

An
Bord
Pleanála

Board Order
ABP-316101-23

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 22/41677

Appeal by Mary Feeley of West Cottage, Rossa Avenue, Bishopstown, Cork and by Others against the decision made on the 24th day of February, 2023 by Cork City Council to grant subject to conditions a permission to Nyle General Partner Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing detached dwellinghouse and student accommodation building 'Courtville' to allow for the construction of a purpose built student accommodation complex containing 205 bedspaces consisting of 15 number three-storey seven-bedroom townhouses (105 bedspaces), one number three-storey six-bedroom townhouse (six bedspaces), and three number four-storey apartment blocks (Building A, Building B and Building C) containing 15 number apartments ranging in size from one to eight bedrooms (94 bedspaces); student amenities including a reception, an office, a cinema room, study rooms, lounges, meeting rooms and a games area, and open space in the form of a central courtyard and two number roof terraces. The proposed development will be served by two number pedestrian access points located on the eastern and western

boundaries, four number set-down car-parking spaces, 104 number cycle parking spaces and one number loading bay. The development will also include landscaping, boundary treatments, lighting, ESB substation, bin storage and all ancillary works necessary to facilitate the development at Rossa Avenue, Bishopstown, Cork. (www.rossaavenueIrd.ie)

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.

Reasons and Considerations

In arriving at its decision, the Board had regard to the following:

- (a) the location of the site on lands with a zoning objective for residential development,
- (b) the policies and objectives in the Cork City Development Plan 2022 – 2028,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing development in the area,
- (e) the National Student Accommodation Strategy issued by the Department of Education in July 2017,
- (f) the Guidelines on Residential Development for 3rd Level Students (Section 50 Finance Act 1999) issued by the Department of Education and Science,

- (g) Circular PL 8/2016, APH 2/2016, issued by the Department of Housing, Planning, Community and Local Government in 2016,
- (h) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (i) the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing Local Government and Heritage in 2018,
- (j) the submissions and observations received in relation to this application and appeal, and
- (k) the report of the Planning Inspector.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects 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.

Conclusions on Proper Planning and Sustainable Development

The Board considered that the proposed development is compliant with the provisions of the Cork City Development Plan 2022–2028 and, subject to compliance with the conditions set out below, would, otherwise, 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 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, or as otherwise stipulated by conditions hereunder, 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 used for:
 - (a) student accommodation or accommodation related to a Higher Education Institute only, during the academic year, or
 - (b) student accommodation or accommodation related to a Higher Education Institute or tourist/visitor accommodation only, during academic holiday periods.

The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use without a prior grant of permission.

Reason: In the interest of the proper planning and sustainable development of the area

3. 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, and
 - (b) Student units/apartments shall not be amalgamated or combined.

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

4. Prior to commencement of development, the development shall submit to and agree in writing with the planning authority details of all works to be carried out on the public road.

Reason: To ensure a satisfactory standard of works and in the interest of traffic safety.

5. (a) Prior to commencement of development, details of cycle parking and associated storage for cycling equipment shall be submitted to and agreed in writing with the planning authority. These details shall provide for the efficient and effective use of the cycle parking storage area. Additional visitor cycle parking shall be provided for in the central courtyard, the number of spaces and location shall be agreed with the planning authority prior to the commencement of development.
- (b) Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars 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 sustainable travel and residential amenity and the proper planning and sustainable development of the area.

6. The hours of access to the roof terraces shall be agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. Prior to commencement of development, details of all areas of boundary treatments to delineate public areas and communal open space and planting, shall be submitted to, and agreed in writing with the planning authority. Boundaries and areas of public communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity

10. 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 agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11. Proposals for an apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. 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.

13. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, 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 unit.

Reason: In the interests of amenity and public safety.

14. The developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann, formerly Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. (a) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Stage 2 - Detailed Design Stage Storm Water Audit.
- (c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

16. 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.

17. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, 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.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

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

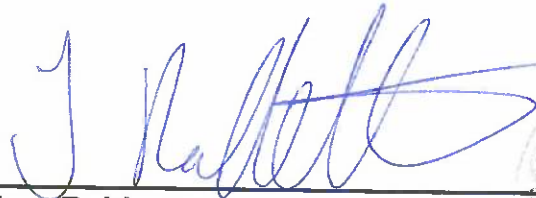
Reason: In the interests of public safety and residential amenity.

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

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, 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.



Tom Rabbette

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



Dated this 6th day of July 2023.