



Planning and Development Acts 2000 to 2019

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 23rd day of April 2020 by Lyonshall (Bandon Road) Limited care of HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Co. Cork.

Proposed Development:

A planning permission for a strategic housing development at this site consisting of O’Riordan’s Joinery, Bandon Road, a portion of the Church of the Immaculate Conception, Lough Road, 74 Bandon Road and numbers 1 and 2 Ardnacarrig, Bandon Road, Cork.

The proposed development is an alteration to and extension of a strategic housing development permitted by ABP 303437-19. The revised residential development will provide for 77 number student apartments consisting of 554 number bed spaces and all ancillary site development works. The proposed development includes:

- (a) Demolition of existing structures including number 74 Bandon Road, a single storey former butcher shop on Bandon Road and numbers 1 and 2 Ardnacarrig, Bandon Road,
- (b) Construction of a new student apartment building fronting Bandon Road (Block five) which will range in height from one to five storeys and will contain shared

student amenities and facilities, building management office and plant and services at ground floor level and 79 number student bed spaces contained in 12 number apartments on the upper floors,

- (c) Alterations to permitted Blocks 1 and Block 2 to provide for a reduction in floor to ceiling heights at all levels and an addition of one storey to that previously permitted to provide for a building ranging in height from four to six storeys and consisting of 128 number bed spaces contained in 17 number apartments. The proposed development also makes provision for 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,
- (d) Alterations to permitted Block 3 to provide for a reduction in floor to ceiling heights resulting in an overall reduction in height,
- (e) Alterations to permitted Block 4 to provide for a reduction in floor to ceiling heights at all levels and an addition of one storey to that previously permitted to provide for a five and six storey building consisting of 161 number bed spaces contained in 22 number apartments,
- (f) Construction of a three-storey townhouse fronting Bandon Road and connecting to Block 5 at upper levels with a retail unit / cafe at ground floor level and one number three-bedroom student apartment on the upper floors.

The resultant altered and extended student accommodation will consist of 54 number eight-bedroom apartments, two number seven-bedroom apartments, 12 number six-bedroom apartments, number five-bedroom apartments, three number four-bedroom apartments, one number three-bedroom apartments and one number studio apartments.

Access to the proposed development will be via an archway entrance through Block 5 from Bandon Road and the proposed development makes provision for road and public realm improvements including an upgraded junction between Magazine Road and Bandon Road, traffic calming measures, enhanced footpaths and

dedicated bus set down areas. Ancillary structures include Electricity Supply Board double substation / switch room, bin stores, pump room, rooftop solar panels, associated landscaping and internal shared surface courtyards with car and bicycle parking.

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 June 2018 and the National Student Accommodation Strategy July 2019,
- (d) the policies and objectives of the Cork City Development Plan 2015 – 2021 including Variation Number 5 (Student Accommodation) to that plan,
- (e) the pattern of existing and permitted development in the area,
- (f) the nature, scale and design of the proposed development,

- (g) Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (h) 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,
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (j) the Architectural Heritage Protection Guidelines for Planning Authorities (October 2011),
- (k) the Chief Executive's Report (including the recommended reasons for refusal),
- (l) the submissions and observations received,
- (m) the extant planning permission ABP 303437-19,
- (n) the report and recommendation of the Inspector.

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 of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the developer, 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 urban site 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.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would not detract from the character or setting of the historic streetscape. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 shall be carried out in accordance with the conditions attached to the parent permissions granted under An Bord Pleanála reference number ABP-303437-19, except as amended in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity.

3. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

4. 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.

5. The proposed development shall be implemented as follows:
 - (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application,
 - (b) Student House Units shall not be amalgamated or combined.

Reason: In the interests of the amenities of occupiers of the units and surrounding properties.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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,
- (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.

11. The site shall be fully landscaped in accordance with the submitted landscape plans within the first planting season following completion of the development, A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover details of the arrangements for its continued implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

12. No access to the roof areas other than for maintenance shall be permitted.

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

13. 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.

14. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

16. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Saturdays inclusive, 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. The road improvements at Denroches Cross (Glasheen Road/Bandon Road/Magazine Road junction) as outlined in the drawings 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 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.

18. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Streets Interim Advice Note – Covid Pandemic Response May 2020. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

19. 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 interest of public safety and residential amenity.

20. 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) in line with the requirement of condition number two above 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

21. 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

