



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-311818-21**

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<b>Strategic Housing Development</b>	498 no. apartments, creche and associated site works.
<b>Location</b>	Jacob's Island, Ballinure, Mahon, Co Cork.
<b>Planning Authority</b>	Cork City Council
<b>Prospective Applicant</b>	Hibernia Star Ltd.
<b>Date of Consultation Meeting</b>	04 <sup>th</sup> of March 2022.
<b>Date of Site Inspection</b>	28 <sup>th</sup> of January 2022
<b>Inspector</b>	Karen Hamilton

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## **1.0 Introduction**

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

- 2.1. The site is located within the south-eastern suburbs of Cork City, to the south of the N40, South Ring Road. The site is currently served by a road which radiates south from the R852 and provides access from The Haven and Long Shore Drive residential areas and The Sanctuary apartment complex. The R852 provides access into the Mahon area, a busy district with a shopping centre and retail park.
- 2.2. The Haven and Long Shore Drive residential areas, to the south of the site, comprise of two and three storeys detached and semi-detached dwellings. These estates front onto Lough Mahon and the Joe Mc Hugh Park. This Park is a large public park which includes a greenway which runs along the coast.
- 2.3. An SHD application has been recently granted beside the site, ABP-301991-18 includes permission for 413 no. apartments, neighbourhood centre and upgrades along the R852 and junction with the N40 interchange.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development would comprise of 498 no. apartments, creche, ancillary residential amenity and offices.
- 3.2. The proposal includes 5 no. blocks (11-15) of which Block 12 is located along the north of the site, adjoining the N40 and includes the commercial development. Blocks 16 and 17 are also for commercial and have been submitted to the Planning

Authority under Section 34 of the Planning and Development Act, 2000 (as amended).

### 3.3. Development Parameters

Parameter	Description
Area	3.9ha (net developable 3.4 ha)
Units	498 units
Density	148 dph
Plot Ratio	1:1.15
Site coverage	31%
Creche	381m <sup>2</sup>
Total Commercial Floor Area	4,454m <sup>2</sup>
Public Open Space Provision	3,916m <sup>2</sup>
Communal Open Space Provision	3,442m <sup>2</sup>
Car Parking provision	259 no. residential and 74 no. commercial
Bicycle Parking	1,198 spaces

## 4.0 Planning History

### 4.1. Subject Site

#### **PL28.232275 (Reg Ref No. 07/32686)**

Permission granted for mixed use development including apartments, hotel, retail and services.

#### **Reg Ref 00/24611**

Permission granted for retail and integrated commercial, leisure and office development.

### 4.2. SHD application along the east/ adjacent to the site

## **ABP-301991-18 (S146B application pending)**

Permission granted for the construction of 413 no. apartments, neighbourhood centre, crèche, road improvement works including upgrades to the Mahon Link Road (R852) to the North of the N40 interchange to incorporate a dedicated bus lane and all site development works.

## **5.0 Relevant Planning Policy**

### **5.1. Cork City Development Plan 2015-2021**

#### Zoning

ZO 20 Mixed Use Zoning Jacob's Island

OBJECTIVE: To provide for mixed use development to accommodate up to 15,000m<sup>2</sup> business and technology offices and residential uses

### **5.2. Mahon Local Area Plan 2014**

The site is located within the area as defined by the Mahon Local Area Plan 2014. The Cork City development plan includes a specific objective for development within these lands as follows:

Objective 14.1 Mahon Local Area Plan

The local area plan vision for Mahon will be achieved by:

- a) Expanding the population and improving residential amenity;
- b) Gradually replacing low density industry with higher density employment accessible to those living in the area;
- c) Creating strong focal places at Mahon Point and Neighbourhood Centres providing local services and a physical focus for their areas;
- d) Supporting a shift to non-car modes for transport, environmental, social and health reasons; and
- e) Conserving landscape, built heritage and environmental assets.

#### Tall Buildings

Objective 16.7 Tall Building Locations

- The City Council will aim to protect the special character of Cork City which have been identified as having potential for tall buildings.
- These are South Docklands & South Mahon. (Locations are indicated on Zoning and Objectives Maps in Volume 2)

#### Objective 16.8 Tall Building in South Mahon

- A tall building to mark the gateway into the city from the Harbour, the Jack Lynch tunnel exit and the Dublin Road (N8) should be provided in the location identified in Volume 2 / Map 8.

## 6.0 Section 247 Consultation(s) with Planning Authority

6.1. The PA submission includes a record of a S247 meeting held on the 29<sup>th</sup> of July 2021 as summarised below:

- The additional 4,500m<sup>2</sup> office and a hotel will be submitted as part of a separate application.
- Masterplan approach to the roll out of the site and the cumulative impact will be assessed.
- The location of the urban blocks is acceptable in principle although the relationship between the streets and the open space/ communal space is not clear.
- The 'open corner' of the apartment duplex block fronting onto the South Access Road is not resolved.
- The full architectural solution has not been presented.
- The ground floor apartments allow private amenity space to overlook courtyards with apartments to be dual aspect.
- Concerns in relation to the visual form along the N40 and noise impact from the N40.
- Concern in relation to the high level of surface parking.
- Visuals should show the existing and proposed.
- Additional details for landscaping and proposals for play for all.

- Support for pollinators in the landscaping scheme.
- A discussion was ongoing for the possibility of providing a ratio of 0.5 spaces per apartment (possibly too high).
- The design should be DMURS compliant, priority for pedestrians and greening of the urban realm is recommended.
- The Draft Cork City Development Plan envisages a target density of 50-120 uph at the location with building heights of 4-6 storeys.
- There is concern the proposal is excessive (6-7 storeys).
- The environmental impacts of removing buildings etc should be addressed.

## 7.0 Prospective Applicant's Case

### 7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning policies relevant to the development of the site.

## 8.0 Irish Water

- 8.1. Irish Water submission dated 25<sup>th</sup> of November 2021 confirms a Confirmation of Feasibility for 498 no. apartments, crèche and associated works, subject to the following contingencies:

In respect of **Wastewater**:

- Upgrades required at Mahon South Pump Station and to the existing 225mm diameter foul sewer in order to facilitate this connection.
- Irish Water is currently progressing a design concept solution within Stage 4 of the Cork City Drainage Area Plan (DAP), it is expected that this high-level solution will have commenced by Q2 2022 (subject to change).
- Please note, the solution delivery is not currently on IW Capital Investment Plan and therefore the applicant will be required to fund these works as part of a Connection Agreement.

- Given above the applicant is required to engage with Irish Water prior to progressing to SHD application to finalise the solution to service a wastewater connection to service this development proposal and agree all site-specific requirements and/or local requirements and the delivery mechanism for any works.

In respect of Water:

- Irish Water confirms that a water connection to the public network is feasible and is not subject to any upgrades.

## 9.0 Planning Authority Submission

9.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council submitted a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 25<sup>th</sup> of November 2021. The issues raised by Cork City Council in their submission are summarised below:

### 9.2. Planning Assessment

#### 9.2.1. Overall

- The principle of development on a brownfield site is acceptable although there is concern the proposal exceeds the 15,000m<sup>2</sup> floor area set out in the mixed use zoning objective (material contravention, the level of traffic would have a negative impact on the N40 Mahon Interchange and there are concerns in relation to the cumulative impact on the Cork Harbour SPA (site code 004030).
- An addendum PA report stated that the floorspace cap only related to the commercial proposal.

#### 9.2.2. Masterplan

- Masterplan approach- how will the applicant approach the delivery of the SHD application and the remaining commercial development. If Block 16 is not



delivered there would be an undue negative impact on people entering the site.

- Need to ensure that in the absence of the remaining development (Section 34 application) the SHD applicant can stand alone.

#### **9.2.3. Urban Design**

- Overall, the design, layout and elevational treatment, and choice of materials are acceptable.

#### **9.2.4. Height and Density**

- This site is not identified as a landmark building in the development plan.
- The Board may want to consider if the proposed 9 storey materially contravenes the CCDP.
- Although the current plan remains in force the Draft plan includes a Height Study which identifies the site as suitable for heights between 4-6 storeys and densities of between 50-150 uph.
- The reduction in height would bring the proposal more in line with the 15,000m<sup>2</sup> limit.

#### **9.2.5. Residential Amenity**

- The development plan requires dual aspect of 90%, the proposal includes 51.2%.
- The impact of noise and assessment would most likely form part of the EIAR. The absence of Block 16 & 17 would need to be considered and any other mitigation measures needed.
- The public open space is 11.5% (3,916m<sup>2</sup>) less than the 15% required.
- The communal open space is 21.5% (3,444m<sup>2</sup>) more than the 10% required. Given the cumulative total and location beside the Joe Mc Hugh Park the provision is acceptable.

### **9.3. Interdepartmental Reports**

#### **9.3.1. Urban Roads and Street design Report:**

- An independent quality audit is required.
- Pedestrian and cycle infrastructure should be detailed with sufficient widths provided.
- The interaction and treatment between pedestrians/ cyclists and new junctions should be detailed.
- On street parking should be assessed to allow priority for pedestrians and cyclists.
- Cyclist/pedestrian movement should be prioritised on internal roads.
- The creche pick up point should be clarified.

#### **9.3.2. Traffic Operations:**

- The car parking ratio of 0.75 appears too high for the site with 0.3-0.35 more appropriate.
- A Road Safety Audit should be provided.
- A Mobility Management Plan should be submitted.
- It is unclear if a crane will be used for construction and should be clarified.
- The TTA indicates congestion generated from the proposal and the ratio of parking should be reduced.

#### **9.3.3. Drainage Department**

- Any ground water arising from dewatering should be managed and disposed of in accordance with the required documents and should be addressed in the CEMP.

#### **9.3.4. Environmental Considerations**

- The Cumulative Impact of the proposal should be addressed.

- A proposal to eliminate any knotweed should be included.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 04<sup>th</sup> of March 2022, commencing at 10.00am, via Microsoft Teams.

Representatives of the prospective applicant, Cork City Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Mixed Use Zoning Jacob's Island
2. Traffic and Transport, *inter alia*, Mahon Interchange capacity
3. Development Strategy, *inter alia*, design, layout and elevation treatment
4. Impact on Residential Amenity, *inter alia*, ground floor privacy, daylight & sunlight, open space
5. Ecology Issues
6. Any Other Business

10.2. In relation to the **Mixed-Use Zoning Jacobs Island**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The land use zoning on the site and the floorspace cap of 15,000m<sup>2</sup> which relates to the business and technology uses on the site.
- The timescales for the adoption of the Draft Cork City Development Plan and the potential submission of a SHD application.
- The current Section 34 application before the Planning Authority and the proposed development of the overall site.
- The density proposed and the potential for any Material Contravention of the development plan.

10.3. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- The location of the site south of the junction of the N40, the traffic congestion currently at this junction and the potential for any future upgrades.

- The car parking ratio, the potential for a reduction in car parking on the site, the public transport provision in the vicinity of the site and the justification for a lower ratio.

10.4. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- The design and layout of the commercial development submitted as a Section 34 application to the Planning Authority.
- The design of the apartment blocks, the ground floor elevations and the interaction with the public realm and movement of pedestrians along the ground floor.
- The elevation treatment, the external materials and visual impact on the existing and proposed development in the vicinity.
- The design and layout of the open space areas and the delivery of a range of passive and active uses throughout the site.
- The location of the surface carparking both beside the open space areas and adjoining the proposed buildings.

10.5. In relation to the **Impact on Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The daylight and sunlight analysis, the location of the communal open space in the centre of the apartment blocks and the need for a comprehensive assessment.
- The design of the ground floor units and the need to retain privacy for the future occupants of the residential units.
- The unit mix proposed and the need to provide more 3 plus bedroom units.

10.6. In relation to the **Ecology Issues**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The impact of the proposal on the ecology, the submission of site surveys and the coordination of information for the submission of any necessary environmental reports.

10.7. In relation to the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The submission from Irish Water and the need to ensure all issues are addressed before the submission of any application.

## 11.0 Assessment

11.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

### Conclusion

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires **further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## 12.0 Recommended Opinion

12.1. The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and

amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration** and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála

#### Development strategy

1. Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high-quality, well-designed development which integrated effectively with those permitted and proposed developments in the immediate vicinity. The further consideration/ justification should address the matters of the architectural approach to Blocks 11- 15 and the configuration and interaction of the ground floor layouts and the public realm, with particular emphasis on the movement and flow of pedestrians/cyclists within the carparking strategy and open space design. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

12.2. Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A rationale for the proposed car parking provision should be prepared, to include details of local census, mobility split, car parking management, car share schemes and a mobility management plan.
2. The proposed development shall be accompanied by detailed report providing a justification and rationale for the apartment mix proposed, having regard to,

inter alia, National and Local planning policy, the site's context, and locational attributes.

3. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
4. A quantitative and qualitative assessment which provides a breakdown of the public and communal open space areas. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space. The landscaping details shall include, *inter alia*, designated communal open space, the inclusion of useable space for play provision necessary to comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the design, a detailed trees survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable public open space
5. A Phasing Plan clearly indicating the proposed development of the residential units, crèche, community and commercial uses in conjunction with the necessary infrastructure, including the road, water and wastewater.
6. Submission of a Construction Management Plan.
7. Submission of a Waste Management Plan.
8. Submission of an Operational Waste Management Plan.
9. Submission of a stage 1 and Stage 2 Road Safety Audit.
10. Submission of an Invasive Species Management Plan.

11. A Sunlight/Daylight/Overshadowing analysis including all relevant plans/ documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
12. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
13. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

12.3. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application



arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water.
2. Transport Infrastructure Ireland.
3. National Transport Authority
4. Minister for Culture, Heritage and the Gaeltacht,
5. The Heritage Council,
6. An Taisce-the National Trust for Ireland.
7. An Comhairle Ealaíon,
8. Fáilte Ireland
9. The relevant Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Karen Hamilton  
Senior Planning Inspector

10<sup>th</sup> of March 2022