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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 19/38385**

**Appeal** by Colette and Norrie Eames of Old Kiln, 1 Orchard Road, Cork and by Kevin Lynch care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 5<sup>th</sup> day of February, 2020 by Cork City Council to grant subject to conditions a permission to the said Kevin Lynch in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a residential development of 25 number student apartments, consisting of 154 number bed spaces and all ancillary site works. The proposed development represents an alteration to a development permitted by Cork City Council under planning register reference number 18/37795 and proposes an additional five number student apartments over that previously permitted. The proposed development provides for the demolition of the existing commercial building and the construction of an eight-storey apartment block consisting of four number four-bedroom apartments, three number five-bedroom apartments, eight number six-bedroom apartments, five number seven-bedroom apartments, five number eight bedroom apartments with ancillary common room and office/reception.

The proposal includes plant/service rooms, bin storage area, laundry, bicycle storage, a rear vehicular service entrance, shared garden areas, rooftop terrace, and a landscaped riverside amenity. All at the former Kelleher's Tyres Service Centre, Victoria Cross Road, Cork. Further public notices were received by the planning authority on the 11<sup>th</sup> day of October, 2019 and the 9<sup>th</sup> day of January, 2020.

## **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 condition(s) 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;

- the National Planning Framework,
- the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,

- the Cork City Development Plan 2015-2021,
- the pattern of existing and permitted development in the area,
- the site's planning history,
- the submissions of third parties and of the planning authority, and
- the report of the Senior Planning inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the objectives of the National Planning Framework, the Cork City Development Plan 2015-2021, would be acceptable in terms of height, scale and mass, would not seriously injure the visual amenities of the area and would not seriously injure the residential amenities of adjoining properties and would represent an appropriate design response to the site's context in close proximity to a public transport corridor and a third level education facility, and would be acceptable in terms of pedestrian, cyclist and traffic safety. 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 concurred with the decision of the planning authority and was satisfied that, subject to the omission of the two set back floors, the proposed development would not seriously injure the visual or residential amenities of adjoining properties and would not lead to the intensification of adverse impact on the amenities of residential properties adjoining the site arising from increased overlooking, overshadowing and overbearing impact by the addition of one additional set back storey, and would be in accordance with the provisions of the current development plan for the area as they relate to building heights in suburban areas and would be an appropriate response to a significant infill site immediately adjoining a high frequency public transport corridor and within walking distance of a major third level education campus.

## **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 on the 3<sup>rd</sup> day of October, 2019 and the 20<sup>th</sup> day of December, 2019, 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 proposed development shall be amended as follows:

The top two set back floors, that is, the sixth and seventh floors as shown on Drawing Number 17040\_A10-02, submitted to the planning authority on the 9<sup>th</sup> day of May, 2019, shall be omitted. This will result in the omission of four number apartments from the permitted development.

Revised drawings 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 clarity.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential 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 developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

**Reason:** In the interest of public health.

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 amenity and public safety.

8. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation.

**Reason:** In the interest of visual amenity.

9. Prior to commencement of development, proposals for a name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

10. 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 traffic management measures.

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

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

12. 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 recyclable materials 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.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. 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.



