

An
Bord
Pleanála

Board Order
ABP-321978-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Planning Register Reference Number: 2443455

Appeal by Paul Desmond of 18 Woodlawn, Model Farm Road, County Cork and by Others against the decision made on the 5th day of February 2025, by Cork City Council, to grant, subject to conditions, a permission to Lyonshall Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the demolition of the former St. Joseph's Convent to provide for the construction of a 408-bed purpose-built student accommodation development, café and all ancillary site development works. The proposed development will be provided in two number apartment buildings, two-five storeys in height, which include 57 number apartments ranging in size from three-seven bedrooms (335 bedspaces) and 73 number studio apartments, all served by open space, internal student amenities, bin stores, bike stores, ESB substation with a tank room and plant room at basement level. The proposed development will be accessed from Model Farm Road by a new vehicular/pedestrian access and provides for cycle and car parking spaces, all at the former Saint Joseph's Convent, Model Farm Road, Cork

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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

The Board made its decision consistent with the relevant provisions of the Climate Action and Low Carbon Development Act 2015, as amended, the Climate Action Plan 2024 and Climate Action Plan 2025, and had regard to:

- (i) the provisions and policies of the Cork City Development Plan 2022 - 2028,
- (ii) the zoning objective 'ZO1 - Sustainable Residential Neighbourhoods', with a stated objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses,'
- (iii) the National Planning Framework (NPF) First Revision – April 2025 issued by the Government of Ireland,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (v) the Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018),
- (vi) the National Student Accommodation Strategy issued by the Department of Education in July 2017,



- (vii) the availability, in the area, of a wide range of social, community and transport infrastructure necessary to serve this development,
- (viii) the pattern of existing and permitted development in the area,
- (ix) the Submissions and Observations received, and
- (x) the report and recommendation of the Planning Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable form of student accommodation in an area with a clear demand for such accommodation. The proposed development would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposed development would comply with the provisions of the Cork City Development Plan 2022-2028 including Objectives 3.8 and 11.6 of the Cork City Development Plan 2022-2028 as they relate to the provision of Purpose-Built Student Accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board attached the inspector's recommended condition number two and in doing so reworded it to allow flexibility in a redesign of this area of Block B, while maintaining the thrust of the condition which is intended to protect the visual and residential amenity on existing houses to the south. In rewording the condition, the Board noted that reference was made in the inspector's recommended wording to the fifth floor to the **north of Block B** [emphasis herein in bold], however, by reference to the drawings and the spirit and intention of the condition, the Board was satisfied that it should read 'south of Block B' and as such, this was reflected in the Board's attached condition two.

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 development on serviced lands; the nature of the receiving environment which comprises a site in an established urban area; the distances to the nearest European sites; the hydrological pathway considerations; the submissions on file; the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation; and the report and recommendation of the Planning Inspector. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector 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 designated 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 Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i), Class 10(b)(iv) and Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

- (b) the existing use on the site and pattern of development in surrounding area,
- (c) the availability of mains water and wastewater services to serve the proposed development,
- (d) the location of the development outside of any sensitive lands,
- (e) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and
- (g) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

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 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 such that the three-bed cluster unit located on the fifth floor to the south of Block B (the element projecting south of the main building line) is omitted. Revised drawings and details showing a redesign of this area shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual and residential amenity.

3. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Screening Report, the Waste Classification Report, the Construction and Demolition Waste Management Plan and the Noise Impact Analysis Report shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The proposed development shall be used for student accommodation or accommodation related to a Higher Education Institute or tourist/visitor accommodation only during academic holiday periods, and 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: To clarify the scope of the permission, in the interest of the proper planning and sustainable development of the area, and in accordance with the details submitted with the planning application.

5. The student accommodation complex shall be operated and managed by an on-site management team on a 24-hour, full-time basis. A finalised student management plan shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. Any changes in the operation and management of the complex shall be the subject of a new planning application.

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

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

Reason: In the interest of visual amenity.

7. (a) Drainage arrangements including the attenuation and disposal 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 the planning authority for written agreement 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.
- (d) A maintenance policy, which shall include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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

8. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health and to ensure adequate water / wastewater facilities.

9. Proposals for a development name and numbering scheme and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s), in Irish and English, shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

10. Cycle parking facilities serving the proposed development and the public amenity route through the site, shall comply with the provisions of the Cycle Design Manual issued by National Transport Authority in 2023. Electric charging facilities shall be provided for cycle 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 the amenities of future occupiers.

11. 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 amenities of property in the vicinity and the visual amenities of the area.

12. Roof areas shall not be accessible other than for maintenance purposes only.

Reason: In the interest of residential amenity.

13. (a) The commercial unit in Block A shall be used solely as a café and shall not be used as a hot food / fast food takeaway outlet on foot of this permission.

(b) Full details of

(i) hours of operation of the café,

(ii) signage details, and

(iii) associated air extraction and air conditioning plant

shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

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14. An updated Operational Waste Management Plan, containing details for the management of waste (and, in particular, recyclable materials) within the development, including capacity requirements and the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within the development and within each unit, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and 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 and the amenities of properties in the vicinity.

15. The existing bus stop shall be retained and reinstated outside the proposed development. The design details of the bus stop shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable mobility and development.

16. (a) The developer shall comply with all recommendations set out in the Ground Investigation Report dated October 2022, prepared by GII and received by An Bord Pleanála on the 3rd day of April 2025
- (b) A pre-commencement photographic survey of boundary conditions and the condition of adjoining property, where consented to by the owners / occupiers, shall be undertaken. Upon completion of construction a similar survey shall be carried out.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure an adequate record of adjoining conditions is provided.

17. (a) The developer shall comply with all requirements of the planning authority in relation to cycling and pedestrian infrastructure, roads, access and set-down parking arrangements.
- (b) The internal access network serving the proposed development, including turning bays, junctions, set-down parking space, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.

Reason: In the interest of amenity and of traffic and pedestrian safety.

18. The proposed development shall be implemented as follows:

- (a) As part of the monitoring of the Mobility Management Plan, the planning authority shall be notified of who is the appointed Travel Plan Coordinator prior to commencement of development.
- (b) A review of the Mobility Management Plan including the carrying out of student travel surveys shall be undertaken in Year 1 and Year 2 after first occupation. The reviews shall be submitted to the planning authority within one month of completion and further reviews shall be carried out every two years unless otherwise agreed with the planning authority.
- (c) Student units / apartments / studios shall not be amalgamated or combined.

Reason: In the interests of sustainable transportation and amenity.

19. 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 interest of visual amenity.

20. (a) The landscaping scheme shown on the Landscape Masterplan (Drawing Number L200) and Landscape Strategy, shall be carried out within the first planting season following substantial completion of the external construction works.
- (b) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, shall be submitted to and agreed in writing with the planning authority, prior to

commencement of development, and subsequently implemented in accordance with the agreed scheme.

- (c) All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the units are made available for occupation and the areas shall be maintained as public open space by the developer until taken in charge by the local authority or a management company.

Reason: In the interest of environmental, residential and visual amenity.

21. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the first 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.

22. 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) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the 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;
- (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.
- (m) 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,
- (n) noise during site clearance and construction shall not exceed 65 Db (A), Leq 30 minutes and the peak noise shall not exceed 75 Db (A), when measured at any point off site.

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

23. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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. The RWMP shall outline how excess soil and contaminated land, if encountered, shall be dealt with.

Reason: In the interest of reducing waste and encouraging recycling.

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 and 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 amenities of property in the vicinity.

25. Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public amenity walking / cycle route, open spaces and set down / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area, and shall be bat friendly. Such lighting shall be provided prior to the making available for occupation of any unit within the proposed development.

Reason: In the interests of amenity, the environment and public safety.

26. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the local authority to apply such security or part thereof to such reinstatement. 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.

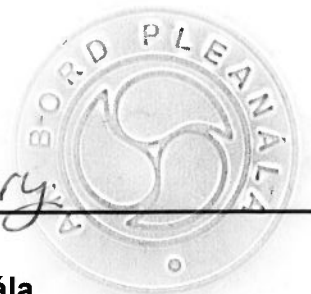
Reason: To ensure the satisfactory completion of the development.

27. 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.


Patricia Calleary

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



Dated this 09 day of June 2025.