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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: T.P. 18/37820**

**Appeal** by John and Angela Leahy of 3 Cloverhill Estate, Bessboro Road, Blackrock, Cork and by Bessboro Warehouse Holdings Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 26<sup>th</sup> day of September, 2018 by Cork City Council to grant subject to conditions a permission to Bessboro Warehouse Holdings Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition and removal of the existing warehouse/distribution building and associated structures and construction of 135 number residential units comprising 24 number dwellinghouses, 64 number duplex apartments and a three-storey apartment block (comprising 20 number apartments) and a four-storey apartment block (comprising 27 number apartments), one number crèche, provision for the relocation of two number utility buildings (gas and electricity) and all associated ancillary site development works including vehicular access, parking, footpaths, landscaping, drainage and amenity areas at Bessboro Road, Mahon, Cork.

## **Decision**

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

## **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**

Having regard to the pattern of permitted development in the area, to the provisions of the Cork City Development Plan 2015 and the Mahon Local Area Plan 2014, to the Material Contravention process undertaken by Cork City Council and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 6<sup>th</sup> day of July, 2018, 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 development shall be amended to ensure full compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018, in terms of the provision of storage. All apartment units shall have the required minimum storage area provided, excluding bedroom and kitchen furniture.

Revised drawings, showing clear measurements and location of storage to comply with the above, and a separate schedule of the floor areas for each apartment shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of appropriate development and residential amenity.

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. All trees along the site boundaries shall be protected and retained as part of the open space. Full details of boundary treatments and a detailed landscaping plan, including a timeframe for implementation, shall be submitted to and agreed in writing with the planning authority prior to works commencing on site.

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

5. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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.

6. External finishes including all materials, colours and textures shall be in accordance with the details submitted to, the planning authority, unless otherwise agreed in writing with the planning authority prior to commencement of development.

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

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

8. 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 Policy. 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.

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

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be 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. The plan 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 in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

11. Proposals for an estate/street name, house/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/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.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house/apartment.

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

13. (a) A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

14. All footpaths shall be a minimum of 1.8 metres in width across the proposed development. Full details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of pedestrian safety and compliance with the Design Manual for Urban Roads and Streets (DMURS).

15. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of the 13 number units to be transferred for social housing, as proposed as part of the residential development.

**Reason:** In the interests of clarity and 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.

16. The parking provision for the development shall be in accordance with the requirements of the planning authority and shall include the following:
  - (a) 202 car parking spaces, inclusive of 10 disabled parking spaces,
  - (b) 10 motorcycle parking spaces,
  - (c) a minimum of 68 covered bicycle parking spaces, and
  - (d) provision of charge points to cater for up to 10% of spaces being allocated for Electric Vehicles, including the provision of all ducting and cabling.

**Reason:** In the interest of traffic safety and compliance with national policy for the use of electric vehicles.



17. Having regard to the prior industrial use of the site, and the potential for contamination, the developer shall, prior to the commencement of any development on site, engage the services of an appropriately qualified environmental consultant with experience in the field of land contamination, to carry out site investigations, risk assessment, prepare a report and recommend remedial measures where appropriate. This report shall be submitted to the planning authority prior to the commencement of any development on site.

**Reason:** In the interests of environmental protection and sustainable development.

18. 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 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 or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. The developer shall pay to the planning authority a financial contribution of €685,848.87 (six hundred and eighty five thousand, eight hundred and forty eight euro, and eight seven cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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**Paul Hyde**

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

**Dated this            day of            2019.**