



Planning and Development Acts 2000 to 2018

Planning Authority: Cork City Council

Planning Register Reference Number: 17/37685.

Appeal by Mideam Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 16th day of February, 2018 by Cork City Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing dwelling, shed and boundary wall and the construction of 10 number apartments ranging in size between three to five bedrooms (over four floors) for student accommodation and all associated ancillary development works including signage, pedestrian access, bicycle parking, bin store, landscaping and amenity areas at Fort Marian, Mardyke Walk, 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 provisions of the Cork City Development Plan 2015-2021, to the location of the site within the Mardyke Architectural Conservation Area, to the scale, height and high quality design response to the site context, to the proposed use as student accommodation in close proximity to University College Cork and to the pattern of development in the area the Board considered that, subject to compliance with the conditions as set out below, the proposed development would constitute a visual improvement of the streetscape and wider environs of the Architectural Conservation Area, would be acceptable in terms of pedestrian and traffic safety and would not seriously injure the residential amenities of adjoining properties or of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the density was appropriate given the sites context and proximity to a large park and to UCC and considered it to be an appropriate intensity of use in this urban location and did not consider that the character of the Architectural Conservation Area was adversely affected by the demolition of the existing dwelling and its replacement with student accommodation. Furthermore, the Board noted the absence of any onsite parking given the student accommodation use and did not consider that the proposed development would lead to a negative impact in terms of traffic generation.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The third floor external walls shall be finished in a gun metal grey or similar coloured render. Revised details showing compliance with this requirement 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.

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. The external finishes of the proposed development (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. 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.

7. Public 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 any apartment.

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

8. 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 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.

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

Dated this day of 2018.