



Planning and Development Acts 2000 to 2018

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th day of January 2019 by Lyonshall (Bandon Road) Limited care of HW Planning, 5 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development:

A permission for a strategic housing development at O’Riordan’s Joinery, Bandon Road and portion of the Church of the Immaculate Conception, Lough Road, Cork.

The proposed development will consist of the construction of a strategic housing development of 57 number student apartments consisting of 419 number bed spaces and all ancillary site works.

The proposed development will consist of the demolition of an existing industrial building and derelict garage adjacent to Loughview Terrace and the construction of four number apartment blocks varying in height from four to five storeys and comprising:

- 42 number eight-bedroom apartments,
- three number seven-bedroom apartments,
- eight number six-bedroom apartments,
- two number five-bedroom apartments,

- two number double studio apartments and
- a shared amenity / building management area.

The proposed development will include for road improvements near the entrance of the proposed development including an upgraded junction between Magazine Road and Bandon Road, traffic calming measures, enhanced pedestrian public realm and dedicated bus set down areas.

The development will also 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.

Ancillary site works to include provision of a substation/ switch room / boiler room, bin store and a pump room / gas cylinder store, associated landscaping and internal shared surface courtyards with car and bicycle parking. Access to the site will be via existing entrance from Bandon Road.

The proposed development represents a new and amended scheme to that previously permitted by T.P 17/37374 and An Bord Pleanála reference 300697-18.

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

In coming to its decision, the Board had regard to the following:

- (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 institutes;
- (b) the bulk of the site being brownfield in nature;
- (c) the National Planning Framework issued by the Department of Housing Planning and Local Government in February 2018,
- (d) the National Student Accommodation Strategy issued by the Department of Education and Skills in May 2017;
- (e) the policies and objectives of the Cork City Development Plan 2015-2021 including Variation Number 5 to that plan;
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) the pattern of existing development in the area;
- (i) the submissions and observations received and
- (j) the report of the Inspector.

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 be injurious in terms of biodiversity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Statement submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, on an existing industrial site in a suburban area served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The proposed 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. 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/seven-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.

3. Proposals for a development name, and for residential unit identification and numbering scheme, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority, and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

4. 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.

5. 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.

6. 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.

7. (a) The site shall be fully landscaped in accordance with the submitted landscape plans 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 development commencing.
- (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 performs 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.

8. (a) Site boundary treatment shall be as proposed in drawing L301 submitted with the application, unless otherwise agreed in writing with the planning authority prior to development commencing. Where the existing factory forms the party boundary with adjoining properties to the west of the site a two-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 provide to this height in lieu of same in these locations. Full details of same shall be submitted to the agreed in writing with the planning authority prior to development commencing.
- (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.

9. 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.

10. The mitigation measures as outlined in the Ecology Assessment submitted with the application 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 were implemented will 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.

11. (a) All feasible measures shall be taken to avoid the introduction or spread of invasive alien species into the site or the nearby Cork Lough Natural Heritage Area (site code 001081). 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 with the local authority prior to the commencement of works at the site. 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.

12. 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.

13. The road improvements as outlined in drawings numbers L304 and TL_JNC_P01, submitted with the application, shall be carried out in full by the developer at his expense. A final design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The final design shall comply with the provisions of the Design Manual for Urban Roads and Streets and 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.

14. 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) Revised details for the provision of a minimum of 162 number high quality covered bicycle parking spaces, replacing the proposed two-tier bicycle parking around Courtyard Number 3 with a single tier of bicycle stands and providing the other required bicycle parking facilities where car parking is proposed, reducing the number of car parking spaces as necessary
 - (c) The proposed development shall make provision for the charging of electrical vehicles. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The car parking spaces on site shall be used solely to serve the proposed development and shall not be sold, let or conveyed individually as commercial car parking spaces.

Reason: In the interest of promoting sustainable transport.

15. 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 development.

Reason: In the interests of amenity and public safety.

16. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. (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.

18. 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, noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

19. (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 in the vicinity of each block, 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.

20. 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.

21. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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 2019