



Planning and Development Acts 2000 to 2018

Planning Authority: Cork City Council

Planning Register Reference Number: 17/37374

Appeal by Noell and William A. O'Connor and others of Ballylean, Hartlands Avenue, County Cork and by others and by Lyonshall (Bandon Road) Limited care of HWP of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 13th day of December, 2017 by Cork City Council to grant subject to conditions a permission to the said Lyonshall (Bandon Road) Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a residential development of 49 number student apartments consisting of 350 number bed spaces and all ancillary site works. The proposed development provides for the demolition of an existing industrial building and derelict garage adjacent to Loughview Terrace and will consist of five number apartment blocks varying in height from three to four storeys and comprising 34 number eight-bedroom apartments, eight number seven-bedroom apartments, one number six-bedroom apartment, three number four-bedroom apartments, one number two-bedroom apartment, two number one-bedroom studio apartments, four number shared study rooms and a shared amenity/building management

area. The development will include the re-location of a mobile telecommunications mast from the roof of the existing industrial building, to the roof of Block 2 of the proposed development. The proposal will provide for a substation/switch room/boiler room, bin store and a pump room/gas cylinder store, associated landscaping and internal shared surface courtyards with car bicycle parking. Access to the site will be via existing entrance from Bandon Road and the proposed development makes provision for rear access to serve existing houses at Loughview Terrace all at O’Riordan’s Joinery, Bandon Road and a portion of the Church of the Immaculate Conception, Lough Road, Cork as amended by the revised public notices received by the planning authority on the 13th day of October, 2017 and the 16th day of November, 2017.

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:

- (a) the location of the site in close proximity to University College Cork and the availability of transport links to Cork City Centre and other third level institutions,
- (b) the bulk of the site being brownfield in nature,
- (c) the National Planning Framework and the National Student Accommodation Strategy,
- (d) the policies and objectives set out in the Cork City Development Plan 2015 – 2021, and
- (e) the pattern of existing development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development, would make a positive contribution to the urban landscape of the area and respect its existing character, would not seriously injure the residential amenities of properties in the vicinity, would not seriously injure biodiversity, and would be acceptable in terms of traffic and pedestrian 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 13th day of October, 2017, the 10th day of November, 2017 and the 16th day of November, 2017, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) the ground floor level of the southern half of Block 4 shall be revised to 31 metres OD, and
 - (b) the top floor southern elevation of Block 4 shall be faced in a contrasting brick to the floors below.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Prior to commencement of development, a finalised Student Accommodation Management Plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall provide for the management of the development by a legally constituted student accommodation management company and include details of the provision of 24-hour/7-day on-site management and the dedicated management/security office on site.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

4. Prior to commencement of development, a suitable name for the development (in Irish and English) reflecting local place names shall be agreed in writing with the planning authority.

Reason: In the interest of local heritage.

5. Details and samples of the materials, colours and textures of all the external finishes to the proposed development, including pavement finishes, 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.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

7. Full details of all signs associated with the overall scheme and individual blocks shall be submitted to, and agreed in writing with, the planning authority prior to their erection on site.

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

8. Parking spaces on site shall be used solely by occupants of the units/management and shall not be sold, let or conveyed individually as commercial car parking spaces.

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

9.
 - (a) The site shall be fully landscaped in accordance with the submitted Landscape Plan and Schedule within the first planting season following completion of the development.
 - (b) Details of the proposed planting to gable ends of blocks shall be submitted to, and agreement in writing with, the planning authority prior to the commencement of development.
 - (c) Existing trees proposed to be retained shall not be removed without the express prior written consent of the planning authority.

- (d) A mechanism by which cars are prevented from parking in Courtyard 3 shall be provided on site and managed so that this area is used as an amenity space rather than as an additional car parking area. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to development commencing.
- (e) Prior to the commencement of development, a maintenance plan for the site landscaping shall be submitted to, and agreed in writing with, the planning authority.

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

- 10. (a) Site boundary treatment shall be as proposed in accordance with drawing number L203 submitted to the planning authority with the application, as amended by the details submitted on the 13th day of October 2017, unless otherwise agreed in writing with the planning authority prior to commencement of development. Where the existing factory forms the party boundary with adjoining properties to the west of the site, a 2 metre high concrete block wall (plastered) shall be maintained, where possible, following demolition of the factory or a new wall (concrete block plastered and capped) shall be provided to this height in lieu of same in these locations. Full details of same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) No access to the roof areas other than for maintenance shall be permitted.

Reason: In the interest of the residential amenity of adjoining properties.

- 11. 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.

12. The mitigation measures as outlined in the ecological assessment

submitted to the planning authority on 13th day of October, 2017 shall be implemented in full. These include, in particular, the measures in relation to tree retention and planting, landscaping, noise, lighting and light spill, awareness measures, installation of bat boxes and monitoring by a suitably qualified ecologist. A report on how these measures are to be implemented shall be submitted to the planning authority within two months of the completion of the development.

Reason: To protect and conserve the natural heritage of the area.

13. (a) All feasible measures shall be taken to avoid the introduction or spread of invasive alien species into the site or the nearby Lough (proposed Natural Heritage Area). Where these species are found on the development site effective and appropriate management measures shall be taken to control such species.
- (b) A mitigation work plan shall be submitted to, and agreed in writing with, the local authority prior to the commencement of development. The work plan shall provide for appropriate eradication, disposal and maintenance activities, including the need for specialist personnel where necessary.

Reason: To prevent the spread of alien invasive species.

14. 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.

15. The road improvements as outlined in Drawing number TL_JNC_P01, submitted to the planning authority on the 13th day of October, 2017, shall be carried out in full by the developer at their expense. A final design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The final design shall include the recommendations of the Stage 1/2 Road Safety Audit. A Stage 3/4 Road Safety Audit shall be agreed and discharged with the planning authority.

Reason: To facilitate safe pedestrian and vehicular access to the proposed development.

16. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority: -

- (a) a mobility management plan which addresses all of the uses within the development, including term-time and out-of-term use,
- (b) details of the provision of a minimum of 162 number high quality covered bicycle parking spaces,
- (c) details of two number motorcycle parking spaces, and
- (d) details of provision for charging of electric vehicles.

Reason: In the interest of promoting sustainable transportation.

17. Public/communal area lighting shall be provided in accordance with a scheme, 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 the accommodation.

Reason: In the interests of amenity and public safety.

18. (a) During the operational phase, the noise level arising from the development, as measured at the nearest dwelling, shall not exceed:-
- (i) an Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive,
 - (ii) an Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted

management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. 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, construction traffic management and off-site disposal of construction/demolition waste.

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

21. (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.

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

Reason: To ensure the satisfactory completion of the development.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in

the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.