Guidelines recognise that it is necessary to ensure that the quantum and scale of development at all locations can integrate successfully into the receiving environment and should not result in a significant negative impact on character (including historic character), amenity or the natural environment. I am satisfied that the development as permitted by the planning authority (with the omission of a floor from the eastern block) complies with the provisions of the development plan and Ministerial Guidelines in relation to height and density. If the Board decides to grant permission I recommend the inclusion of a condition requiring the omission of a floor from the eastern building to reduce the overall height to 5 storeys.

#### **7.4. First Party Appeal against Condition 4**

- 7.4.1. A first party appeal seeks to omit condition 4 of the planning authority's grant of permission and allow for 6 storey apartment building. I have outlined in section 7.3 above that I consider the omission of a floor from the east building to provide for two 5 storey buildings provides for an appropriate scale of development for this site. I consider a reduction in height of the eastern block by the omission of one floor as permitted by the planning authority is appropriate to ensure the proposal complies with the target height and density set out in the development plan and to address impacts on the visual and residential amenities of the area and architectural heritage. I do not consider the viability of the scheme or reduction in number of housing units being brought forward to be an appropriate reason to retain the floor. The first party argues that 6 storeys is not precluded from this site. Whilst the development plan does not explicitly preclude a height of 6 storeys, there is clear reference to an upper target of 5 storeys at this location and I refer the Board to section 11.72 of the development plan which states that density targets and prevailing character will be the key measures in determining site-specific density. I therefore do not consider it appropriate to omit condition no. 4 and permit 6 storeys at this location. The Board should note that if they consider it appropriate to remove condition 4 to permit 6 storeys on the site this may contravene a quantifiable table relating to building height standards as set out in Table 11.1 in the development plan.

## 7.5. Residential Amenity

### *Residential Amenity for Existing Occupants*

- 7.5.1. The proposed 'mews dwellings' are contained within a terrace of four dwellings with their rear boundary walls set back a minimum of 21m and rear elevations set back a minimum of 28m from the main rear elevations of No.'s 1 and 2 Ashton Place. The proposed dwellings will be located in excess of 30m from the rear elevation of No. 3 Ashton Place. The 3 storey dwellings will have flat roofs with a ridge height of 9.45m above finished floor level. Limited fenestration with windows serving bathrooms only are proposed on the north elevation facing the rear of the existing dwellings at Ashton Place. I am satisfied that the proposed mews dwellings are sufficiently separated from the existing dwellings at Ashton Place such that they will not give rise to unacceptable impacts in terms of overlooking and overbearing and that separation distances are provided for in accordance with SPPR 1 of the Compact Settlements Guidelines.
- 7.5.2. The east apartment building will have a ridge height of 21.7m and an eaves height of 19m over six floors comprising two sections with a length of between approx. 35m and 46m and an overall width of 19m. The omission of floor 3 as permitted by the planning authority will reduce this building by 3.2m in line with the height of the west building (overall ridge height of 18.5m and eaves height of 15.7m above ground floor level). The building will be located approx. 51m from the rear elevation of no. 3 Ashton Place to the north and 5.6m from the northern site boundary, between 4.6m and 10.7m from the southern boundary to Ashton Park and 7m from the eastern boundary beyond which are the grounds of a monastery. The closest existing dwellings to the south are the three storey apartments at Ashton Park from which the proposed eastern block will have a minimum separation distance of approximately 30m and will be separated by a public road at Ashton Park and an area of car parking and grass verges to the front of the Ashton Park Apartments.
- 7.5.3. I note the proximity of the western section of the eastern block to the northern site boundary (rear of no. 3 Ashton Place), which is within 5.6m of the boundary. In order to avoid overlooking into the rear amenity space of no. 3 Aston Place I consider it appropriate that the north facing bedroom windows serving apartments on the upper floors (first, second and fourth floor noting that the third floor is to be omitted and the

fifth floor is set back) be high level (noting the availability of an additional west facing window serving these rooms) and that screening be incorporated to the north elevation of the balcony on the top floor. The eastern elevation is located 7m from the eastern site boundary, beyond which is a monastery. The boundary is characterised by mature trees and hedgerows and I consider direct overlooking is unlikely to arise.

- 7.5.4. The west building will be five storeys with an overall ridge height of 18.5m and eaves height of 15.7m above ground floor level, a width of 19.5 m and a length of 22.5m. The building will be located between 6.6m and 7.8m from the western site boundary and between 4.5m and 5.8m from the southern boundary with Ashton Park. The closest existing dwellings to the west at Dunraven Downs will be a minimum of 22m from this block and separated by Ashton Park road, existing landscaping within Dunraven Downs and the boundary wall and landscaping retained within the appeal site. To the south of this block are a number of existing detached dwellings which are setback from Ashton Park and the front elevations of which will be located in excess of 25m from the south elevation of the western block.
- 7.5.5. I note the existing pattern of development is characterised by mainly detached dwellings on large plots, along with two and three storey apartments. I am satisfied that separation distances proposed are appropriate and will not give rise to unacceptable overlooking impacts on surrounding properties, and subject to the reduction in height of the east building as permitted by the planning authority that the massing and scale is acceptable and will not result in unacceptable overbearing impacts on adjoining properties.
- 7.5.6. In relation to third party concerns raised regarding impacts on daylight and sunlight, I note that a Daylight and Sunlight Analysis Report was submitted with the planning application. The report assessed daylight and sunlight on the proposed development and on the existing surrounding environment. The recommendations and guidelines of BRE 209 (2022) Site Layout Planning for Daylight and Sunlight were applied in carrying out the assessment of the impact on sunlight based on March 21<sup>st</sup>. The assessment of daylight used the ADF method in accordance with BS 8206-2:2008 and also assessed in accordance with IS EN 17037:2018 and BS EN 17037:2018. The report was revised following a further information request to take into consideration the full impact of the scheme on neighbouring property for different

times of the year. The planning officers report following receipt of further information notes that the daylight/sunlight report indicates that the proposed development will have minor impacts on the adjacent properties in terms of sunlight and overshadowing but that the impacts are primarily due to the height of the Eastern block at 6 stories and that the impacts are within the limits as stated in the BRE guidelines on daylight/sunlight. I note that the Daylight and Sunlight Analysis Report finds that the effect on daylight reception in neighbouring rooms are all found to be within the constraints and recommendations of the BRE Guidelines. The report finds that the impact on sunlight reception in the neighbouring amenity areas are within the recommendations of the BRE Guidelines for March 21<sup>st</sup> and that a number of properties to the north are slightly below the recommended target for December 21<sup>st</sup>. I note that the BRE Guidelines state that 21 March is the best date for which to prepare shadow plots as it gives an average level of shadowing and that it is common for large areas of the ground to be in shadow in December. Having regard to the findings of the Daylight and Sunlight Analysis Report and to the scale of the proposed development and pattern of surrounding development, I am satisfied that the proposal is acceptable in terms of impacts on sunlight and daylight on surrounding properties.

### ***Residential Amenity for Future Occupants***

- 7.5.7. Concerns are raised in the third party appeals that the proposal fails to provide for adequate amenity for future residents, in particular in relation to separation distances, overshadowing and open space provision. Separation distances in excess of 24m are proposed between the eastern block and the western block which I consider acceptable. Separation distances of between 12m and 16m are proposed between the mews dwellings and the northern elevation of the eastern part of the western block above first/podium level resulting in potential overlooking between bedrooms. The Planning Authority attached condition no. 5 requiring the bedroom windows shall be high level (I note that there is an additional side elevation window on the east elevation serving the relevant bedrooms), and that ensuite windows shall contain obscure glazing and screening to balconies. I consider that subject to the inclusion of the condition no. 5 as required by the planning authority that the proposal is acceptable in terms of overlooking and is in compliance with SPPR 1 relating to separation distances in the Compact Settlements Guidelines.

- 7.5.8. I have reviewed the drawings submitted with the application and the schedule of accommodation document submitted in response to further information request and I am satisfied that all units comply with the design standards relating to overall floor areas, room dimensions, dual aspect and private open space as set out in the Apartment Guidelines, Compact Settlements Guidelines and Quality Housing for Sustainable Communities Guidelines.
- 7.5.9. A stated total area of 2168sq. of open amenity area (c.30% of the site area) is proposed which the planning authority considered acceptable. I note that this area includes areas of landscaping between the proposed apartments and the site boundaries which would have limited use for the purposes of open space to serve residents. I consider the main areas of public open space are area 'b' measuring 550sq.m. and area 'e' measuring 310 sq.m. on drawing 'site plan – public amenity areas' submitted in response to clarification of further information. The development plan in section 11.112 requires a general public open space provision of 10%. As noted above, the site has a total area of 0.76 ha and it is estimated approximately 75% of this area is to be developed (an area of approx. 0.57ha), as such I am satisfied that the proposed open space areas in areas 'b' and 'e' provides for in excess of 10% of the site area in accordance with the development plan.

### ***Unit Mix***

- 7.5.10. In relation to unit mix, Table 11.8 sets out City Suburbs Dwelling Size Mix. I do not consider it appropriate to include the existing dwellings at no. 1 and 2 Ashton Place when assessing unit mix noting that these are existing dwellings and whilst they are within the red line boundary they do form part of development proposals (see further discussion on this matter in section 7.6 below). The proposed development following the omission of level 3 (containing 4 no. 2 bed and 2 no. 1 bed units) results in a unit mix comprising 2% studios (1 no. unit), 17% 1 bed (7 no. units), 59% 2 bed (25 no. units), 12% 3 bed units (5 no. apartments) and 9.5% 4 bedroom/larger (4 no. 3 / 4 bed houses). I note that the number of 2 bed units is above the max of 40% and the number of 3 bed units is below the min of 18% outlined on table 11.8.
- 7.5.11. Objective 11.2 relates to dwelling size mix and requires planning applications comprising more than 50 dwellings to comply with the mix specified in Tables 11.3-11.9. Applications for 10-50 dwellings will need to provide a dwelling size mix that

benefits from the flexibility provided by the dwelling size target ranges provided for the respective sub-area. This Objective also states that where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified. I note the provisions of SPPR 1 of the Apartment Guidelines which sets a maximum target of 50% studio and one bed units and supports flexibility in respect of urban infill schemes. The applicant's further information response included an analysis of housing types in the area which indicates that 77% of houses in the area are 3+bed units based on 2022 CSO data and outlining a justification for smaller unit types in the area.

7.5.12. Having regard to the above, to the characteristics of the surrounding area which generally comprise larger dwellings, the proposal to retain and return to use the existing residential units on the site, the inclusion of 4 no. 3/4 bed units, and to the sites urban infill nature, I am satisfied that the unit mix proposed is acceptable and is in accordance with the provisions of the Development Plan and Apartment Guidelines relating to unit mix.

7.5.13. Having regard to the above I am satisfied that the proposal is in accordance with the ZO 1 zoning objective and the provisions of the Development Plan and Ministerial Guidelines in providing for appropriate residential amenity for existing and future residents and is acceptable.

## **7.6. Visual Impact**

7.6.1. Concerns are raised in the appeal in relation to the visual impact arising from the proposed development, that no visual impact assessment has been submitted, and that the views submitted fail to show the impact of the proposal. Photomontages were included with the planning application showing 13 existing and proposed views which are stated to be prepared in accordance with the guidelines set out by the Landscape Institute's "Guidelines for Landscape & Visual Impact Assessment". Views are shown from various locations within the ACA on Blackrock Road, from Ashton Park and Dunraven Downs to the west, from Dunraven Downs, The Oaks and Willow Lawn to the south and a longer range view from the north on the opposite side of the river from Summerhill North. I am satisfied that the photomontages are sufficient for the purposes of carrying out a visual impact assessment and provide for

an adequate range of views to assess the potential impacts of the proposal. I consider the greatest impact is visible from view 7 from the north on Blackrock Road. I also note that the proposal is visible in the longer range in view 13 from the north wherein its proposed scale relative to surrounding development is visible. Whilst I note the presence of mature trees surrounding the site, I consider the proposed 6 storey height is out of character with the prevailing building height and would result in an incongruous feature in this area resulting in a negative visual impact on the wider area. I consider the reduction in height to a maximum of 5 stories would address these concerns and would result in an acceptable visual impact for this city fringe / inner suburban located reflecting the pattern of development in the wider area.

- 7.6.2. I consider the proposal provides for high quality elevation treatments and that the design and finishes which include buff brick panel, painted render, and glazing, including winter garden glazing are appropriate for this area which is characterised by a variety of building styles.

## **7.7. Impact on Architectural Heritage**

- 7.7.1. The appeal site is within Sub-Area A of the Blackrock Road Architectural Conservation Area (ACA) wherein the development plan states that it is important that the condition and character of the existing building stock be maintained as well as the integrity of the streetscape and the riverside landscape. The existing houses on the northern portion of the site are included on the NIAH and identified of regional importance. RPS PS950 a cast-iron letterbox c.1880 is located adjacent to the site, Clifton Lodge/Rosenheim (PS517), a detached house c.1840 is located approx. 47m away on the opposite side of Blackrock Road from the site and its stone entrance and gates (PS517) located 10m from the site. The third party appeals and observations raise concerns regarding the impact on architectural heritage. I consider the main issues in this regard relate to the impact on the Blackrock Road ACA and the NIAH structures.
- 7.7.2. The development plan in Chapter 8 includes objectives in relation to the protection of the historic or architectural interest of NIAH structures and in relation to appropriate design to respond to the historic environment of ACA and ensure any proposed demolition does not impact on the special or distinctive character of ACA.

- 7.7.3. The application was accompanied by an Architectural Heritage Impact Assessment (AHIA) prepared by John Cronin & Associates. The assessment finds that the upstanding masonry wall to the existing site will be retained with the exception of removal of a portion to facilitate the development of one of the mews houses and to provide the main entranceway off Ashton Park with most of the rest of the existing wall repaired locally where necessary. The report states that the design of the apartment buildings deliberately mirrors the double-pitched roof arrangement and wall:roof zone ratios of the existing buildings on Ashton Place to provide a well-referenced scale and massing of high-quality new structures being introduced sympathetically to the historic receiving environment. The AHIA states that the site was previously occupied by formal gardens of which only the overgrown masonry boundary wall and ruined garden lodge remain extant. The proposal retains existing boundary walls and entrance piers to the area in front of the Ashton Place houses and historic limestone kerbs will be salvaged and form the roadside edge to allow for the integration of historic form and fabric. The report states that the formation of a new vehicular entrance in the existing western boundary wall to the former rear garden area behind the four Ashton Place properties represents the most significant material impact on historic fabric of the proposed development.
- 7.7.4. Following requests for further information and clarification of further information, the local authority Conservation Officer recommended a grant of permission subject to conditions, including in relation to the carrying out of works to No. 1 and 2 Ashton Place and the reduction in height of the two apartment blocks by at least one storey.
- 7.7.5. I consider the removal of a section of the boundary wall along the western site boundary to facilitate the proposed vehicular entrance will not have a detrimental impact or adversely affect the character of the Blackrock Road ACA. I note the proposal includes the retention of the existing dwellings on the site, along with the historic laneway and remainder of the boundary wall. Notwithstanding the findings of the AHIA submitted with the application which finds that the height of the proposed development will be successfully assimilated into the local environment without any adverse impact on the ACA or NIAH-listed buildings I consider the proposed 6 storey height fails to respect the architectural heritage of the area and the character of the Blackrock Road ACA which seeks to maintain the integrity of the Blackrock Road streetscape. I consider the 6 storey building would be visible from Blackrock Road to

the northeast of the site particularly on approach to the site from the east (as shown in View 7 in the Photomontage Report) where views of the site are visible to the rear of no. 4 Ashton Place wherein I consider 6 storeys would represent an incongruous feature in the streetscape when viewed from this location. On approach from the west on Blackrock Road I note views to the rear of the site are limited and as such the impact would be less obvious. I consider this matter can be addressed by a condition requiring the removal of a floor from the eastern block as outlined in section 7.3 above. I am satisfied that a height of 5 storeys for both apartment buildings is acceptable and will not detract from the architectural heritage and I do not consider it necessary to omit a floor from the western block as outlined in the planning authority conservation officers report.

- 7.7.6. I am satisfied that based on the information available, including the report of the Conservation Officer and the Architectural Heritage Report submitted with the planning application that existing historic fabric, including the historic boundary walls and laneway are appropriately incorporated into the design and that the proposal, subject to a reduction in height of the eastern apartment block as outlined above, is appropriate in terms of scale and design and would not adversely affect the character of the Blackrock Road ACA or existing dwellings at Ashton Place and I am satisfied that the proposed development would not detract from the character or setting of protected structures in the vicinity of the site.
- 7.7.7. Having regard to the above I am satisfied that the proposed development would comply with the provisions of the Development Plan in relation to built heritage, including Objectives 8.22, 8.23 and 8.24, and to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.
- 7.7.8. A third-party appeal raises concerns that the permission goes against the legal judgement in the Clonliffe Case. I have considered the issues raised in the Conservation Officers reports and development plan policy relating to built heritage in assessing the proposed development and I do not consider the issues raised in this judgement are relevant in this instance.
- 7.7.9. The local authority Conservation Officer recommended a number of conditions, including in relation to details regarding boundary treatments to the proposed mews dwellings and rebuilding of sections of boundary walls. In the event that the Board

decides to grant permission I consider it appropriate to attach the conditions of the Conservation Officer in this regard.

#### **7.8. First Pary Appeal against Condition 3**

- 7.8.1. The planning authority requested further information in relation to refurbishment of no.'s 1 and 2 Ashton Place and a Renovation Strategy was submitted by the applicant in response. The strategy includes drawings in relation to the renovation outlining 'suggested renovation and extension' relating to the renovation of the original buildings at 1 and 2 Ashton Place as two dwellings. The strategy refers to an indicative scheme and suggested works and extensions to the houses including removal of various later additions and reinstatement of some window openings to original size/proportions with 'possible demolition' and 'possible alterations' indicated. The existing houses have previously been laid out as apartments and it is proposed to return them to two individual dwellings. The planning authority noted that the works were not included in the development description relating to the overall proposed development on the site and that much of the works fall outside of the scope of requiring planning permission. The planning authority attached a condition to ensure the works to these dwellings are completed prior to first occupation of any unit in the development. The report of the City Architects Department and the Conservation Officer recommended inclusion of a condition to this effect.
- 7.8.2. I note the desire of the planning authority to bring these historic structures back into use and I see the merits and rationale in attaching such a condition. However, I consider the extent of works to be carried out is unclear and there is a lack of clarity in relation to what works are to be carried out. I have concerns that the inclusion of condition 3 could undermine the implementation of the permission in its entirety as there is a lack of clarity in relation to the works proposed. I also consider there are other mechanisms available to seek the restoration and reuse of the structures such as the Derelict Sites Register which the properties are included on. Having regard to the above, in the event the Board decides to grant permission I recommend the omission of condition 3 as proposed by the planning authority.

## **7.9. Traffic Safety**

- 7.9.1. Third party appeals raise concerns in relation to the proposed vehicular entrance, noting concerns in relation to traffic safety at the junction with Blackrock Road and concerns in relation to a proposed pedestrian access from Ashton Avenue and concerns that inadequate sightlines are available. Concerns are also raised in relation to the internal road layout and accessibility for emergency vehicles and refuse trucks and in relation to the extent of car parking which is considered a shortfall and has the potential to result in parking on surrounding streets and estates resulting in congestion and safety issues.
- 7.9.2. The proposed vehicular entrance will be located on Ashton Park on the sites western boundary. The proposal includes improvement works on the junction between Ashton Park and Blackrock Road and includes the provision of a controlled pedestrian crossing on Blackrock Road to the north and an uncontrolled crossing on Ashton Park to the west as well as the reinstatement of the existing historical public lane (Ashton Avenue) from Blackrock Road running west of no. 1 Ashton Place, which will be used as a pedestrian and cycle access into the development.
- 7.9.3. Drawings submitted with the application include details of sightlines for the proposed vehicular entrance on to Ashton Park and for the junction of Blackrock Road and Ashton Park for vehicles and pedestrians and details of a proposed pedestrian crossing on Blackrock Road to the east of the junction with Ashton Park close to the proposed pedestrian and cycle link at Ashton Avenue.
- 7.9.4. The application was accompanied by a Road Safety Audit which identified a range of problems and associated recommendations relating to Blackrock Road and Ashton Park. Following a request for further information in relation to details of material proposed for raised tables and details in relation to proposed widths of traffic lanes and footpaths, the Urban Roads & Street Design report and Infrastructure Development report notes no objection subject to condition, including conditions relating to design and details of the table top ramp on the Blackrock Road/Ashton Place Junction. The Traffic Report from the Roads & Transportation Directorate noted no concerns in relation to the recommendations included in the Road Safety Audit and required the recommendations of the Audit be completed. Following a request for further information the Traffic report notes no objection subject to

conditions including that the provision of a maximum of 39 car parking spaces, 3 motorcycle spaces and a minimum of 90 cycle parking spaces; that all findings of the stage 1/2 Road Safety Audit shall be completed and a Stage 3/4 Road Safety Audit shall be completed and agreement with the planning authority in relation to road markings and signage prior to commencement of development. Having reviewed the drawings submitted I am satisfied that adequate sightlines are available at the proposed entrance on to Ashton Park. In relation to concerns regarding sightlines at the junction of Ashton Park and Blackrock Road, I note that this is an existing junction wherein the applicant proposed road improvement works including a raised table junction and a pedestrian crossing. I am satisfied that the proposed works will provide for improvements to the junction and that the proposal will not result in unacceptable traffic safety concerns for motorists, pedestrians, or cyclists and is acceptable.

- 7.9.5. The appeals raise concerns that inadequate car parking is proposed and that the development will result in parking on surrounding streets. The site is within Zone 3 wherein Table 11.13 sets out maximum standards. The site is within the 'City – Urban Neighbourhoods' category as per Table 3.1 of the Compact Settlements Guidelines. For such locations, SPPR 3(i) requires that car-parking provision should be minimised, substantially reduced or wholly eliminated. A total of 39 car parking spaces is proposed. I am satisfied that the level of car parking proposed is in accordance with the development plan and Compact Settlements Guidelines and I consider any issues relating to unauthorised parking are not a matter for the Board. I note the planning authority attached a condition in relation to the provision of motorbike parking which I consider appropriate to address concerns relating to lack of motorcycle parking.
- 7.9.6. In relation to concerns regarding traffic hazard from construction vehicles if the Board decides to grant permission I am satisfied that these matters can be addressed by standard conditions in this regard.
- 7.9.7. A number of alternative proposals to facilitate vehicular access were put forward in third party appeals, however I note that such proposals did not form part of the proposed development. As outlined above I am satisfied that the proposed vehicular entrance is acceptable and I do not consider it necessary to consider alternative vehicular access locations.

- 7.9.8. I do not consider it is necessary to assess the impact of increased vehicular traffic to No.'s 1 and 2 Ashton Place, noting that existing vehicular entrances are in place and the application does not propose alterations to these entrances or to the dwellings such that the intensity of use might increase.
- 7.9.9. In relation to concerns regarding access for emergency and refuse vehicles, drawings relating to Vehicle Swept Path Layout for refuse vehicles and fire vehicles were submitted with the application and I note the planning authority raised no concerns in this regard. I am satisfied that the applicant has demonstrated that the site can be accessed and serviced for emergency vehicles and refuse collection.
- 7.9.10. Concerns are raised in relation to a number of errors in the Mobility Management Plan. Having reviewed the plan I note a number of errors, however I am satisfied that the plan is otherwise acceptable and that an updated plan can be provided prior to commencement of development and a condition attached to this effect in the event the Board decides to grant permission.
- 7.9.11. I consider the matter of double yellow lines on Ashton Park is a matter for the planning authority.
- 7.9.12. In conclusion, I am satisfied that, subject to conditions, the proposed development has been suitably designed to avoid any traffic safety issues. In the event of a grant of permission by the Board I recommend the inclusion of conditions relating to details regarding the proposed works to the junction, Road Safety Audit and parking as proposed by the Planning Authority.

#### **7.10. Land Ownership**

- 7.10.1. Third party appeals raise concerns that lands within the western part of the site are owned by Dunraven Downs Management Company and land registry details including a map showing ownership of the strip of ground between the roadway leading to Ashton Lawn and the application site in the ownership of Dunraven Downs Management Services are included.
- 7.10.2. The first party in their response to the appeal has provided confirmation from Cork City Council which includes a letter and map stating that the areas referred to are in the charge of Cork City Council. I am satisfied that the applicant has demonstrated sufficient interest in the land on which the application is being made and that areas

outside of the applicant's ownership are in the charge of Cork City Council who have provided a letter of consent in relation to the making of the application. As such I do not consider the application should be refused on matters relating to land ownership.

#### **7.11. Landscaping and Biodiversity**

- 7.11.1. Concerns are raised in the appeals in relation to construction impacts on trees to be retained and discrepancies in drawings in relation to trees to be retained and replaced. I note that there are no objectives on or adjoining the site to protect or preserve trees and woodlands. I have reviewed the Landscape Layout drawing and Landscape Report submitted with the application which includes details relating to trees to be retained and details relating to protection of tree roots as well as identification of trees to be removed to facilitate the development, along with proposed landscaping. I consider the proposed removal of existing trees and hedgerow as indicated on drawings submitted to facilitate the intensification of development on this site is acceptable. In order to address potential construction impacts I recommend conditions be attached in relation to a requirement for an updated tree survey and measures for tree protection and detailed landscaping proposals if the Board decides to grant permission for the proposed development.
- 7.11.2. Appeals raise concerns in relation to proximity to the Atlantic Pond nature reserve which has not been considered in the assessment of the application and that no ecological survey or bat survey has been submitted. I note that the Atlantic Pond Nature Reserve, located approximately 1.3km northeast of the site, is not a designated site for habitats or species. A Construction & Environmental Management Plan has been submitted with the application which outlines measures to protect trees, hedgerows, terrestrial mammals and birds during construction which I consider adequate for ecological protection during construction. In relation to concerns that a bat survey has not been submitted, I note that if bats are present on site the developer will be required to obtain a derogation licence for their removal.
- 7.11.3. Having regard to the above I am satisfied that the proposal is acceptable in relation to potential landscaping and biodiversity impacts and I do not consider the proposal is in breach of objective 6.22 of the development plan in relation to natural heritage and biodiversity.

## **7.12. Flooding and Drainage**

7.12.1. Third parties raise concerns in relation to errors in the flood risk assessment. The application included a site-specific Flood Risk Assessment Report which states that the site is within Flood Zone C where the risk of flooding is lowest as specified in the Planning System and Flood Risk Management Guidelines and where residential development is deemed appropriate. Whilst I note an error in the description of the site location in the report, I am satisfied that the findings of the report relate to the appeal site and that the site is not located in Flood Zone A or Flood Zone B in the Strategic Flood Risk Assessment contained in the Cork City Development Plan. I note that following a request for further information in relation to a number of items including details relating to on site SUDS proposals and surface water drainage, the report of the Local Authority Drainage Division states no objection to the development. Having regard to the above I am satisfied that the proposed development is acceptable in this regard.

7.12.2. In relation to concerns relating to foul and storm sewer details, I am satisfied that the applicant has demonstrated that the proposal can be adequately serviced in terms of drainage. The response to the further information request included details relating to foul and storm drainage, including details that there is no designated storm water network on Blackrock Road and waste water and storm water will be discharged to an existing combined sewer and the local authority Drainage Division stated no objection to the proposed development. A submission from Uisce Eireann confirmed confirmation of feasibility in relation to water and wastewater connections. I am satisfied that the proposed development is acceptable in relation to drainage and in the event of a grant of permission I recommend a condition be attached in relation to compliance with the local authority requirements in this regard.

## **7.13. Other Matters**

7.13.1. There are no identified Recorded Monuments and Places within the vicinity of the site. As such I do not consider it necessary to carry out archaeological monitoring.

7.13.2. In relation to concerns relating to lack of maintenance, I note that areas which are not proposed to be taken in charge by the planning authority will require a management company and I recommend a condition be attached to this effect in the event of a grant of permission.

- 7.13.3. In relation to concerns that the applicant failed to consult with neighbours, I note that there is no obligation on the applicant in this regard.
- 7.13.4. In relation to concerns that the proposed mews houses are on land outside Cork City Council's Land Tax draft map, I do not consider this relevant to the assessment of the appeal.
- 7.13.5. I consider the validation of the site notice is a matter for the planning authority.

## **8.0 AA Screening**

- 8.1.1. I have considered the proposed development on lands at Ashton Place and Ashton Park, Blackrock Road, Cork in light of the requirements of sections 177S and 177U of the Planning and Development Act 2000 as amended. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). The subject site is located approximately 1.5 km west of Cork Harbour SPA (Site Code:004030) and approximately 7.5 km west of Great Island Channel SAC (Site Code:001058).
- 8.1.2. The proposed development comprises partial demolition of an existing building and construction of 2 no. apartment blocks and 4 no. houses, new vehicular entrance and all ancillary site development works. The proposed development will be connected to the local water and wastewater networks. In terms of surface water services, the development incorporates SUDS measures and is proposed to be served by attenuation tanks to be discharged to the existing combined sewer network at a rate limited to Greenfield run-off rate. The local authority Drainage Division report states no objection to the proposed drainage following receipt of further information in relation to surface water drainage.
- 8.1.3. A screening report for Appropriate Assessment was not provided with the planning application. The Planning Authority screened the proposed development for Appropriate Assessment and concluded that having regard to the location of the proposed development relative to European sites and related watercourses and to its nature and scale, that the proposed development would not affect the integrity of European Sites and concluded that Appropriate Assessment was not required.

- 8.1.4. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.1.5. A detailed description of the proposed development is presented in Section 2 of my report. In summary, the proposed development site is a green field site within an existing urban environment with surrounding development largely comprising residential and roads. The development will comprise of the partial demolition of an existing semi derelict building and construction of 2 no. apartment blocks and 4 houses, new vehicular entrance and all ancillary site development works. Water and wastewater will be connected to existing infrastructure. The drainage for the proposed development will be designed on a separate foul and surface water system with a combined final connection discharging into Uisce Éireann's combined sewer system.

### ***European Sites***

- 8.1.6. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).
- 8.1.7. The closest European Sites are Cork Harbour SPA (004030) located 1.5km east of the site and Great Island Channel SAC (001058) located 7.5km east of the site. Qualifying interests and conservation objectives for each of the sites are listed on the National Parks and Wildlife Services (NPWS) website ([www.npws.ie](http://www.npws.ie)). Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those listed above.
- 8.1.8. A third party appeal notes that a direct pathway to a SPA exists within 700m of the site and that stage 2 NIS is therefore required. I note there is no hydrological connection between the subject site and any European Site. I note that there are no watercourses or other ecological features of note on the site that would connect it directly to European Sites in the wider area. The nearest pathway to the nearest designated sites from the appeal site is the River Lee located c. 500m to the north of the appeal site which flows into Cork Harbour. Due to the enclosed nature of the development site and the presence of a significant buffer area comprising existing urban development between the site and the nearest pathways to European Sites, I

consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. The proposed development would not have direct impacts on any European site.

- 8.1.9. In terms of the potential for ex-situ effects, the appeal site does not represent a favourable habitat for bird species connected with Cork Harbour SPA for resting, foraging, breeding, roosting etc. In the event that bird species connected with Cork Harbour SPA occasionally use the site, there are ample alternative sites in the vicinity. A third party appeal submitted in relation to the proposed development raises concerns that grey heron have been noted on the site. The Qualifying Interests of Cork Harbour SPA include the Grey Heron. Cork Harbour is an internationally important wetland site which supports nationally important populations of Grey Heron. I am satisfied that given the habitats present on the appeal site and the distance of 1.5 km between the SPA and the appeal site that any recording of Grey Heron on the site would be an incidental recording of heron and is not of significance.
- 8.1.10. During site clearance, demolition and construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. The contained nature of the site which is serviced with no direct ecological connections or pathways, and distance from receiving features connected to Cork Harbour SPA and Great Island Channel SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.
- 8.1.11. The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development. The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

### ***Screening Determination***

8.1.12. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites including Cork Harbour SPA and Great Island Channel SAC, or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The nature and scale of the development on lands zoned for residential development.
- The location of the infill development site and distance from nearest European site(s), and the lack of connections between the development site and European sites.
- The disposal of foul and surface water to the public sewer system for required treatment;
- Taking into account the screening determination by the planning authority.

## **9.0 Recommendation**

9.1. I recommend that planning permission be granted for the following reasons and considerations.

## **10.0 Reasons and Considerations**

10.1. Having regard to the provisions of the Cork City Development Plan 2022-2028, including the “ZO 1” zoning objective, to Ministerial Guidelines including Architectural Heritage Protection Guidelines for Planning Authorities (2011), Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, and Sustainable Urban Housing: Design Standards for New Apartments (2023), to the nature and scale of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the

conditions below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would not adversely impact on the character of the Blackrock Road Architectural Conservation Area and would be acceptable in terms of design and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 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 received by the planning authority on the 21<sup>st</sup> day of December 2023 and the 08<sup>th</sup> day of March 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. The proposed development shall be amended as follows:
  - (a) The proposed Level 3 of the eastern apartment block, containing 6 No. apartments, shall be omitted from the proposed development.
  - (b) The north facing bedroom windows in the northern elevation of the western block at second and third floor plan in apartment no.'s 16, 17, 26 and 27 shall be altered to high-level windows and the ensuite windows shall be of obscured glazing and maintained as such.
  - (c) Screening shall be included to the north-facing side of the balconies in the northern elevation of the western block for apartment no. 35.
  - (d) The north facing bedroom windows in the northern elevation of the eastern block at first, second, and fourth floor plan in apartment no.'s 12, 22 and 40 shall be altered to high-level windows and the ensuite windows shall be of obscured glazing and maintained as such.

(c) Screening shall be included to the north-facing side of the balconies in the northern elevation of the eastern block for apartment no. 44.

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 interests of visual and residential amenity.

3. Prior to commencement of development the applicant shall submit revised plans and elevations to the Planning Authority for full agreement in writing showing the full details of the gates and railings for the 4 no. mews dwellings, including defining which elements are fixed and which can open, and clearly indicating the proposed materials used.

Reason: In the interests of clarity and visual amenity.

4. All areas of modern blockwork and fabric of the boundary wall in the southwest corner of the site shall be rebuilt in stone, in accordance with best practice conservation and the method statement in the Architectural Heritage Impact Assessment submitted with the planning application.

Reason: In the interest of the enhancement of the architectural conservation area.

5. The following requirements of the Local Authority Transportation Sections shall be complied with at the applicant's expense prior to commencement of development:

- i. Submit for written agreement of the Planning Authority details of the proposed table top ramp on the Blackrock Road/Ashton Place Junction. Revised plans and particulars shall be submitted, providing for the following: a) Details of 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 table top ramp shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). c) Confirmation that all works associated with this condition shall be completed by the applicant and at the applicant's expense prior to occupation of the development.

- ii. The Applicant shall agree the details and the extent of all road markings and signage requirements on Blackrock Road and Ashton Park Road with the Planning Authority. Applicant to pay particular attention to line marking around the proposed raised table junction and ensure they are in line with designs in Traffic Signs Manual.
- iii. Details of the impacts of the proposed development on bus stops on Blackrock Road.
- iv. All findings of the stage 1/2 Road Safety Audit shall be closed out, signed off and incorporated into the development. A Stage 3/4 Road Safety Audit shall also be undertaken, closed out, signed off and implemented.

Reason: In the interest of traffic safety.

- 6. 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.

- 7. Prior to the commencement of development the applicant/developer shall submit for the written agreement of the planning authority a specification and method statement, covering all works to be carried out, to ensure the development is carried out in accordance with good conservation practice.

Reason: In the interest of the protection of architectural heritage.

- 8. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.

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

- 9. 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.

10. (a) A minimum of 90 no. safe and secure bicycle parking spaces and 3 no. motorbike parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. 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 the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees. 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.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. Prior to the occupation of the development, an updated Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents/occupants/staff employed in the

development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

15. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees, hedgerows, stone walls, specifying which are proposed for retention as features of the site landscaping

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs

(iv) Details of screen planting

(v) Details of roadside/street planting

(vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

(c) A timescale for implementation

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 local 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.

Reason: In the interest of residential and visual amenity.

16. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted to the planning authority. This work shall be completed before any of the residential units are made available for occupation unless otherwise agreed in writing with the planning authority.

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

17. (a) 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 outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

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

18. (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.

19. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the 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.

21. (a) Prior to the commencement of 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), pursuant to Section 47 of the Planning and Development Act

2000, that restricts all relevant residential 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 of the residential units 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.

22. 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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.

23. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA'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.

24. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity

25. Prior to commencement of works, 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 development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

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

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

27. 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. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. 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

28. Proposals for an estate/street 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

29. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

30. 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.

31. The developer shall pay to the planning authority a financial contribution in respect of the Cork Suburban Rail Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Bernadette Quinn  
Planning Inspector

31<sup>st</sup> January 2025

# Form 1

## EIA Pre-Screening

|                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                             |                                         |                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>                                                                                                                                                               | ABP-319482-24                                                                                                                                                                                                                                                                                                                                                                               |                                         |                                                 |
| <b>Proposed Development Summary</b>                                                                                                                                                                            | Permission for the partial demolition of the existing ruined building in the southwest corner of the site and the construction of 2 no. apartment blocks ranging in height from 5 to 6 storeys containing 44 no. apartment units and the construction of 4 no. 3 storey 4 bed mews houses and access via a new vehicular entrance off Ashton Park and all ancillary site development works. |                                         |                                                 |
| <b>Development Address</b>                                                                                                                                                                                     | Lands associated with 1 and 2 Ashton Place and Ashton Park, Blackrock Road, Cork                                                                                                                                                                                                                                                                                                            |                                         |                                                 |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                                                                                                                                                                                                                                                                                                                                                                             | <b>Yes</b><br><b>X</b>                  | Tick if relevant and proceed to Q2.             |
|                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                             | <b>No</b>                               | Tick if relevant. No further action required    |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>                                                            |                                                                                                                                                                                                                                                                                                                                                                                             |                                         |                                                 |
| <b>Yes</b>                                                                                                                                                                                                     | X                                                                                                                                                                                                                                                                                                                                                                                           | Class 10 (b) (i) and Class 10 (b) (iv). | Proceed to Q3.                                  |
| <b>No</b>                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                             |                                         | Tick if relevant.<br>No further action required |

| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?                |   |                                                                 |                                           |
|-----------------------------------------------------------------------------------------------------------------------|---|-----------------------------------------------------------------|-------------------------------------------|
| Yes                                                                                                                   |   | State the relevant threshold here for the Class of development. | EIA Mandatory<br>EIAR required            |
| No                                                                                                                    | X |                                                                 | Proceed to Q4                             |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? |   |                                                                 |                                           |
| Yes                                                                                                                   | X | Class 10 (b) (i) and Class 10 (b) (iv).                         | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? |   |                                                        |
|------------------------------------------------|---|--------------------------------------------------------|
| No                                             | X | Screening determination remains as above<br>(Q1 to Q4) |
| Yes                                            |   | Screening Determination required                       |

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

**Form 2**  
**EIA Preliminary Examination**

|                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>An Bord Pleanála Case Reference</b>                                                                                                                                                                                                                                                                                                                                                                                              | <b>ABP- 319482-24</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                 | Permission for the partial demolition of the existing ruined building in the southwest corner of the site and the construction of 2 no. apartment blocks ranging in height from 5 to 6 storeys containing 44 no. apartment units and the construction of 4 no. 3 storey 4 bed mews houses and access via a new vehicular entrance off Ashton Park and all ancillary site development works.                                                                                                                                                                                                                                                                                           |
| <b>Development Address</b>                                                                                                                                                                                                                                                                                                                                                                                                          | Lands associated with 1 and 2 Ashton Place and Ashton Park, Blackrock Road, Cork                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p><b>Characteristics of proposed development</b><br/>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>                                                                                                                                     | <p>The site comprises an urban infill site within an existing built up area characterised by residential development. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>During the construction phase the proposal will generate demolition waste, however having regard to the relatively modest scale of the site and the scale of the proposed development I do not consider demolition waste arising would be significant.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Location of development</b><br/>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The site is not located within, or immediately adjoining, any protected areas. The development would be located in a serviced urban area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The closest European Sites are Cork Harbour SPA (004030) located 1.5km east of the site and Great Island Channel SAC (001058) located 7.5km east of the site.</p> <p>It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p> |
| <p><b>Types and characteristics of potential impacts</b><br/>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity,</p>                                                                                                                                                                                                                        | <p>The development would generally be consistent with the scale of surrounding developments and would not be</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                                                        |                                     |                                                                                                                                                                                     |
|------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| duration, cumulative effects and opportunities for mitigation).        |                                     | exceptional in the context of the existing urban environment. There would be no significant cumulative considerations with regards to existing and permitted projects/developments. |
| <b>Conclusion</b>                                                      |                                     |                                                                                                                                                                                     |
| <b>Likelihood of Significant Effects</b>                               | <b>Conclusion in respect of EIA</b> | <b>Yes or No</b>                                                                                                                                                                    |
| There is no real likelihood of significant effects on the environment. | EIA is not required.                | Yes                                                                                                                                                                                 |

**Inspector:**

**DP/ADP:** \_\_\_\_\_

**Date:**

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)