



An
Bord
Pleanála

Board Order

ABP-301991-18

Planning and Development Acts 2000 to 2018

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 2nd day of July 2018 by Montip Horizon Limited care of HW Planning, 5 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development:

A strategic housing development located at Jacob's Island, Ballinure, Mahon, Cork.

The development will consist of a residential development of 413 number apartments with ancillary tenant amenity and management facilities, neighbourhood centre consisting of a crèche and three number retail units, landscaping, road improvement works, substation and all ancillary site development works. The proposed development represents an alteration of the scheme permitted by planning reference number: T.P.00/24609 which included eight number apartment blocks (Blocks 1,2,5 and 6 constructed to date).

The proposed development will consist of six number blocks (four number new blocks to replace Blocks 3,4,7 and 8 permitted by planning reference number: T.P.00/24609 and additional Blocks 9 and 10) ranging in height from six to 25 storeys and including:

- Block 3 (25 storeys) consisting of 152 number apartments including two number one-bedroom apartments, 144 number two-bedroom apartments and six number 3-bedroom apartments;
- Block 4 (eight storeys) consisting of 67 number apartments including 14 number studio apartments, 12 number one-bedroom apartments, 38 number two-bedroom apartments and three number three-bedroom apartments;
- Block 7 (seven storeys) consisting of 49 number apartments including ten number studio apartments, ten number one-bedroom apartments, 25 number two-bedroom apartments and four number three-bedroom apartments;
- Block 8 (six storeys) consisting of 40 number apartments including ten number one-bedroom apartments, 26 number two-bedroom apartments and four number three-bedroom apartments;
- Block 9 (six storeys) consisting of 46 number apartments including ten number one-bedroom apartments, 33 number two-bedroom apartments and three number three-bedroom apartments;
- Block 10 (six storeys) consisting of 59 number apartments including one number studio apartment, 26 number one-bedroom apartments and 32 number two-bedroom apartments. The ground floor of Block 10 provides for the neighbourhood centre consisting of three number ground floor retail units, totalling 861 square metres and a crèche totalling 392 square metres.

The proposed development makes provision for landscaped communal open spaces and three number additional access points to the adjacent Lough Mahon walkway / cycleway. Car parking, motorcycle and bicycle parking spaces will be provided on the surface, in an undercroft beneath Block 3 and 4 and in an extension to the existing basement under existing Blocks 5 and 6 and under proposed Blocks 7, 8 and 9. Access to the proposed extended basement car park will be via the existing basement entrance and ramp.

The proposed development will also provide for upgrades to a section of the Mahon Link Road (R852) to the north of the N40 interchange to incorporate a dedicated bus lane. Access to the proposed development will be from the existing entrance to Jacob's Island from the R852 at the N40 Mahon Interchange.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location within the boundaries of Mahon as defined in the Mahon Local Area Plan 2014,
- (b) the site's proximity to public transport, the local employment opportunities of adjacent commercial, retail and business premises and the proposal to provide bus lane upgrades,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing and permitted development in the area,

- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (h) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018,
- (i) the submissions and observations received, and
- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect and enhance the existing character of the area and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's analysis, and adopted the conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the proposed development, that it would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any European sites, in view of the conservation objectives of the sites.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening report submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, in a suburban area on a generally greenfield site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of development, full details in respect of the bus lane works on the Mahon Link Road and upgrades to the signals and traffic controllers associated with the Mahon Interchange (Junction 10 N40) shall be submitted to and agreed in writing with the planning authority. These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the applicant prior to commencement of construction on any residential unit.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

3. Car parking and cycle parking shall comply with the requirements of the planning authority as follows:
 - (a) a suitable number of high quality covered bicycle parking spaces in accordance with advice issued by the Design Guidelines for New Apartments;
 - (b) a maximum of 409 number car parking spaces inclusive of 22 number clearly marked out disabled spaces, at least 43 number car spaces with facilities for/or ducting for future electric vehicle charging points and 43 number motorbike parking spaces.

Revised plans showing compliance with this condition shall be submitted to the planning authority prior to the commencement of development.

Reason: To protect public safety and to provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Guidelines for New Apartments.

4. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

Reason: In the interests of proper planning and sustainable development.

5. Prior to commencement of development, the developer 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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.

6. A Mobility Management Plan covering all uses shall be submitted to the planning authority for their written agreement, within one year of the occupation of the first apartment. It shall be updated annually thereafter for a period of five years and submitted to the planning authority for their written agreement.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable transport.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) all boundary railings shall be powder coated and black in colour;
 - (c) proposed locations of street trees and additional street trees at appropriate intervals, and other trees and other landscape planting in the development, including details of proposed species and settings;
 - (d) details of proposed play equipment and street furniture, including bollards, lighting fixtures and seating;
 - (e) access to the linear park shall provide for residents with disabilities and incorporate a universal design approach;
 - (f) the three access points to the development from the Mahon Walkway shall not be closed off by security gates but shall remain open to allow permanent public pedestrian/cyclist access.

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

Reason: In the interest of visual amenity.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

9. (a) The internal road network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.
- (b) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

10. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until those areas proposed for taking in charge are taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

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 commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

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

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

13. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

17. Details of crane height, location and type, including suitable markings and lighting, to be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of aviation safety.

18. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise management measures, construction traffic management plan and off-site disposal of construction/demolition waste.

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

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

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

