



An
Bord
Pleanála

Inspector's Report ABP-300846-18

Development	Three-storey student accommodation providing 161 bed spaces
Location	Gillian House, Farranlea Road, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	17/37257
Applicant(s)	Summix FRC Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Farranlea District Residents Association Maura Murphy
Observer(s)	Pat Murphy Joan Dennehy Marguerite White Myra Mullarkey James O'Sullivan John Kerins

Theresa Lynch
Paul & Caroline Sweeney
Dave & Tracey Sweeney
Noelle & Pat Newton
Noel Sweeney
Timothy O'Flynn

Date of Site Inspection

16th May, 2018

Inspector

Kevin Moore

1.0 Site Location and Description

- 1.1. The proposed site is located to the west of Cork City Centre with frontage onto the southern side Farranlea Road between the estates of Farranlea Park and Farranlea Grove. The site is bounded on three sides by residential development, to the east by semi-detached houses in Farranlea Court, to the south by semi-detached houses in The Orchard, and to the west by detached houses with access onto Farranlea Road. Downview estate is on the opposite of the public road and comprises a residential development of 2-4 storey residential units. There is a large vacant two-storey warehouse on the site with hard surfaced curtilage enclosed by a block wall. There is a range of student accommodation in the local area, including Cregane Hall, Farranlea Hall, Dennehy's Cross, Brookfield, Victoria Mills and University Hall.

2.0 Proposed Development

- 2.1. The original proposed development comprised the demolition of a two-storey warehouse and the construction of student accommodation providing 161 bed spaces on a rectangular-shaped site stated to be 0.3707 hectares in area. The development would be laid out in two three-storey linear blocks separated by a landscaped courtyard. The original scheme would have provided 33 four bed clusters (132 bed spaces), 20 studios, and 9 studios for mobility impaired persons. This new accommodation would have a stated gross floor area of 4,956 square metres. The scheme would be finished in a range of materials made up of stone, timber cladding, metal cladding and glass. The original proposal included the provision of 10 car parking spaces, the relocation of an existing entrance and provision of an additional access, bicycle parking for 81 bicycles, landscaping and new boundary treatment. The Board will note that the scheme was revised by way of further information, amending the scale of the development to accommodate 145 bed spaces (providing a gross floor area of 4,382 sqm), reducing on-site parking to five spaces.
- 2.2. Details submitted with the application included a Planning Report, a Design Statement, a Screening for Appropriate Assessment, a Student Management Plan, a Flood Risk Statement & Design Strategy, a Transport Impact Statement, and a Potable Water Statement.

3.0 Planning Authority Decision

3.1. Decision

On 18th January 2018, Cork City Council decided to grant permission for the proposed development subject to 37 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner referred to development plan provisions, the site's planning history, the reports received, and third party submissions made. The principle of the proposed development and density of development were considered acceptable. The proximity of the proposed development to University College Cork and to Cork Institute of Technology and to bus and cycle routes was acknowledged. The proposal was seen to provide adequate amenity areas, open space, on-site facilities and parking. For reasons relating to impacts on adjoining property, revisions were recommended that included reductions in height of parts of the blocks and the omission of the southernmost 4-bedroom unit of each block over all floors, reducing the scheme to 105 bed spaces. Having regard to the proposed design, overlooking of neighbouring properties was not considered to be an issue. The need for improved pedestrian infrastructure and public lighting were noted. The need for a special contribution for footpath improvements was referenced. A request for further information based on the received reports and revised design changes were recommended.

3.2.2. Other Technical Reports

The report from the Transport & Mobility Section requested further information relating to the submission of a Traffic and Transport Assessment in accordance with TII guidelines, a Stage 1/2 Road Safety Audit, accessible walking route details, and impact on public lighting details.

The Environment Report recommended a grant of permission subject to conditions.

The Drainage Engineer had no objection to the proposal subject to a schedule of conditions.

The Roads Design Engineer requested further information relating to sight distance at the vehicular access and a Road Safety Audit. Reference was made to the need for raised pedestrian crossovers in the vicinity and to a special development contribution for footpath improvements.

3.3. **Prescribed Bodies**

Irish Water requested further information relating to the water mains.

3.4. **Third Party Observations**

51 third party submissions were received by the planning authority. The concerns raised in the third party appeals and in the observations to the Board reflect the principal planning issues raised.

3.5 A request for further information was made on 21st March, 2017 based on the Planner's recommendation and a response to this request was received on 30th November, 2011. This included revised drawings, a detailed response document, a Potable Water Demand report, a Flood Risk Statement and Drainage Strategy, a Site Lighting Report, and an Engineering Response to traffic matters. The revisions reduced the proposed bed space numbers to 145 and the gross floor space from 4,956 sqm to 4,382 sqm. On-site parking was reduced to five spaces.

3.6 45 third party submissions were made to the planning authority following the receipt of the further information reiterating concerns raised.

3.7 The reports to the planning authority were as follows:

The Drainage Engineer had no objection to the proposal subject to conditions.

The Roads Design Engineer referred to low estimated pedestrian and cycle trips, the poor footpath network, the need for increased parking, and the need for footpath and traffic management measures. A grant of permission subject to conditions was recommended.

The Transport and Mobility Engineer recommended a grant of permission subject to conditions.

Water Services had no objection to the proposal subject to conditions.

The Planner reported that there were no objections to the proposal set out in internal reports received and acknowledged the receipt of third party submissions. There was no objection to the nature, type, size, and mix of the proposed accommodation. The provision of 8 car parking spaces was considered necessary, resulting in the need to modify the scheme and resulting in the loss of three bedrooms in the northernmost 7-bed cluster in the western building. Relocation of bicycle parking provision was also recommended. The proposal was seen to be acceptable in terms of impact on residential amenity. A special contribution for pedestrian infrastructure was also recommended. The considerations of the Roads Engineers on access, parking and pedestrian movement were noted. A grant of permission was recommended subject to conditions.

The Senior Planner concurred with the recommendation made.

4.0 Planning History

P.A. Ref. 91/16890

Permission was granted by the planning authority in 1991 for the use of the first floor of the existing warehouse for office use.

ABP Ref. PL 28.205414

Permission was refused by the Board in 2004 for the demolition of commercial buildings and the construction of student accommodation consisting of 38 apartments.

ABP Ref. PL 28.217028

Permission was refused by the Board in 2006 for construction of 21 residential units comprising 12 apartments in a three-storey block and 9 semi-detached houses.

5.0 Policy Context

5.1. Cork City Development Plan 2015-2021

Zoning

The site is zoned 'ZO 4 Residential, Local Services and Institutional Uses' with the objective "To protect and provide for residential uses, local services, institutional uses and civic uses."

Residential Development Standards

Student Accommodation

The Plan states that, given the growth in recent years of the numbers of third level students together with the planned expansion of the city's major educational/facilities, there is a demand for specific residential accommodation to cater for this need. When dealing with planning applications for such developments a number of criteria are required to be taken into account including:

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The potential impact on local residential amenities;
- Adequate amenity areas and open space;
- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities (including shop/café uses), car parking and amenity;
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of uses;
- In all schemes the applicants will be required to provide written documentary confirmation for a 'Qualifying Lease' as defined in the Guidelines on Residential Developments for third level students published by the Department of Education and Science in May 1999, to prove that the accommodation is let to students within the academic year.

The Plan further states that all permissions for student housing shall have a condition attached requiring planning permission for change of use from student accommodation to other type of accommodation. Future applications for this type of change of use are to be resisted except where it is demonstrated that over-provision of student accommodation exists in the city.

Infill Housing

The Plan states that, to make the most sustainable use of existing urban land, the planning authority will consider the appropriate development of infill housing on suitable sites on a case by case basis taking into account their impact on adjoining houses, traffic safety etc. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of developing vacant, derelict and underutilised land. Infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Have an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

6.0 The Appeals

6.1. Appeal by Farranlea District Residents Association

The grounds of the appeal may be summarised as follows:

- The proposed three and four storey buildings and the resultant density are inappropriate for the site surrounded by one and two storey houses and 17 back gardens and is contrary to paragraph 16.12 of the City Development Plan relating to density.
- Buildings of more than three storeys in height are inappropriate for this site and are contrary to paragraph 16.27 of the City Development Plan relating to

building height. The two upper levels would be contrary to paragraph 16.28 of the City Development Plan.

- The proposed development, due to its scale, height and design, would detract from the built character of the area.
- The inadequate sightlines at proposed entrances are unacceptable in terms of traffic and pedestrian safety.
- The provision of eight car parking spaces is significantly under the development plan standard.
- The proposed 145 bedroom proposal constitutes overdevelopment due to density.
- The location of the proposed relocated covered cycle store is not known and its impact on residential and visual amenity cannot be commented on. Thus, permission is premature.
- A substation is proposed to be located at the site's north-eastern corner. No plans are included and the nearest neighbour cannot review what is proposed.

6.2. Appeal by Maura Murphy

The grounds of the appeal may be synthesised as follows:

- The density of 145 bed is too high in the context of its neighbourhood and contrary to the City Development Plan.
- The 'pop-up' fourth storey is out of context, contrary to the City Development Plan, and contributes to over-densification.
- The third storey is out of context and contributes to over-densification.
- The third and fourth storeys contribute to overshadowing of neighbouring houses.
- Insufficient sightlines is an important public safety issue.

6.3. Applicant Response

The applicant's response to the third party appeals may be summarised as follows:

- The context of the site has undergone major changes since the previous application for student accommodation and where there is now an entirely different legislative framework.
- The site is eminently suitable for purpose-built student housing and is designed to avoid adverse impact on adjoining residential property.
- The proposal is capable of accommodating the building heights proposed without negatively impacting on surrounding residential amenity. The adjoining single storey and two storey low density houses should not dictate the form of future development in the area.
- Standard residential density assessment tools are not applicable to student accommodation developments. Infill opportunities to reverse the long term decline of Cork's urban population, with appropriate densification, requires to be pursued.
- The proposed development would not provide an overbearing form. The proposal does not increase the scale, bulk and massing of development at the site. The existing structure on the site does not make efficient use of urban land. Substantial setbacks have been introduced in the scheme to significantly reduce the bulk and potential for overbearing.
- The proposal will not have a material adverse overshadowing impact. An overshadowing assessment is included in response to the appeals and it concludes that there would be no impact to sunlight for 15 adjoining gardens and an imperceptible impact for the remaining four adjoining gardens.
- The flat roof design and building materials proposed to be used are suitable. The flat roof design minimises the bulk of the development and the finishes produce a very attractive set of buildings.
- Appropriate sightlines are provided in accordance with DMURS and the quantum of parking meets the maximum parking demand. An engineering report is attached in support of the response.

6.4. **Planning Authority Response**

The planning authority stated it had no further comments to make.

6.5 **Third Party Responses to the First Party Response**

6.5.1 The appellants were afforded the opportunity to respond to the applicant's response to their appeals. They reiterated the concerns raised in their appeals.

6.5. **Observations**

6.5.1 *Observation by Pat Murphy*

The observation raises issues relating to the need for the development, the form and character of the proposal, the student use, traffic and parking, waste management, structural impacts, and construction methodology.

6.5.2 *Observation by Joan Dennehy*

The observation raises issues relating to inadequate parking and footpaths and inappropriate height and density.

6.5.3 *Observation by Marguerite White*

The observation raises issues relating to inappropriate height, mass and scale of the proposal, traffic hazard, inadequate parking, and inadequate public footpaths.

6.5.4 *Observation by Myra Mullarkey*

The observation raises issues relating to traffic impact, building height and design, and waste management.

6.5.5 *Observation by James O'Sullivan*

The observation raises issues relating to inadequate parking, available alternative locations, anti-social behaviour, and overlooking.

6.5.6 *Observation by John and Ina Kerins*

The observation raises issues relating to anti-social behaviour from students, inadequate road network, inappropriate building height, overlooking, and impact on the adjoining park.

6.5.7 *Observation by Theresa Lynch*

The observation raises issues relating to traffic, pedestrian and cyclist safety and the inadequate road infrastructure.

6.5.8 *Observations by Paul and Caroline Sweeney, David and Tracey Sweeney, and Noel Sweeney*

The observations raise issues relating to scale, mass and density, design, lack of amenity space, lack of parking and traffic and pedestrian safety, devaluation of property arising from anti-social behaviour and traffic congestion, failure to meet development plan requirements relating to infill development, unacceptable nature and density of the development, refuse storage and collection, inadequate cycle storage, location of plant and air conditioning equipment, siting of the proposed substation, management of the development, public infrastructure problems, over-development of student accommodation in the area, the appropriateness of siting student accommodation in an area lived in by elderly and young couples with children, and potential future use.

6.5.9 *Observation by Noelle and Pat Newton*

The observation raises issues relating to the proposed height, density and design, devaluation of adjoining property, impact on natural light, structural impact on adjoining property, lack of detail on location and extent of heating and cooling systems.

6.5.10 *Observation by Timothy O'Flynn*

The observation raises issues relating to the proposal being out of character with existing development, inadequate parking, inadequate road infrastructure, and nuisance arising from students.

7.0 **Assessment**

7.1. Introduction

7.1.1 I consider that the principal planning issues relate to the nature of the proposed use, the form and character of the development, impact on residential amenity, traffic impact, and the development in the context of development plan provisions. All other issues will be addressed as miscellaneous issues at the end of this assessment.

7.2. Nature of the Proposed Use

- 7.2.1 Many of the submissions received by the Board may reasonably be understood as opposition to the occupancy of the proposed development by students. Concerns are raised about anti-social behaviour, noise, nuisance, etc. All of these matters are matters of public order, with responsibility lying with a range of public authorities outside of the planning code. Such matters are not ones of relevance when determining the appropriateness of the proposed development in terms of proper planning and sustainable development of this area.
- 7.2.2 The proposed residential accommodation is intended to be sited in a residential area that is zoned for residential uses and is appropriately located within walking distance from Cork University and Cork Institute of Technology. The principle of siting the proposed residential development within a residentially zoned area is entirely compatible with the zoning provisions for this site and is clearly more in keeping with the area than a non-confirming use such as warehousing that exists on this site.
- 7.2.3 Finally, I note the contents of the Government initiative as set out in the 'Action Plan for Housing and Homelessness – Rebuilding Ireland' published in July 2016. This recognises the importance of providing well designed and located student accommodation in order to avoid additional pressures on the private rental sector. The proposal is clearly designed as modern student accommodation and is well located to serve the needs of students attending nearby third level establishments. The nature of the use is suited to this area.

7.3 The Form and Character of the Proposed Development

- 7.3.1 The residential area in the vicinity of the appeal site is one that is undergoing significant change as newer development is introduced. It is apparent that newer structures include higher buildings and that increased densities are appropriately being pursued in this urban area. Older established single-storey and two-storey housing is located to the west, east and south of the appeal site. However, directly opposite the appeal site is 'Downview', a 2-4 storey residential development, with the four-storey component comprising a significant part of that development. It is acknowledged that this block is set back from the road. A two-storey commercial

development is sited immediately west of the site and fronting onto Farranlea Road, with a three-storey block forming part of Downview opposite this. Cregan Hall, a three-storey student residential block is located a short distance to the east of the junction of Farranlea Road and Farranlea Grove. Having regard to this, one could not reasonably determine that three and four storey development would be out of character with this location, an area that is undergoing continuous change as higher buildings and increased densities are evolving.

7.3.2 What is of relevance to the proposed development is how it would impact on the established properties and, in particular, on established residential amenity, which will be considered later in this assessment. I acknowledge that it is proposed to site a three-storey block along the east side of the site, part of which would adjoin a single-storey house at the front. This in itself is not a reason for determining that this three-storey block is unsuitable at this location when the amenities of the established house are protected. The matter of the proposed development being sited in the vicinity of other single-storey and two-storey houses in the area is also not a significant concern in terms of the built character of the area where such adjoining properties have relatively deep rear gardens that distinctly separate the established built form from the proposed structures. There should be no particular concern about the siting of three storey development in such a context. With regard to the limited four-storey component of the proposed western block, I note for the Board that this is perhaps the least sensitive location, where it adjoins a commercial premises at the front of the site and would be sited opposite the Downview development. I again see no particular concern as to why this four-storey component in this changing environment (where four-storey development exists) should be determined to be in some way out of character with this area.

7.3.3 I note the array of external finishes proposed for the two blocks. The proposed mixture of stone, timber and metal cladding, and glass are compatible with the character of the established newer properties in the immediate vicinity.

7.3.4 In conclusion, I am satisfied to determine that the proposed development, as permitted by the planning authority arising from its further information request, would constitute a development that could not reasonably be viewed as being out of character with this evolving residential community.

7.4 Impact on Residential Amenity

- 7.4.1 The proposed development has been carefully designed to avoid overlooking and overshadowing of adjoining properties. A design approach has been pursued that minimises an overbearing impact from the scheme on adjoining residential properties by producing two (primarily) three-storey blocks that minimise the likely perceived adverse bulk and scale that might otherwise result from a single large block seeking to achieve a suitable density of development on the site. The blocks are set back from the site boundaries, accommodating proposed ancillary facilities at the front and rear and respecting the established building line of adjoining houses.
- 7.4.2 Fenestration on external east and west elevations has been proportionately designed to avoid overlooking of neighbouring properties. The design has ensured that bedrooms face onto the central courtyard, with the eastern block looking across the courtyard and the western block having windows angled to allow occupants to look down to the courtyard. Communal internal accommodation is suitably served by openings facing north and south, which are then baffled using vertical slatted screens. Concerns about overlooking of neighbouring properties have, thus, been adequately addressed.
- 7.4.3 The building line of the eastern block is laid out in line with the single-storey dwelling to the east and would be in excess of 32 metres from established dwellings on Farranlea Grove. The southern end of the western block is reduced to two storeys to minimise any impact on the nearest detached dwelling to the west of the site. Overall, it may reasonably be determined that the proposed layout and design will not result in any significant degree of overshadowing of dwellings in this built-up urban area. Further to this, I note the findings of the overshadowing analysis of neighbouring gardens as part of the applicant's response to the third party appeals. It is clearly demonstrated that the proposed development would have little, if any, adverse impact on adjoining gardens by way of overshadowing.
- 7.4.4 It is reasonable to conclude that the proposed development would, thus, not have any significant impact on the residential amenities of established properties in this area.

7.4.5 With regard to the impact on the amenity of occupiers of the proposed development itself, I acknowledge that the planning authority had no objection to the nature, type, size, and mix of the proposed accommodation and I concur with these conclusions. The proposed development adequately provides for open space and bicycle parking to meet the needs of the occupants in this built-up urban location and the internal design provides for suitable accommodation to meet student needs, inclusive of ancillary facilities such as bin storage and a laundrette. It is also noted that a site management plan is included with the application which states that the proposed development would include a front-of-house team seven days per week, 8am to 6pm, and a night concierge team throughout the night. It is considered that the needs of the student occupants are suitably met by the proposal.

7.4.6 Overall, it may reasonably be concluded that established residential amenity is being appropriately protected and the amenity needs of student occupants are being met by the proposed scheme.

7.5 Traffic Impact

7.5.1 The proposed development comprises student accommodation. It is clear from the scheme that the objective is not to facilitate any notable parking in order to avoid enticing student car parking. The applicant's response to the appeal submits that it will be highlighted in tenancy agreements that the development will be operated on the expectation that students will not have cars. Parking during term time is intended for staff and visitors only. It is a desirable and appropriate objective to have strict limitations on parking where access to nearby colleges by foot is easily attained. The alternatives of cycling and public transport are also readily available and on-site cycle parking is part of the proposed scheme. Thus, in terms of the vehicular traffic impact on the local road network, it can reasonably be determined that there would be no significant increase in car traffic arising from the scheme and the low level of traffic that would arise would not result in any significant traffic hazard in the area. Further to this, vehicular traffic turning movements into and out of the site onto the adjoining residential street would pose no particular hazard having regard to the controlled access, low traffic speeds on the road, and frontage layout arrangements.

7.5.2 I note that the planning authority seeks to increase parking from five on-site spaces to eight spaces (Condition 3(a) of its decision) and to relocate cycle parking to the front of the building (Condition 3(d)). This would result in structural changes to the proposed development as required by Condition 3(c) of the decision. In my opinion, it is unnecessary to be seeking to increase vehicular parking at this location. Car traffic should be discouraged and it is clear that the five spaces proposed adequately provide for the servicing of the proposed scheme. The erosion of floor space is not merited, having regard to the nature of the development and its location relative to third level colleges. With regard to the relocation of the bicycle parking, the secure provision of cycle parking to the rear of the site, with easy access thereto and causing no interference with car parking or the proposed structure, causes no significant problems with the functioning of the facility and use of such cycle parking.

7.5.3 Overall, I am satisfied to conclude that the proposed development would not result in any significant traffic concerns. With regard to parking concerns raised about a potential change of use to apartments, I note that the scheme meets all requirements in facilitating the needs of student occupants of the scheme, that any change of use would be subject to a separate planning application and it would be assessed on its merits, inclusive of parking needs.

7.6 The Proposed Development in the Context of the Development Plan

7.6.1 The proposed development is required to be assessed against the provisions set out in the Cork City Development Plan for student accommodation. Based upon the above assessment, it is my opinion that the proposed development is wholly in keeping with the Plan's provisions. The Plan acknowledges the demand for specific residential accommodation for students. It has not been demonstrated that there is any degree of oversupply of student accommodation in this general area, which is ideally placed to facilitate such accommodation.

7.6.2 In terms of what is required to be taken into account when assessing a planning application for student accommodation, my considerations are as follows:

- The proposed development is an appropriate location relative to its accessibility to educational facilities, public transport and cycle routes.

- The scheme will not have significant impact on local residential amenities.
- The proposal provides adequate amenities and open space.
- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, car parking and amenity, are appropriate to meet the student occupants' needs and the location is suitably located relative to shops and other facilities.
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures are of a high standard and are compatible with newer development in the immediate vicinity.

7.6.3 Finally, I note that the Plan requires that all permissions for student housing requires a condition to be attached requiring planning permission for change of use from student accommodation to other type of accommodation. This is reasonable and can be included as a condition in the event of any grant of planning permission.

7.7 Miscellaneous Issues

7.7.1 A number of other issues arise in submissions to the Board and my considerations on the main planning-related issues are as follows:

- The proposed substation would be a small ancillary development at the site's frontage. This would have no significant impact on residential amenity and its form, layout and enclosure could readily be agreed with the planning authority prior to the commencement of development.
- The proposal adequately provides for waste storage.
- There are no concerns about the structural impacts of the proposed development on adjoining property. There is an existing large structure erected on this site. Its demolition and replacement by a new development set back from site boundaries and adjoining houses should not result in any structural concerns for adjoining properties. A construction plan can readily be agreed with the planning authority to address construction methodologies.
- I acknowledge the deficiency of footpaths along the southern side of the road to the front of the site. I further note the planning authority's condition requiring a

special development contribution for footpath improvements at this location. This is a reasonable approach and the lack of a stretch of footpath in the immediate vicinity and some pedestrian crossovers does not warrant a refusal of permission in this instance.

- The proposed development is designed in a manner to avoid adverse visual and other impacts resulting from the siting of plant and other necessary ancillary provisions.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 Reasons and Considerations

Having regard to the zoning provisions for the site as set out in the Cork City Development Plan 2015-2021, to the proximity of the site to existing third level education facilities, and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of houses in the vicinity of the site, would not seriously injure the overall amenities of the area, would be acceptable in terms of traffic safety and convenience and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

10.0 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 30th day of November, 2017, 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. Details of the materials, colour and texture of all external finishes shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. No change of use shall take place from student accommodation to any other type of living accommodation without a prior grant of planning permission.

Reason: In the interest of complying with Objective 6.5 of the Cork City Development Plan 2015-2021.

5. Prior to the commencement of development, details of the form, layout and enclosure of the proposed substation at the site's frontage shall be submitted to, and agreed with, the planning authority.

Reason: In the interests of orderly development.

6. 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. Such lighting shall be provided prior to the making available for occupation of any accommodation.

Reason: In the interests of amenity and public safety.

7. 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 off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

8. 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

9. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of footpath improvements, inclusive of raised pedestrian / vehicular crossovers along Farranlea Road. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Kevin Moore
Senior Planning Inspector

28th May 2018