

An  
Bord  
Pleanála

Board Order  
ABP-309974-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 21/39853.**

**Appeal** by Mideam Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 24<sup>th</sup> day of March, 2021 by Cork City Council to refuse a permission to the said Mideam Limited for the proposed development.

**Proposed Development:** Permission for the demolition of a rear annex/outbuildings (previously used as a veterinary surgery) and change of use of Hawthorn House from residential to student amenity and management facilities; the construction of a four-storey student accommodation building located to the rear of Hawthorn House comprising 15 number apartments (ranging in size between three to seven bedrooms) and all associated development works including vehicular and pedestrian access, bicycle parking, bin store, landscaping and amenity areas, all at Hawthorn House, fronting onto Western Road and 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:-

- (a) National Student Accommodation Strategy (2017),
- (b) National Inventory of Architectural Heritage (NIAH),
- (c) Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,
- (d) Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and by the Department of Environment, Community and Local Government,

- (e) "The Planning System and Flood Risk Management Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in November, 2009,
- (f) the current Cork City Development Plan, and
- (g) the planning history of the adjoining site to the north-east,

it is considered that the proposed development would, subject to compliance with the conditions set out below, contribute to the provision of much-needed student accommodation in Cork City and, as a residential development, would fulfil the zoning objective for the site as set out in the Development Plan. The density of the proposal would be appropriate for the location of the site, which is close to University College Cork and Cork city centre and which is served by sustainable modes of transportation. The proposed development would enhance the setting of Hawthorn House, which is included in the NIAH, would contribute a new building of architectural quality that would complement the adjacent building on the adjoining site to the north-east as a further contemporary addition to the Mardyke Architectural Conservation Area. Furthermore, the proposal would comply, either directly or indirectly, with relevant development standards for student accommodation, would not seriously injure the residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would not pose a risk of flooding. 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 received by An Bord Pleanála on the 19<sup>th</sup> day of April, 2021, 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:

Plans shall be prepared which show the water supply and foul and storm water drainage networks on the adjoining site to the north-east that the proposed development would connect into. The dimensions and capacities of these networks shall be specified.

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

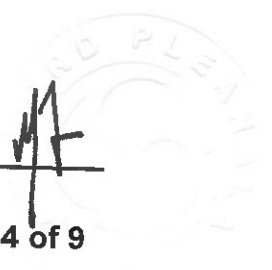
**Reason:** In the interests of residential amenity and public health.

3. (1) The recommendations of the Architectural Heritage Impact Assessment of Hawthorn House shall be implemented.
- (2) All works to Hawthorn House shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To secure the authentic preservation of this structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

4. Details of the materials, colours and textures of all the external finishes to the proposed building and accompanying external hard surfaces 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. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

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

6. Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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

7. The finished ground floor level of the proposed building shall be 4.7 metres OD Malin.

**Reason:** In order to mitigate the risk of flooding.

8. External communal 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.

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

10. 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.

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

11. 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of on-site car parking facilities for site workers during the course of construction,
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (f) measures to obviate queuing of construction traffic on the adjoining road network,

- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

12. The landscaping scheme shown on drawing number 20050/P/006 revision P1, as submitted to the planning authority on the 28th day of January, 2021, shall be carried out within the first planting season following substantial completion of external construction works.

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 residential and visual amenity.

13. Prior to the commencement of use of the student accommodation, the bicycle and bin storage facilities shall be provided and thereafter they shall be retained in-situ for the duration of the use.

**Reason:** In order to promote cycling, as a sustainable mode of transportation, and in the interest of public health.

14. Prior to the commencement of use of the student accommodation, the student facilities in Hawthorn House shall be provided and made available for student use throughout the academic year.

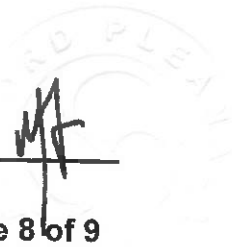
**Reason:** In the interest of amenity.

15. The proposed development 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 a 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.

16. Prior to the commencement of the student accommodation use, the applicant shall submit to the planning authority copies of materials used in the advertising of the accommodation for use by students and holiday makers.

**Reason:** To facilitate examination of such materials by the planning authority, with respect to how they address car parking requirements.





17. 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.



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Michelle Fagan

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

Dated this 13<sup>th</sup> day of October 2021.

