

Description: Permission for the construction of an office development consisting of a total gross floor area of 32,318m² in a series of three blocks with internal streets. The proposal will range from 2 floors over ground to 7 floors over ground with ground floor commercial uses comprising of retail units, retail offices, showrooms / commercial units, primary care centre, financial services unit, leisure centre and restaurant (these proposed units will front onto the Ring Mahon Road, internal Mahon Point shopping centre access road and Estuary Drive). The proposal also allows for commercial uses such as a café bistro (located in the internal street), landscaping, access revisions at the Mahon Point Junction access, basement car parking over two levels, access to the basement car park off the Mahon Point shopping centre internal access road, and access / egress to Estuary Drive from the basement.

Applicant: John Cleary Developments

Location: Site at Ballinure, Mahon, Cork (further details provided in previous planner's report).

Date: 28/01/2010

This should be read in conjunction with the previous planner's report dated 11/11/2009.

1. REQUEST FOR FURTHER INFORMATION (RFI)

A request for further information (RFI) under Article 33 of the Planning & Development Regulations 2001-2009 was issued on 11/11/2009. A response was received 23/12/2009.

2. REFERRALS AND SUBMISSIONS

2.1 Additional Internal Referral Reports

City Archaeologist	Clarification of further information requested (an archaeological assessment to include test trenching at the southern end of the site). Conditions also recommended.
Cork City Energy Agency	Conditions recommended.
Drainage	No objection subject to conditions.
Environment, Waste Management & Control	The response to the RFI is satisfactory (conditions recommended in original report dated 05/11/2009).
Planning Policy	Building heights should be reduced as per RFI. Public realm modifications recommended. Clarification of other details required.
Roads (Planning)	Details of revised car parking and development contributions specified, and the 'alternative junction arrangement' is recommended.
Traffic	Conditions recommended.

2.2 Additional Third Party Submissions

Two (2) additional submissions were received (from *Mahon Leaside Construction Limited* and the *Managers of Mahon Point Shopping Centre*). The issues raised were considered in the assessment of this application, and include *inter alia*:

- Lack of sufficient legal interest: currently neither the applicant nor Cork City Council have any legal right or entitlement to undertake works on lands in the private ownership of *Mahon Leaside Construction*
- The applicant is 'misguided' to assume that the (Mahon Point shopping centre access) road will be taken in charge by Cork City Council and that the applicant will therefore have the right to undertake works required to facilitate the proposed development
- The proposed development is a material contravention of the development plan
- Development in south Mahon should be lead through the preparation of a local area plan, and this application is premature pending the preparation of a local area plan as specified in the City Development Plan
- The traffic generated by the proposed development may cause adverse negative impacts and a further detailed and location-specific analysis of the traffic impact of the proposed development is required
- The applicant has not carried out analysis in accordance with the *NRA TTA Guidelines*, as stated by the applicant in their response to *RFI Item 4*
- The access arrangements are unsafe and have the potential to cause road traffic accidents
- The response to the request for further information is significant and the application should be required to re-advertise the proposed development as required by the *Planning and Development Regulations 2001-2009*
- Insufficient car parking facilities are proposed, which would generate significant demand on the existing free car parking facilities at the nearby Mahon Point shopping centre
- The applicant has not adequately responded to *RFI Item 5* with respect to the provision of a bus service and should provide the details as requested
- The applicant should demonstrate the need for and impact of the proposed retail floor space
- The applicant has not adhered to *RFI Item 3(a)* with respect to building heights and the proposed development is still too high
- The quantum of office floor space proposed is not warranted
- The peak traffic generation has been significantly under estimated by the applicant

3. RESPONSE TO REQUEST FOR FURTHER INFORMATION (RFI)

Item 1. *The Planning Authority has some concerns regarding the applicant's legal interest to carry out the proposed works that would impact upon the Mahon Point shopping centre access road and roundabout, identified in the application as a right of way / wayleave, and signalised junction at the south-eastern corner of the site, as well as the legal interest of the applicant to facilitate vehicular access from the roundabout into the proposed development site. It is also noted that the 'red line' site boundary, as indicated on the 1:1000 Site Location Map and 1:500 Site Plan drawings submitted with the application, overlaps with the identified right of way / wayleave. The applicant is therefore requested to submit, for the consideration of the Planning Authority, full details and necessary documentation establishing (i) sufficient legal interest to carry out the works proposed that would impact*

upon the above-mentioned right of way / wayleave, (ii) that the applicant has sufficient legal interest to access the proposed development site from the above-mentioned right of way / wayleave, and (iii) the accurate location of the 'red line' site boundary in relation to the above-mentioned right of way / wayleave.

Applicant's Response and Assessment

The applicant contends in their response that they do have the necessary sufficient legal interest, and that it is arguable that the area to which the wayleave applies (i.e. the Mahon Point shopping centre access road) can be taken in charge as it allows third-party access over the road.

One of the third-party submissions received makes the point that the applicant does not have sufficient legal right or entitlement to undertake works on lands in private ownership (i.e. the Mahon Point shopping centre access road), and that the applicant is 'misguided' to assume that the access road will be taken in charge by the local authority and will therefore have the right to undertake the works required to facilitate the proposed development.

It would appear that the applicant attempts to address this issue by proposing an alternative access solution at the junction of the Mahon Point shopping centre access road and the Mahon Link Road, which is indicated on drawing no 1965-P-002-1 Revision 1 dated 21-12-09 received by the Planning Authority on 23/12/2009 as 'Alternative Junction Arrangement'. This arrangement appears not to proposed works to lands included within the wayleave.

It appears that the applicant and the persons who made the third-party submissions differ in their view with respect to the ability of the applicant to carry out works that may impact upon the wayleave. It is considered that this is ultimately a legal matter.

The additional Traffic internal referral report states that while some of the junction improvements proposed in the original application could be outside of the applicant's control, this would be the preferred option. However, no objections are raised to the proposed alternative junction arrangement. The additional Roads (Planning) internal referral report recommends the alternative junction arrangement.

The revised drawings submitted do not amend the site boundary red line.

Item 2. *The applicant is requested to submit, for the consideration of the Planning Authority, an archaeological assessment, to include test trenching, to assess the impact of the proposed development on the proposed development site, which is noted as being the site of a prehistoric settlement, and is included on the Record of Monuments and Places. The applicant is advised to contact the City Archaeologist in this regard (021) 492-4705.*

Applicant's Response and Assessment

The applicant states in their response to the RFI that this area has been reviewed under permissions associated with the Mahon Point shopping centre. The additional internal referral report from the City Archaeologist outlines that:

- the proposed development site was only partially archaeologically resolved as part of a previous permission on the Mahon Point site TP 99/23033;
- an archaeological excavation took place at the southern end of the site and revealed a variety of prehistoric features dating from the Neolithic and Beaker Period (2500 -2000 BC) including a hearth, pits, saddle querns and some pottery;

- archaeological was also undertaken at the northern end of the proposed development and no archaeological features were revealed.

The report further states that based on the findings of an excavation report received in compliance with TP 99/23033 it was considered possible that further archaeological remains could be present on the site. As the south-western corner was not completely topsoil-stripped as part of TP 99/223033, further archaeological investigation of this area is required.

The applicant states in their response that there are no specific objectives in the City Plan in relation to the protection of any archaeological feature in the area other than to note that a feature was 'within Mahon Point' and it was 'excavated in 2003'. The additional internal referral report from the City Archaeologist refers to the reference in Volume 3 of the City Plan to a prehistoric settlement, Monument no. CO074-130, located within Mahon Point in Ballinure townland which was excavated in 2003. The report also refers to City Plan Policies 9.3 – *City Archaeology*, 9.4 – *Sites of Established Archaeological Interest* and 9.12 – *Surveys, Test Trenching and Monitoring*.

The applicant states in their response that the City Council did not advise the applicant at the time of the purchase of the site of this issue. This is not considered to be a planning matter.

In their response to the RFI the applicant refers to a condition of planning application TP 05/30133 and invites the Planning Authority to impose a similar condition on this application. The additional internal referral report from the City Archaeologist states that TP 05/30133 is not comparable to this application, and that the condition referred to above by the applicant was based on the proximity of the site to which TP 05/30133 related to the site of the prehistoric remains, which was c 200m. The proposed development site has a recorded monument within its site boundaries.

The additional internal referral report from the City Archaeologist states that there is no objection to development on the proposed development site, but it is preferable to resolve the archaeological issues by clarification of the RFI. Based on the recommendation below, the City Archaeologist has recommended planning conditions.

Item 3. *The Planning Authority has serious concerns regarding the proposed building heights and quantum of office floor space proposed, which are considered to be excessive. The Planning Authority also has some concerns with respect to the proposed design and treatment of the public realm. The applicant is requested to submit, for the consideration of the Planning Authority, revised drawings indicating:*

- (a) A reduction in building heights to four storeys (ground plus three storeys) generally, or three storeys with an additional one set back storey ('3+1'). An additional storey can be considered as a corner feature on the corner of the Mahon Point shopping centre access road and the Mahon Link Road.*
- (b) An improved articulation and reduction in mass of the eastern elevation to improve the visual articulation and reduce the visual impact of the unbroken built façade along the Mahon Point shopping centre access road, having regard to item (a) above.*
- (c) A reduction in overall building mass by increasing the provision of on-site open space to comply with the provisions of paragraphs 17.17-17.22 and Table 17.1 of the Cork City Development Plan 2009.*

- (d) *An improved treatment of the relationship of the proposed development with the public realm along St Michael's Drive and the Mahon Point shopping centre access road, including an improved provision of pedestrian space along St Michael's Drive and at the north-eastern corner of the proposed development.*
- (e) *An improved treatment of the relationship of the proposed development with the public realm and a revised treatment of proposed Block A at the corner of the Mahon Point shopping centre access road and the Mahon Link Road, which focuses on the public realm instead of inward towards the proposed central mall / 'internal street', reflecting the prominent location of the site.*
- (f) *Car parking provision shall be adjusted accordingly to take account of the above, and provision shall conform to the requirements of the Cork City Development Plan 2009.*
- (g) *The applicant is requested to submit an energy statement on the energy efficiency and performance of the proposed development, having regard to inter alia Policy 17.4 of the Cork City Development Plan 2009.*

Applicant's Response and Assessment

Sub-item (a)

The applicant has reduced the heights of the proposed development to:

<i>Building</i>	<i>As requested per RFI</i>	<i>As now proposed</i>
Block A	4 storeys (5 at corner)	5 storeys (6 at corner)
Block B	4 storeys	5 storeys
Block C	4 storeys	4 storeys

With the exception of the 'rear block', *Block C*, these heights do not conform with the RFI request. The original planner's report stated that a general building height of 4 storeys (or '3+1') with some additional height as a corner feature would mirror existing heights in the area, and reference was made to the nearby *City Gate* development. The report concluded that there was no justification for the building heights originally proposed, which were considered to be excessive. The applicant's justification for the revised heights are noted, however it is considered that the revised heights are still excessive and should conform to the provisions of the RFI, i.e. four storeys (or 3+1) in general with an additional storey corner feature. This view is shared by the additional Planning Policy internal referral report.

Sub-item (b) & (c)

The revised plans include the omission of the central atrium resulting in the creation of a new open central space. The applicant maintains that this reduces the mass and improves the articulation of the eastern elevation, and increases the amount of open space on site.

Sub-item (d)

The applicant has recessed the rear block, *Block C*, by an additional 2m, achieving a footpath in excess of 5m in this location, and has revised the proposed landscaping of the public realm at the north-eastern corner of the site. The applicant has also revised the layout of the proposed bus stop / set down area along the Mahon Point shopping centre access road.

Sub-item (e)

The applicant has revised the design of the corner of *Block A* so that the curved edge addresses the corner (previously the curved edge addressed the internal street / mall).

Sub-item (f)

Under the original application, 537 car parking spaces were proposed (213 at upper-basement level and 324 at lower-basement level). The information submitted with the original application with respect to car parking varied considerably, with the 'required' quantum varying from 842 to 640 spaces. The previous planner's report calculated the most likely requirement at approximately 719 spaces. The proposed provision of 537 represented 75% of the required amount.

In their response to this item of the RFI, the applicant states that 547 spaces are required and 537 spaces are provided. Based on the information supplied in *Appendix C* of the applicant's response to the RFI, the revised car parking requirement can be calculated as follows:

Office / Employment	1 / 50 m ²	21,792 m ² *	435.84
Retail / retail office / retail services	1 / 20 m ²	2,185 m ²	109.25
Restaurants / Cafés	1 / 20 nm ²	263 m ²	13.15
Commercial Leisure	1 / 50 m ²	1,946 m ²	38.92
TOTAL			597.16

* The number of consulting rooms proposed is unknown, therefore the proposed primary health care use is included as 'office / employment'

An assessment of the revised drawings (upper basement level and lower basement level plans) indicates that 516 car parking spaces are proposed at basement level (205 at upper and 311 at lower level). 26 of these are disable spaces. 216 cycle spaces are also proposed at upper basement level (as originally proposed). Therefore, the applicant has provided 81 spaces below the (maximum) City Plan requirement (597 required, 516 provided).

The additional Traffic internal referral report states that while the proposed provision of car parking is less than the City Plan standards (based on the applicant's stated provision and requirement), it is more than adequate to meet the needs of the proposed development while encouraging other sustainable modes of transport.

Sub-item (g)

The applicant's response included a revised energy statement. Revised proposals include solar panels on the roof. The Cork City Energy Agency has reported on this item and is satisfied with the statement submitted. Conditions are recommended.

Item 4. *The applicant is requested to submit, for the consideration of the Planning Authority, a revised transport assessment / traffic impact assessment based on a quantity of estimated generated trips to be agreed with the Planning Authority. The applicant is advised to contact the Traffic Division of Cork City Council in this regard.*

Applicant's Response and Assessment

A transport assessment and mobility management plan were submitted with the original application. The transport assessment showed that the number of arrivals in the AM peak is 207 and the number of departures is 42, giving a total of 249 trips (despite the fact that 537 car parking spaces were proposed). The further information

submitted includes a 'sensitivity test' which assesses the generate trips based on the proposed car parking supply (at 547).

The additional Traffic internal referral report states that the new figures are 410 arrivals and 103 departures in the AM peak and the PM peak figures are a reversal of these, and finds that these figures are far more realistic. The report further states that it has been well established through various studies that parking supply rather than parking price, other incentives, etc is the dominant factor in determining the use of cars by commuters.

With respect to junction analysis, the additional Traffic internal referral report states that the applicant's results for the two options proposed for the Mahon Point crossroads junction show very similar results, and that both options show that the improvements to the junction more than off-set the effects of the generated traffic on the junction. While the original option is the preferred solution, no objections were raised to the proposed alternative junction arrangement. The report further states that the other three junctions assessed in the original transport assessment were not reassessed, but that these junctions has ample capacity in the original transport assessment and that this is unlikely to change.

Several issues in relation to traffic and related matters have been raised in the third-party submissions received. The additional Traffic internal referral report addresses several of these matters. The report also recommends conditions to be attached to any grant of planning permission.

Item 5. *The applicant is requested to submit, for the consideration of the Planning Authority, full details of a bus service to serve the proposed development with linkages to e.g. Kent Station and the city centre. Details to be provided shall include the frequency and capacity of the bus service.*

Applicant's Response and Assessment

The applicant has stated that the proposed development has been modified to allow for a bus set down at the entrance adjacent to the eastern block (*Block A*), and that it is envisaged that this can be used by *Bus Éireann* or a third party independent operator. The applicant states further that sufficient modal choice options will be provided for in the Mobility Management Plan (MMP) to allow workers to access the site, and that a shuttle bus service already operates from Mahon Point through the city, and that it may be possible to extend this operation with the agreement of the operators.

The apparently lack of compliance with this item of the RFI was raised in the third-party submissions received. The additional Traffic internal referral report recommends that a condition be attached to any grant of planning permission seeking the introduction of a bus service to meet the needs of the commuters to the proposed development.

Item 6. *The applicant is requested to submit, for the consideration of the Planning Authority, full details of calculations for foul and storm drainage, to include the following:*

- (a) The estimated total foul loading, in litres/day, discharging to the public sewer from the proposed development. Details shall include a detailed breakdown by type of development, population equivalent calculation, and a basis for design assumptions used.*
- (b) The estimated maximum storm runoff rate from the proposed development to the public sewerage occurring within a 20-year return*

period. Calculations shall clearly demonstrate that all storm sewers within the site have sufficient capacity to convey all flows arising within a 5-year return period without surcharging.

- (c) No water from any ground dewatering works associated with the construction of the proposed development, basements etc, shall discharge to the public sewerage. Details shall include proposals in this respect.*
- (d) Storm drainage is shown as connecting to an existing 375 mm private service connection at the Mahon Point junction which in turn connects to the public sewer. Details shall include written evidence of agreement to use this 375 mm connection with all affected service connection owners and landowners. Such agreement shall make reference to the service connection owner and land owners' consent to allow such works to take place and to allow permanent right of access to the Applicant to maintain the service connection.*

Applicant's Response and Assessment

The applicant has submitted a report on drainage and related issues in relation to this item. The additional Drainage internal referral report raises no objection in this regard and recommends planning conditions.

- Item 7.** *The applicant is requested to submit, for the consideration of the Planning Authority, full details of the waste management proposals for the proposed development. Details shall include proposals on waste reduction, reuse, segregation, recycling, storage as well as frequency of collection and who will manage the waste, dispose of it and present it for collection.*

Applicant's Response and Assessment

The applicant has submitted a waste management strategy for the construction and operational phases of the proposed development. The additional internal referral report from the Environment, Waste Management and Control (EWMC) section confirms that the applicant's response is satisfactory. Conditions were recommended – subject to a satisfactory response to this issue – in the original EWMC internal referral report dated 05/11/2009.

- Item 8.** (a) *The applicant is requested to submit, for the consideration of the Planning Authority, a revised schedule of accurate internal and external floor areas reflecting any changes to the proposed development with regard to the above items.*
- (b) *The applicant is requested to submit, for the consideration of the Planning Authority, an accurate breakdown of the proposed floor areas for each proposed use.*

Applicant's Response and Assessment

The applicant has submitted revised area schedules, comprising gross floor areas per building, per floor, and areas per proposed land use.

- Item 9.** *Should further information be submitted that could materially or significantly alter the proposed development, you are obliged to re-advertise same in accordance with Article 35(1) of the Planning and Development Regulations 2001-2008.*

Applicant's Response and Assessment

The applicant has not re-advertised the revised proposal, for reasons that it represents a reduction in the scale, massing and bulk of the proposal. The comments of the third party submissions in this regard are note, however having regard to the nature and scale of the proposed revisions, it is not considered that the revised proposal requires revised site and press notices.

4. OTHER PLANNING MATTERS

4.1 Quantum of Development Proposed

From the information supplied by the applicant in response to the RFI, the revised proposed development comprises the following (this data is also used above in the assessment of RFI *Item 3(f)* above):

Use	m ²
Office / employment	21,158
Comparison retail	748 *
Convenience retail	261
Retail office	470
Financial Services	466
Local Services	308
Primary health care	634
Restaurant	228
Café	36
Commercial Leisure	1,946
TOTAL	26,255

* From drawings

Having regard to the recommendation and conditions contained in the Second Schedule, the overall office / employment floor area will be reduced.

4.2 Proposed Retail and Retail Office Uses

The previous planner's report referred to paragraphs 3.14-3.15 of the City Plan and recommended that retail office units should not be more than 150m² in size and that they should not accommodate more than 10% of the ground floor frontage of the total proposed development.

The revised drawings specify the proposed use for each proposed ground floor unit. Retail offices are proposed along the western edge of *Block A* totalling 620m² (including the units A6-A9 and *Financial Services* unit A5). This equates to c 8.8% of the total ground floor area of the proposed development (based on the information supplied by the applicant in response to the RFI). Including the *Financial Services* unit C4 in *Block C*, the total area increases to 936m² which equates to c 13.3% of the total ground floor area. Including the two *Local Services* units C1 and C2 in *Block C* brings the total area of retail services to 1,244m² which equates to c 17.6% of the total floor area of the ground floor of the proposed development. Only unit C2 would exceed 150m² in size. Other uses on the ground floor of *Block A* include two comparison retail units A1 and A2, a convenience retail unit A3 and a restaurant unit A4.

Having regard to the mix of uses proposed, the orientation of units C1 and C2 along St Michael's Drive / Inchera Close, and fact that some uses that may be considered 'local services' may conform to the definition of a 'shop' as specified in the *Planning and Development Regulations 2001-2009*, there are no major planning concerns with

respect to the above. It is recommended that a condition be attached to any grant of planning permission that may issue with respect to the use of each unit as specified on the revised drawings submitted.

4.3 Material Contravention of the City Development Plan

The previous planner's report stated that as the City Plan states that offices, office-based industry and major retailing are not generally open for consideration in the *Residential, Local Services and Institutions* land-use zoning designation, which applies to the proposed development site, the proposed development would materially contravene the city development plan. However, the report concluded that the proposed uses can be supported in principle from a planning perspective, notwithstanding the existing zoning objectives. Therefore, should the Planning Authority be mindful to grant planning permission, the procedure specified in section 34(6) of the Planning and Development Acts 2000-2007 must be followed before planning permission can be granted.

5. DEVELOPMENT CONTRIBUTIONS

Development contributions are based on gross external areas in accordance with the Cork City Council Development Contributions Scheme 2009 at a quarterly CPI rate.

The development contributions based on the revised drawings submitted with the RFI are calculated as follows (January 2010 CPI):

- $€ 77.7790 \times 51,126.77\text{m}^2 = € 3,976,589.04$

However, having regard to the recommendation and recommended conditions contained in the Second Schedule attached to this report, the final reckonable floor on which the applicable development contributions will be calculated is as yet unknown. It is therefore recommended that a condition be attached stating that development contributions will be payable on the floor area of the proposed development as to be agreed subject to the conditions attached, payable at the applicable CPI rate (currently € 77.7790 / m²). Should the applicant and Planning Authority not agree on the calculated development contributions, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Development Contribution Scheme.

6. RECOMMENDATION

At a meeting with the Director of Services and City Engineer (DOS & CE) on 25/01/2010 the above issues were discussed. The DOS & CE instructed that the process to materially contravene the development plan with a view to granting planning permission subject to conditions was to commence. The reasons and considerations are given in the First Schedule and the conditions are contained in the Second Schedule.

Kevin O'Connor
Senior Executive Planner
28/01/2010

Ronnie McDowell,
Senior Planner
28/01/2010

First Schedule

Reasons and Considerations

Having regard to the nature and location of the site, the general pattern of development in the surrounding area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, would not constitute a traffic hazard and would be in accordance with the proper planning and sustainable development of the area.

Second Schedule

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on 18/09/2009, as amended by the plans and particulars submitted on 23/12/2009, except where otherwise altered or amended by conditions contained in this Schedule.

Reason: To define the scope of the permission, and to enable the Planning Authority to check the proposed development when completed, in the interests of proper planning and sustainable development.

2. (a) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, revised plans and particulars indicating a reduction in building heights for proposed Blocks A, B and C to four storeys (ground plus three storeys, or three storeys with one set back storey – '3+1') with an additional storey permissible for Block A as a corner feature on the corner of the Mahon Point shopping centre access road and the Mahon Link Road.

(b) With regard to (a) above, prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, revised plans and particulars indicating a reduced quantum of car parking that conforms with the relevant standards contained in the Cork City Development Plan 2009-2015, and an consequent reduction in basement area. Cycle parking facilities shall also be provided in accordance with City Development Plan standards – this number shall be reassessed in the context of the annual revise of the mobility management plan.

(c) With regard to the above, the applicant shall submit a revised schedule of internal and external floor areas reflecting the changes to the proposed development as detailed above.

Reason: To ensure that building heights conform with the general building heights and pattern of development in the area, to ensure that the quantum of development is appropriate in the context of the site and surrounding area, in the interests of visual amenity, and in order to define the scope of the permission with respect to land use.

3. (a) Each ground floor unit hereby permitted shall be used for the purposes indicated on drawing no 1965-P-004-1 Revision 1 dated 21-12-09 received by the Planning Authority on 23/12/2009. No change of use shall be permitted without a grant of planning permission from the Planning Authority or An Bord Pleanála.

(b) No ground floor unit hereby permitted shall be subdivided, or amalgamated with other ground floor unit(s), without a grant of planning permission from the Planning Authority or An Bord Pleanála.

- (c) Office / employment uses on all floors above ground floor level shall conform with the provisions for offices applicable to Land-Use Zoning Objective 8 (ZO 8) – *Business and Technology* of the Cork City Development Plan 2009-2015.

Reason: To ensure that the quantum, type and scale of office / employment, retail, retail office, local services and related uses are appropriate in the context of the site and surrounding area, and in order to define the scope of the permission with respect to land use.

4. Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, full details, including selected sample boards, of all external finishes, materials, textures and colours.

Reason: In the interests of visual amenity.

5. (a) The site shall be landscaped in accordance with the plans and particulars submitted to the Planning Authority on 18/09/2009, as amended by the plans and particulars submitted on 23/12/2009, except where otherwise altered or amended by conditions contained in this Schedule. The landscaping proposals shall be carried out prior to the occupation of the development.

(b) No fireblight susceptible plant species are to be used.

(c) Prior to the commencement of development the applicant shall submit, for the written agreement of the Planning Authority, full details of the materials, colours and textures of all hard and soft landscaping, including street furniture and paving, including the submission of sample boards and product information. Details shall include a planting schedule and timeframe.

Reason: In the interests of visual amenity.

6. (a) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, full details of any proposed external signage. Signage shall be restricted to signage zones which shall be agreed in writing with the Planning Authority. No internally illuminated signage shall be permitted.

(b) Details of shop front design, including any associated signage, lettering, lighting / illumination or security screens, shall be the subject to the written agreement of the Planning Authority.

Reason: In the interests of visual amenity.

7. All services and cables associated with the proposed development (such as electrical, television, telephone, broadband and public lighting cables) shall be run underground within the site.

Reason: In the interests of visual amenity.

8. (a) Permission is hereby granted for the '*Alternative Junction Arrangement*' at the junction of the Mahon Point shopping centre access road and the Mahon Link Road as indicated on drawing no *1965-P-002-1 Revision 1* dated *21-12-09* received by the Planning Authority on 23/12/2009.

- (b) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, details of the proposed improvements at the Mahon Point crossroads junction. These improvements shall be carried out at the applicant's / developer's expense prior to the occupation of the proposed development.
- (c) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, a Road Safety Audit shall be carried out on the junction improvements and on the proposed set down / pick-up area on the Mahon Point shopping centre access road. Any mitigation measures required to be carried out shall be agreed with the Planning Authority prior to the commencement of development.
- (d) Prior to the occupation of the proposed development, traffic signals shall be provided, and become operational, at the junction of the Mahon Link Road and St. Michael's Drive / Inchera Close at the applicant's / developer's expense and shall be carried out to Cork City Council's specifications and requirements.
- (e) A shuttle bus service shall be provided for the employees of the proposed development, the details, route and frequency of which shall be agreed in writing with the Planning Authority prior to the occupation of the proposed development. Evidence of a contract with a bus service supplier shall be required.
- (f) Prior to the occupation of the proposed development a mobility management plan shall be agreed in writing with the Planning Authority. A mobility manager for the office complex shall be appointed as soon as occupation of the development begins, and the mobility plan shall be reviewed annually to the written agreement of the Planning Authority thereafter.
- (g) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, a construction traffic plan, which shall also be agreed with the Gardaí.
- (h) Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, revised plans and particulars indicating details of a revised treatment of the proposed footpath / public realm along St. Michael's Drive / Inchera Close which shall include an improved width, and indicating details of the proposed vehicular access to the basement car park off the Mahon Point shopping centre access road, which shall be pedestrian-dominated.

Reason: To define the scope of the permission, and in the interests of traffic and pedestrian safety.

- 9. (a) Prior to commencement of development the developer shall retain the service of a suitably qualified archaeologist at his expense to advise regarding the archaeological implications of the development site. Notification of these arrangements shall be submitted to and agreed with the Planning Authority prior to commencement of any development.
- (b) The developer shall employ the archaeologist to test the southern end of the development (area adjacent to RMP COO74-130). Facilities such as may be required shall be made available to the archaeologist for this purpose.

- (c) The archaeologist shall submit a report to the Planning Authority outlining the results of the investigation and their reports on any archaeological finds.
- (d) If, in the opinion of the Planning Authority, significant archaeological remains are uncovered, and in so far as these remains are subject to disturbance by foundations for pilecaps, walls, floors, drainage etc., then archaeological preservation of the site (either in-situ or by record) will be required.
- (e) The archaeologist shall submit a report to the Planning Authority outlining the results of the investigation.

Reason: To ensure the continued preservation (either in situ or by record) of features of archaeological significance.

10. (a) All drainage shall be separated throughout. All paved and roofed areas shall discharge to the storm drainage system. All toilets, urinals, wash hand basins, sinks, showers, baths, dishwashers and washing machines shall discharge to the foul drainage system.
- (b) All storm runoff from the proposed development shall discharge to the public storm sewer. Revised proposals for connection to the public sewer shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.
 - (c) All basement car park sewers shall drain to a suitable petrol interceptor / silt trap, in accordance with IS EN 858-2:2003, or similar approved by the Planning Authority, prior to discharge to the public storm sewerage system. Full details, including details of the proposed maintenance regime, shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of the proposed development.
 - (d) All foul water from the proposed development shall discharge to the public foul sewer. Full details of the proposed connection shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of the proposed development.
 - (e) All waste water from all proposed restaurants, cafés, kitchens and food preparation areas shall drain to suitable grease trap/interceptors prior to discharge to the public sewerage system. Grease traps shall be designed to BS EN 1825 or similar as approved by the Planning Authority. Full details of the proposed grease trap/interceptors, including details of the proposed maintenance regime shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of the proposed development. No under-sink or other type of food macerators/grinders for processing and discharging waste food to the drainage system shall be installed. No public sewer shall be damaged as a result of the proposed development.
 - (f) No water from any ground dewatering works associated with the construction of the proposed development, shall discharge to the public sewerage.
 - (g) No groundwater shall discharge to the public sewerage.
 - (h) All private drainage shall be laid within the site boundary. There shall be no private drains located in/ laid under public footpaths or roadways except where a direct connection is made to the public sewerage.

- (i) A CCTV survey of the public sewerage in the vicinity of the proposed development shall be undertaken prior to commencement and again on completion. The scope of the surveys shall be agreed in writing in advance with the Planning Authority. The results of the surveys shall be submitted to the Planning Authority.

Reason: In the interests of public health.

11. Attach conditions of the Environment, Waste Management and Control internal referral report dated 05/11/2009.
12. The applicant / developer shall pay to the Planning Authority a financial contribution in respect of the public infrastructure and facilities benefiting the proposed 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 the commencement of development or in such phased payments that Planning Authority may facilitate. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the applicant / 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. The value of the contribution is determined by a rate which is subject to indexation in accordance with the Consumer Price Index prevailing at the date of payment (currently €77.7790 per square metre of gross external floor area).

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.

Cover Letter

For the attention of the Applicant

- (i) Attach conditions of the Water internal referral report dated 23/10/2009.
- (ii) Please note the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended), which states '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*'. Compliance with other regulations and legal requirements may also be necessary.
- (iii) Please be advised that the granting of planning permission does not imply that the submitted drawings are in compliance with the Building Regulations. Compliance with the Building Regulations is a matter for you and your technical advisors. A minimum Building Energy Rating (BER) of B1 should be achieved for new commercial developments. A summary of the BER Certificate should be made available to Cork City Council for inspection prior to the first occupancy of development.
- (iv) Attach highlighted items of the Roads (Planning) internal referral report dated 20/01/2010.