



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307096-20

Strategic Housing Development

Alteration and extension of previously permitted ABP-303437-19 for demolition of existing structure and provision 554 no. student bed spaces and associated works.

Location

O'Riordan's Joinery, Bandon Road, a portion of the Church of the Immaculate Conception, Lough Road, 74 Bandon Road and no's. 1 and 2 Ardnacarrig, Bandon Road, Co. Cork. (www.bandonroadshd.ie)

Planning Authority

Cork City Council

Applicant

Lyonshall (Bandon Road) Ltd.

Prescribed Bodies

1. Irish Water
2. An Taisce

Observer(s)

1. Aidan Cahill
2. Betty O'Halloran
3. Billy Ramsell and Others
4. Catherin and Timothy O'Donoghue
5. Clare Hatcher and Michael Hickey
6. Denis Cullinane
7. Fiona Kerins
8. John Paul Hegarty
9. Laura Coffey
10. Paula Long
11. Ted Lucey
12. Tom Roche

Date of Site Inspection

24th June 2020

Inspector

Irené McCormack

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1.1. The site is located in the inner southern suburbs of Cork City on the southern side of the Bandon Road/Glasheen Road (R849) near the junction with Magazine Road (R608). The Cork Lough is located approximately 100 metres to the south and University College Cork (UCC) is located approximately 200-300 metres to the north. The area is predominantly residential in character comprising mainly one and two storey housing with a limited amount of apartment development. There are some commercial/retail uses along the Bandon Road. The Church of the Immaculate Conception is a prominent landmark located a short distance to the east of the site. The ground levels on the site being generally higher than those of the immediately adjoining residential properties.
- 2.2. The site is bound to the immediate west (along Bandon Road/Glasheen Road) by Anne Macs 's pub and residential Croaghtamore Square and Loughview Terrace, to the south residential Lough Villas, and to the east The Church of the Immaculate Conception and associated grounds.
- 2.3. The site has a stated area of 0.92ha.,(0.1.04ha including area required for roadworks outside applicant's ownership) and comprises:
- Two vacant residential dwellings and a commercial unit fronting Bandon Road/Glasheen Road.
 - Part of a green area associated with the Church of the Immaculate Conception.
 - Part of the public road in front of the site including the junction between the Bandon, Glasheen and Magazine Road

Site inspection indicated that site clearance works have commenced on site including the removal of the former joining buildings (large warehouse/industrial building and a small garage total floor area c.3,740 square metres and associated yards)

3.0 Proposed Strategic Housing Development

- 3.1. Permission for a student accommodation scheme was previously permitted on the site under application reference ABP 303437-19. The applicant has acquired additional

lands enabling the enlargement of the site with additional frontage to the Bandon Road .The current application seeks to provide 77 no. student apartments consisting of 554 bed spaces in five buildings that would range from two storeys to six storeys high. The total stated floor area of the scheme is 16,147.5sqm.

3.2. The development comprises:

- Construction of a new student apartment building fronting Bandon Road (Block 5) which will range in height from 1 to 5 storeys and will contain shared amenity, study areas, building management and café at ground floor and 79 bed spaces in 12 apartments on the upper floors.
- Alterations to permitted Blocks 1 and 2 to provide for reduced floor to ceiling heights at all levels and the addition of 1 storey to that previously permitted, to provide for a building ranging in height from 4 to 6 storeys and consisting of 128 no. bed spaces in 17 no. apartments.
- Alteration to permitted block 3 to provide for a reduction in floor to ceiling heights
- Alterations to permitted Block 4 for a reduction in floor to ceiling heights at all levels and the addition of 1 storey to that previously permitted, to provide for a building ranging in height from 5 to 6 storeys and consisting of 161 bed spaces in 22 no. apartments.
- Construction of a 3-storey building fronting Bandon Road and connection to Block 5 at upper levels with a retail/coffee shop at ground floor level and 1 no. 3 bedroom student apartment on the upper floors.
- Access to the development will be via a gated entrance from the Bandon Road. The development makes provision for an upgraded junction between Magazine Road and Bandon Road which will include traffic calming measures, enhanced pedestrian public realm and dedicated bus set down area
- The development also provides for ancillary site works including the provision of a substation/switch room/boiler room, bin store and a pump room/gas cylinder store, associated landscaping and internal shared surface courtyards with car 14 surface car parking spaces and 280 bike parking spaces would also be provided. The development includes a path and gate up to the southern boundary with land at Lough Villas that would facilitate pedestrian access there.

- There are five areas of open space identified as gardens or courtyards with stated area of 2,329m², 16 car parking spaces and 210 bicycle parking spaces (0.38 spaces per bed space). The development also makes provision for the re-location of a mobile telecommunications mast from the roof of the existing industrial building to the roof of Block 2 of the proposed development.

3.3. The proposed bedspaces would be in 77 apartments comprising 54 no. 8-bedroom units, 2 no. 7-bedrooms units, 12 no. 6 bedroom units, 4 no. 5-bedroom units, 3 no. 4-bedroom units, 1 no. 3-bedrom unit and 1 no. studio apartment.

3.4. A summary of the **parameters** of the proposed development is listed below:

Parameter	Site Proposal
Application Site (minus road works)	0.92ha.
No. of units	77 units (554 bedspaces)
Density	74 (83.7)
Plot Ratio	1:1.3 (1.7)
Site Coverage	0.36 (0.4)
Car Parking	16
Bicycle Parking	280
Vehicular Access	Bandon Road

4.0 Planning History

The most relevant history associated with the site is noted as follows:

ABP -303437-19 – The Board granted permission on 30th April 2019 for the construction of a strategic housing development of 57 number student apartments consisting of 419 number bed spaces and all ancillary site works in 4 apartment blocks ranging in height from 4 to 5 storeys. The development also provided for road improvements near the entrance of the proposed development including an upgraded junction between Magazine Road and Bandon Road, traffic calming measures, enhanced pedestrian public realm and dedicated bus set down areas

ABP-300697-18, Reg. Ref. 17/37374 – The Board granted permission on 17th August 2018 for a development of student accommodation on the site with 324 bedspaces in four blocks (amended from five blocks in the initial application) that would be three or

four storeys high. Condition no. 2a required the floor area of the southern half of Block 4 to be set down to 31m OD. The planning authority had decided to grant permission

5.0 Section 5 Pre-Application Consultation

5.1.1. A pre-application consultation took place at the offices of Cork City Council on 23rd January 2020 in respect of a proposed development of student accommodation on the site. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Permitted development
- Development strategy, including consideration of the design response to streetscape on Bandon Road, openness and permeability of site and environs and active street frontages/uses.
- Public realm improvements
- Car parking and cycle parking
- Other Matters

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

5.2.1. The board issued an opinion on 10th February 2020 (ABP-306048-19) stating that the documents submitted required further consideration and amendments to constitute a reasonable basis for an application for strategic housing development. The applicant states that extensive further analysis of the scheme for a design and visual perspective has been carried out in addition to a number of amendments to the scheme.

5.2.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information was requested to be submitted with any application for permission arising from the notification:

1. A detailed visual impact assessment that comprises a photomontage report with key viewpoints from locations in the vicinity of the site. This should include additional viewpoints from the Lough Road, Greenmount ACA and the Church of the Immaculate Conception. An accompanying architectural report should outline the design rationale for the proposed increased height, scale and mass of the buildings and the architectural

drawings should clearly reference the heights of the permitted scheme and the proposed amendments.

2. A report that addresses issues of residential amenity (both existing residents and future occupants), specifically how the proposed increases in height will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units. Contextual elevations should be provided where appropriate, particularly along the Bandon Road. A full sunlight and daylight analysis should be provided.
3. A report that addresses the demand for and concentration of student accommodation in in the area, having regard to the proposed increased number of units.
4. The preparation of a public realm design report prepared in accordance with the guidance provided by DMURS.
5. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of street furniture including public lighting and boundary treatments should be submitted.
6. A detailed Quality Audit to include Road Safety Audit, Access Audit, Cycle Audit and Walking Audit. A Mobility Management Plan.

5.2.3. The covering letter submitted with the application responded to the board's opinion as follows

1. **Development strategy** – Design Response to Block fronting Bandon Road notes the existing streetscape along Bandon Road as being 2 and 3 storeys in height and refers to the building continuity along the frontage of the site as being significantly eroded creating gaps in the streetscape. It is set out that the development offers an opportunity to repair the built fabric, enhance local public realm and create a feature building.

The impact of the proposed development on cultural heritage is assessed in the accompanying Archaeological and Built Heritage Impact Assessment accompanying the application.

Details of proposed works to the public realm are submitted designed in accordance with DMURS. Amendments have been made in consultation with

Cork City Council to including improved permeability, widening footpaths, omission of the previously proposed bus pull in, enhanced planting and change of material to the raised table.

2. A **detailed landscape and Visual Impact assessment** report and photomontages are submitted which takes account the viewpoints from Lough Road, Greenmount ACA and the Church of the Immaculate Conception.
3. **Residential Amenity** – In terms of impacts on residential amenity a Daylight, Sunlight and Overshadowing analysis of the scheme was carried out noting that the proposed development performs well when compared against the BRE recommendations. A student Accommodation Management plan details how the proposed development aims to protect amenities of existing residents in the area and future residents of the scheme.
4. A **Student Accommodation Demand and Concentration report** accompanied the planning application noting that with 1km of the site there is a significant student population of above 50% suggesting that the proposal could potentially have the effect of freeing up private rented accommodation.
5. A **Road Safety Audit, Access Audit, Cycle Audit, Walking Audit and Mobility Management Plan** accompanied that planning application.

The response also includes revised accompanying drawings and design statement prepared by O'Mahony Pike Architects.

6.0 Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines and the County Development Plan.

National Policy

- 6.1. The proposed development will assist in meeting the demand for student accommodation projected under the National Student Accommodation Strategy issued in 2017. The proposed residential accommodation in Cork would also further objectives 2A, 3B, 8, 13 and 35 and section 3.6 of the National Planning Framework.

Section 28 Guideline compliance

6.2. The proposed development would be in keeping with SPPR1 of the 2018 guidelines on building height. The location is central and has strong connectivity and delivers compact development, on a key urban brownfield site and is suitable for increased height. The submitted landscape and visual impact assessment (LVIA) shows that the proposed development would successfully integrate into the public realm. The development will provide a high quality architectural, urban design and public realm outcome and the block layout and modulation in height creates breaks in the massing of the proposed buildings. A built heritage assessment demonstrates that the development would be compatible with the adjacent ACAs. It would improve the visual condition of the site. A shadow analysis shows that the amenities of adjoining properties would be protected. The development would not affect ecology, as shown in the submitted assessment. The application was accompanied by an AA screening report has been provided to indicate that there will be no impact on any European Designated Site. Neither would a scheme of up to 6 storeys affect the micro-climate. SPPR 3 of the 2018 guidelines would apply to the provisions of the development plan.

Southern Regional Assembly: Regional Spatial and Economic Strategy, 2019

6.3. The proposed development would be in keeping with RPO 5, RPO 9 and RPO 10 of the guidelines in terms of increased compact urban growth having regard to environmental criteria and delivering infrastructure in the form of enhanced public realm works. The development is located in an urban area and the site is not subject to flood risk and poses no impact to the nearest European Site Cork Harbour.

Cork Metropolitan Area Strategic Plan (MASP)

6.4. The proposal is consistent with the identified objective of achieving higher densities in existing centres

Cork Metropolitan Area Transport Strategy (CMATS) 2020

6.5. Given the site location it is anticipated that walking will be the primary means of travel. The public realm works fronting the site are consistent with DMURS resulting in a streetscape more conducive to walking and cycling. It is noted that the site is located within a 10-15-minute walking corridor of the route of the planned LRT which underpins the higher density scheme at Bandon Road.

Cork City Development Plan

6.6. With regard to the 2015 City Development Plan, the proposal would comply with relevant zoning objectives ZO 4 – Residential, Local Services and Institutional Uses and ZO 10

Local Centres. The use is more compatible at this location within this Historic Street Character Area in accordance with Objective 9.33. The proposal would comply with Objective 6.5 due to its proximity to UCC, the provision of shared study, laundry and amenity space, and open space of 6.6m² per bed space. The use as tourist accommodation would be restricted to the time outside term in the summer. A Student Management Plan for the site is submitted that would have a staff presence on the site on a 24-hour basis. With regard to development management standards, the proposed studio units is above the minimum of 25sqm and is 26.7sqm , while bedrooms would be larger than 13.5sqm and kitchen/living rooms would have more than 4m² per bed space and bike parking would be provided at a rate of 0.5 per bed space.

- 6.7. The planning and design statement state that the extension of the proposed development site to include more extensive frontage to Bandon Road, alters the context of the proposed development and justifies the reassessment of the scale and density of the permitted development to ensure a more efficient use is made of the site in accordance with national policy. The 2018 Building Heights Guidelines indicates that there is a presumption in favour of increased building heights. In accordance with the definition contained in Section 16.29 of the 2015 City Development Plan , the subject site would be located within an Inner Urban Area and in these areas the guidelines would suggest that building height of 6 storeys should be supported at street level. Noting the designation of Bandon Road as a Historic Street Character Areas and the location close to Greenmount ACA, the elevation strategy to Bandon Road (block 5) has been informed by the urban grain and a key feature is the subtle angles that have been introduced to break the massing of the block and reflect the existing rhythm of the building stick along the street. Ground floor fenestration has been designed to replicate the pattern of existing shopfronts in the areas. In addition, blocks 1-4 within the interior of the development are to be finished with brick. It is proposed to render finish Block 5 to provide consistency with the existing built fabric at streetscape level. It is set out that the development provides for an opportunity to solidify the Local Centre in terms of greater animation of the streetscape and creating a defined node.

7.0 Relevant Planning Policy

National Policy

7.1.1. National Planning Framework 2018-2040

Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

Objective 8 of the framework sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context. At Section 6.6, dealing with housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

7.1.2. The National Student Accommodation Strategy 2017

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 3,788 spaces were available in Cork 2017 and projects that 6,463 would be required there in 2019 and 7,391 in 2024. A progress report issued in November 2019 reported that 8,229 PBSA bed spaces were completed by the end Q3, 2019, 5,254 further bed spaces were under construction, with planning permission granted for another 7,771 and sought for 2,359.

7.1.3. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009.
- ‘Design Manual for Urban Roads and Streets’ 2013.
- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, 2018.
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011)

Other relevant guidance:

- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016): Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods.
- Guidelines on Residential Development for Third Level Students, Section 50 Finance Act 1999 (Department of Education and Science, 1999).

Cork Lough is a designated wildfowl sanctuary and a proposed Natural Heritage Area.

Local Policy

7.1.4. The Cork City Development Plan 2015-2021

The majority of the site is zoned ZO4 for Residential, Local Services and Institutional Uses. The provision/protection of residential uses and amenity is a central objective. The frontage of the site to the Bandon Road is zoned ZO10 for Local Centres. The objective is “to protect, provide for and/or improve the retail function of local centres and provide a focus for local centres”.

This frontage, together with the Bandon Road to the east and west and the adjacent residential streets of Croaghtamore Square, Loughview Terrace and Lough Villas, is designated as a Historic Street Character Area (HSCA) under and Para. 9.57 of the plan. These designations refer to some older residential areas outside the city centre which have street frontages/groups of buildings of architectural/social interest. It is the objective of the City Council to protect the character of these groups of buildings and streets. Objective 9.33 refers to the protection of the physical/architectural character of these areas, avoiding insensitive alterations which would detract from their character.

The Greenmount Architectural Conservation Area (ACA) is located to the east. The area includes the Lough Church (Church of the Immaculate Conception) which is recorded on

the NIAH as being of regional importance and its immediate grounds. The Bandon Road ACA is to the east. It comprises a small group of buildings on the corner of Bandon Road and Lough Road.

7.1.5. Objective 10.1 of the plan is to preserve and enhance Cork's landscape character, key landscape assets and views and prospects of special amenity value. Objective 10.2 is to preserve Cork's unique and distinctive landscape character through the appropriate management and enhancement of Key Landscape Assets, (as set out in Table 10.1 which refers to the Lough and ridgelines in the city). Objective 10.6 of the plan is to protect and enhance views and prospects of special amenity value or special interest and contribute to the city's landscape from inappropriate development, in particular those listed in the development plan, and also to identify and protect views of local significance through local area plans, development briefs or the assessment of development proposals on a case by case basis. Objective 16.4 is that new buildings would enhance the roofscape.

7.1.6. Variation No. 5 to the Cork City Development Plan 2015-2021 inserted the following objective 6.5 into the plan

“Student Accommodation: In accordance with the National Student Accommodation Strategy, the City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes.”

7.1.7. It also inserted section 16.68 into the Development Plan as follows:

“The City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes. Chapter 6 Residential Strategy outlines the City Council's policy on student accommodation, referring to the national policy set out in the National Student Accommodation Strategy. When assessing planning applications for such developments, the criteria that will be taken into account include:

- Location and accessibility to Third Level Educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The scale of development (capacity) and the potential impact on local residential amenities;
- The provision of amenity areas and open space, (quality and quantity);
- The provision of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, (retail /café uses), car parking and amenity, (quality and quantity);
- The architectural quality of the design having regard to its context, including scale, height, massing, on-site layout and materials. The internal design and layout should be robust and capable of future adaptation and change of use.
- Include a Management Plan demonstrating how the scheme will be professionally managed and operated 'year round' (term-time and out -of-term periods).
- Demonstrate how the scheme positively integrates with receiving environment and the local community and creates a positive and safe living environment for students.
- Demonstrate adherence to the Minimum Standards for Purpose Built Student Accommodation as outlined in Table 16.5a.”

7.1.8. The area to the south of the development site consists of the Lough which is designated as an “*Area of High Landscape Value*”. Paragraphs 10.16-10.18 of the City Development Plan states:

7.1.9. “*Areas of High Landscape Value display an intrinsic landscape character and a special amenity value. Development will be appropriate only where it results in a neutral/positive impact on the landscape.*”

7.1.10. Section 16.20 of the Plan sets out policy regarding gated developments and states that gated developments are not considered an appropriate development type in the city.

7.1.11. Section 16.25 - Section 16.38 of the Plan sets out policy regarding Building Heights.

8.0 Designated sites

8.1. The proposed development is not in or adjacent to any Natura 2000 site. Cork Harbour SPA (001030) is located c.3.5km southeast of the subject site. Great Island Channel SAC (001058) is located 10.1km east of the subject site.

8.1.1. The proposed Natural Heritage Area at Cork Lough is not part of the Natura 2000 network and articles 6 and 10 of the Habitats Directive do not apply to it.

9.0 Third Party Submissions

9.1.1. A total of 14 submissions were received in relation to the proposal of which 2 no. of these are prescribed bodies, further detailed below in Section 12.0. The remaining submissions are from residents of properties in the vicinity and the issues raised are similar in nature, therefore, I have summarised into common themes below:

Impact on the amenities of the existing properties

- Increased density will exacerbate anti-social behaviour in the area, and this will have a negative impact on older residents living in the area. There is no community gain for the development. The development would be contrary to Section 16.68 of the City Plan.
- It is set out that the design and associated occupancy cohort does not comply with social distancing requirements.
- No construction access should be permitted from Longview Terrace and Crogtamore Square.
- Block 5 fronting Bandon Road will result in overlooking and overshadowing.
- Permission for the development could result in similar developments on adjoining sites.
- Western and northern building lines should be pushed inwards to provide increased amenity to local residents.
- The increased building height to block 3 and 4 will result in overlooking, overshadowing, in particular, block 4 will have an overbearing and overshadowing

impact in the Lough Church gardens and the residential amenity areas associated with the church buildings.

- Concerns are expressed regarding the structural stability of the retaining wall on the southern boundary and the impact on the adjoining Lough Villas. It is further set out that excavation along the north west boundary should be carried out in a way as to ensure existing foundations and boundary wall are not undermined.
- Objection to summer letting

Capacity of the area to absorb the increase in density

- The proposed development represents overdevelopment of the site
- The proposed development would result in an excessive concentration and over-supply of student accommodation in the area and will deter families from moving to the area, damaging the long-term sustainability of the area.
- Inadequate car parking provision will result in increased pressure on on-street parking.
- There is no evidence of the demand for the development, with online tutoring availability.
- There is no guarantee that the development will free bedspaces for private rental.
- Capacity of existing water and wastewater infrastructure to accommodate the development.

Impact on Built Heritage

- The proposed development would be out of character in the area and contrary to the designated Historic Street Character Area and the low-rise character of the Bandon Road and Lough areas. The increased building height will have a negative impact on the adjoining ACA, setting of the Church (NIAH listed) and associated buildings and Annie Mac's (NIAH listed). The conclusion of the Archaeological and Built Heritage Impact Assessment is not accepted, and a survey should be carried out on any potential burial grounds of the former church grounds. It is set out that if permission is granted, a condition requiring an art piece acknowledging the local history and the reuse of existing 19th century street furniture should be provided.

Impact on Natural Heritage

- The increase in height and density will put further strain on the local wildlife, in particular, the increase in height of block 4 will impact on the existing bat colony of the area. The bat survey submitted is incomplete and would have required additional data to be gathered in May 2020.
- The development will result in loss of trees and will have a negative impact on the Lough.

Amenity Areas

- The amenity areas are insufficient to cater for the development and will put increased pressure on local amenities.
- Garden area no. 4 should be mounded similar to amenity area no. 3 to encourage passive use only.
- It is set out that there is frequent flooding at the lough and run-off will be required to be managed effectively.

Visual Impact

- The proposed development blocks are excessive in terms of bulk, height and massing, resulting in an overbearing impact. The site planning history would indicate that building height was an issue. The height parapet of block 5 onto Bandon Road would have an over dominant visual impact on the street and junction and will detract from the historic street character. The proposal would be contrary to 10.65 of the City Plan in terms of the significance of protected views. The proposed height will have a negative impact on the Lough and the built character of the area.
- The development does not result in an improved public realm or positive visual impact for the area.
- The conclusions of the Landscape and Visual Impact Assessment are not accepted.
- Reference is made to the previous CE report issued as part of the previous SHD noting that Cork City Council did not support the previous development.

Road Safety

- The application should be refused as a traffic hazard reasons due to the conflict between vehicles and pedestrians on the Bandon Road and access to the Church grounds.
- Lack of car parking

Concerns regarding gated entrance adjoining Lough Vilas

- The gate shown on the south boundary east of Lough Villas on the shard access road to these properties in located on private lands. This access is strongly objected to and concerns are expressed in terms of conflict with vehicular, pedestrian and cyclist movements.

Other Matters

- There has been a lack of consultation with adjoining landowners and stakeholders. The developer has not referred to other pending developments in the area.
- It is set out that it is not appropriate for the Board to encourage the intensification of development on the site.
- The student management plan and other reports relating to the impact of the development should be updated for the increased density proposed.
- The design statement should include management details of the public and private communal spaces.
- It is set out that there is a discrepancy in the drawings relating to Block 4 and boundary treatment differ from previously agreed.
- Concerns is expressed regarding the impact of Covid -19 and the ability to maintain social distancing.
- The SHD process is flawed and undemocratic.

10.0 Planning Authority Submission

10.1.1. The submission summarised the submitted observations from third parties and the views of councillors at a meeting of the authority. The latter indicated their opposition to the proposed development. Concern was expressed in the new context of Covid-19 and how students would maintain social distancing. It was agreed that the proposed development is too high, overbearing and notes the Board's conditions to reduce the

height as part of 2017 planning application. Block 5 on Bandon Road would be out of scale and character and the proposed gated entrance on the southern boundary is not acceptable. The proposed development will result in too many students living in a concentrated area leading to cleanliness levels going down and the existing infrastructure cannot support additional cars in the area. Concerns was expressed by one councillor that all the issues and concerns raised in the CE report for the previously permitted SHD were ignored by the Board and the proposed development should be refused as the site is already maximised by the current permitted development for 435 bed spaces and the local community will be injured by the development.

10.1.2. The Chief Executive's report recommended that permission be refused for the proposed development for two reasons:

- The first reason stated that the proposed development would significantly alter and dominate the landscape context in which the site sits and negatively impact upon the protection of key Landscape Assets contrary to objective 10.1 and 10.2 of the Cork City Development Plan 2015-2021, would result in the diminishment of an existing landmark structure (Church of the Immaculate Conception) contrary to Objective 16.4 of the Plan and negatively impact upon and result in loss of views of local significance contrary to Objective 10.6 of the Plan. The development, if permitted, would not respond well to its natural built context by reasons of excessive height, scale and massing nor would it successfully integrate into enhance the character of the area or make a positive contribution to place-making contrary to the 'Urban Development and Building Heights – Guidelines for Planning Authorities'. The proposed development will therefore be contrary to the Development Plan objectives and national planning guidelines and would seriously injure the visual amenities of the area, contrary to the proper planning and development of the area.
- The second reason stated that the proposed development, because of its height, bulk and massing and the overall density, if permitted, would be overdevelopment of the site and would therefore exceed the capacity of the area to absorb it contrary to objective 16.68 of the development plan, and would therefore seriously injure the residential amenities of property in the vicinity due to visual overbearance, general noise disturbance and nuisance.

10.1.3. The report sets out relevant national and local policies. The planning assessment in the submission states that student accommodation is acceptable in principle in this area

having regard to the proximity of UCC and that the acquisition to the additional lands which front onto the Bandon Road is a positive addition to the scheme and the existing buildings to be demolished are not of architectural merit. The opposition to a potential southern access gate is noted and concern expressed regarding the potential for negative impact on established residential amenity. Whilst the provision of this entrance is not part of the current proposal, it is noted as a potential access point in the Design Statement submitted and considered country to Section 16.28 of Variation 5 of the City Plan relating to integration with receiving environment and the local community. The density of the development would be equivalent to 189-275 dph. The plot ratio of 1.5 is in keeping with the standards in table 16.12 of the development plan. The internal space standards are acceptable under the standards in table 16.5a of the plan. The quality and quantity of the proposed open space is considered deficient having regard to the peripheral location of the gardens as well as the likely usage of the remaining areas as pure circulation spaces rather than communal amenity spaces, in addition to the lack of outdoor seating areas. Communal facilities would be provided, and an active street front address Bandon Road is welcomed.

- 10.1.4. The report notes the design rationale for the development as presented by the applicant. However, it is considered that the contemporary design, window proportions and modern finishes do not successfully integrate or enhance with the character of this historic streetscape. It is considered that the massing of block 5 is excessive and at least 1 floor too high. It is the opinion of the Conservation Officer that the design is country to Objective 9.33 of the City Development Plan
- 10.1.5. In assessing the height of the proposed development reference is made Chapter 16 of the City Plan and the Building Height Guidelines (2018). It is noted that there is an increase in height for all permitted blocks of 1.81m, apart from Block 3 which is decreased by 0.895m and the addition of Block 5 with a parapet height of 47.975m OD. The planning authority disagrees with the summary of the visual receptors as set out in the Landscape and Visual Impact Assessment report submitted with the application. Although noting that the colour scheme is an improvement on the previous schemes that additional height at various viewpoints is considered unacceptable and a visually incongruous addition and the development would have a detrimental visual impact on the area. The applicant has not demonstrated that the development successfully integrates or enhances the character of the area having regard to topography, its cultural context and setting of key landmarks and protection of key views. It is noted that the

planning authority had established serious concerns about the previous proposal permitted under ABP 303437-19.

- 10.1.6. In term of the impact on residential amenity, the separation distance from adjoining properties is noted. The western elevation of Block 5 contains west facing windows on floors 1-5 with a separation distance of between 15m-45m from the rear elevations of properties in Glasheen Road and Croghtamore Terrace. It is noted that the majority of the rear garden in Glasheen Rd. have been developed with rear extensions. It is set out that the proximity of the western elevations of Block 1,2 and 3 vary from 34-45m from the rear elevations of dwelling to the west at Croghtamore Terrace. Overbearing impact and loss of privacy and amenity of these properties to the west and Lough Villas to the south and considered contrary to 16.68 of the City Plan. Concern is also expressed regarding the impact of Covid-19 and the need to ensure adequate amenity for future occupants and it is considered that based on the quality, location of the outdoor amenity spaces and seated area, the provision is inadequate and will result in an over reliance on the amenities in this area, where capacity for same is in question and would be contrary to 16.68 of the City Plan.
- 10.1.7. The contents of the Daylight, Sunlight and Overshadowing report are noted and, in particular, the overshadowing impact on Block 5 on the junction of Bandon Road with Glasheen Road. It is stated that there would appear to be less of an impact in terms of loss of sunlight/overshadowing implications than overall overbearing impact on this development on adjoining residential properties.
- 10.1.8. The key driver behind variation no. 5 to the development plan was a concern about the social imbalance in traditional family housing areas due to student accommodation. The application does not satisfactorily address the issue of capacity in the area and makes no reference to the projected increase in national student numbers outlined in Section 3 of the National Student Accommodation policy to the continued expansion of student numbers outlined in both UCC's and CIT's strategic plans. It is stated that a qualitative research report documenting both recent and long term anti-social behaviour relating to student accommodation should have been provided and the resulting impact of the increase in concentration on the pattern and distribution of student accommodation in the locality. The proposed development will exacerbate the over-concentration of student accommodation in this part of the city leading to noise and general disturbance issues that would negatively impact existing residential amenities contrary paragraph

16.68 of the development plan and the proper planning and sustainable development of the area.

10.1.9. Internal reports from various sections of the council were included in the submission.

The Conservation Officer reported that the extra height would detract from the character of the area and queries the offsetting of the street frontage in an accordion manner. **The City Architect** notes that from a urban design and architectural standpoint he has no objection. **The Heritage Officer** notes the mitigation measures outline in the ecological assessment submitted and sets out no objection subject to conditions. The **Environment** report includes a number of standard conditions. **The Road Design and Transportation Sections Department** had no objection subject to conditions to include the undertaking of a 3/4 Roads Safety Audits as well as the closing out, signing off and incorporation of any necessary modifications to the development and the provision of 590 bicycles spaces at a rate of one space per bedroom. **The Fire Officer** noted no major issues regarding Fire Safety Cert Applications. The **Water Services Section** notes that there are no significant proposed alterations to the drainage network and therefore have no conditions to attach.

11.0 Prescribed Bodies

Irish Water made a submission confirming they advised at Pre-Consultation that a connection to the public water and waste water infrastructure is feasible for this development. The developer will be required to attenuate the storm water on site to greenfield run off rates.

An Taisce made a submission stating that the extra floors would constitute excessive development and present a very negative visual impact on adjoining residential areas and from the Lough. The increased height would not be appropriate in the context of the conservation area and adjacent to the Church (NIAH listed) and whilst the proposal to re-establish the streetscape is welcome, but the new building height is excessively dominant.

12.0 Assessment

12.1. The planning issues arising from the proposed development can be addressed under the following headings –

- Principle of Development
- Design and Building Height

- Impact on the Character of the Area and Architectural Heritage
- Residential Amenity
- Access, Parking and Public Realm Works
- Services
- Ecology
- Planning Authority Recommendation
- EIA Screening
- Appropriate Assessment

12.2. Principle of Development

- 12.2.1. The proposed development comprises of 77 student apartments (554 bed spaces), and one ancillary retail unit. The development is an amendment to a previously permitted student accommodation scheme consisting of 419 bed spaces under the Strategic Housing Development process ABP 303437-19. The applicant has acquired additional lands enabling the enlargement of the site with additional frontage to the Bandon Road.
- 12.2.2. The rear of the site is zoned ZO4 for Residential, Local Services and Institutional Uses. The provision/protection of residential uses and amenity is a central objective. The frontage of the site to the Bandon Road is zoned ZO10 for Local Centres. The objective is “to protect, provide for and/or improve the retail function of local centres and provide a focus for local centres”.
- 12.2.3. The proposed development would be within an Inner Urban Area of Cork City and so would contribute to various objectives of the National Planning Framework including Nos. 2a, 8 and 35. The proposed student accommodation is in keeping with the National Student Accommodation Strategy. This type of development is also supported by the section of the RSES that provides a metropolitan area plan for Cork.
- 12.2.4. Current planning policy recognises a general shortage of accommodation to meet the needs of the community, particularly in urban locations. The proposed development would help to address this shortage. I note the scale of the retail/commercial use in the immediate vicinity of the site and I consider an acceptable range of facilities are currently available to support local needs. I do not consider the inclusion of residential development and a small retail unit at this location would detract from the existing retail uses or prevent any further delivery of local services in the immediate vicinity.

12.2.5. Section 16.68 of the plan generally supports the development of student accommodation at sites off campus subject to several criteria. The site is 5 minutes' walk from the UCC campus. It is therefore accessible to the educational facilities by sustainable travel modes. The criteria relating to amenities, facilities, architectural quality and height are considered in the sections below. The criteria also refer to "(capacity)" and a demonstration as to how the scheme positively integrates with the local community. Concerns are expressed by the planning authority and the observers that the area does not have the capacity to accommodate the increased density and that additional purpose built student accommodation does not guarantee that supply will increase in the private rental section as argued by the applicant. Notwithstanding, the shortage of student accommodation is recognised in current planning policy.

12.2.6. With respect increased density, the current application is an amendment of the previously permitted student accommodation on the site resulting in an increase of 135 bed spaces only. I do not consider this to be a significant increase over and above the permitted development. I further note that the planning authority accept that the proposed plot ratio of 1.5 is in accordance with Table 16.1 of the City Plan which sets out an indicative plot ratio 1.0-1.5 for 'Inner Suburban areas of the city' and that increased residential density must be determined by a wide range of factors, including site context, amenity including overlooking/overshadowing etc. The adverse impact of overdevelopment and the specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, open amenity space provision, and standards of public realm.

12.2.7. The proposed provision of more accommodation within the built up area of the city would further objectives 2a and 35 of the National Planning Framework, as well as to the achievement of the target population for Cork as set out in Table 4.1 under objective 8. The proposed development would contribute to the achievement of the aims of the National Student Accommodation Strategy in relation to Cork and the country. I am satisfied that the principle of the developemnt is acceptable.

12.3. **Design and Building Height**

12.3.1. The planning authority, elected members and observers including An Taisce have expressed serious concerns with regards to the height, bulk, scale and mass of the development and the impact on residential amenity.

12.3.2. Of key importance in relation to the current application is that the development is an amendment to the previously permitted student accommodation ABP 303437-29. The amendments include the provision of a new accommodation block on Bandon Road. The ground floor will include the residential amenities, including lounge gym, games room etc and a retail unit addressing the street frontage. I note the planning authority and An Taisce accept the acquisition of lands which front the Bandon Road to be a positive addition to the scheme. In addition, it is also proposed to add one level of accommodation to the central elements of the previously permitted blocks 1- 4 of up six storeys resulting in an overall increase of 135 bed spaces. The siting of the permitted blocks 1-4 and the separation distance from adjoining boundaries has not altered.

Design

12.3.3. **Block 5 Fronting the Bandon Road** - The architectural **design** resolution fronting Bandon Road reflects a tiered building height design ranging from three floors to five floors tapered at each end to reflect the immediately adjoining building forms. The general design approach is a contemporary one predominately flat roofed with large glazed window openings. The building line is not straight reflecting an accordion pattern of jagged building line with connecting chamfered forms. The applicant argues that these subtle angled sections break the overall building form so as to reflect building forms similar to the local building proportions. I note The City Architect supports the architectural design of the scheme, by contrast the Conservation Officer considers the development to be contrary to objective 9.33- *Historic Street Character Areas* of the city plan in terms of building height and window proportions. In my opinion the contemporary design approach including the large window openings is an acceptable approach and the contrast in building typology, including the tiered approach to increased building height and modern fenestration reflects an appropriate modern intervention where there a disjointed pattern of development as a result of the two gaps in the streetscape, where access to the former joinery existed.

12.3.4. In the context of the traditional 19th Century streetscape which reflects continuous straight building lines of equal proportions and symmetry and having regard to objective 9.33, I consider the angled façade treatment would be out of character along the street frontage and will result in a more prominent building form. A more appropriate design solution, in my opinion, would be to provide a flush building line over the central portion of the Bandon Road façade with a slight step in the building line reflecting the step in building height on either side of the front elevation. I am satisfied that this matter can be

addressed by condition should the Board be minded to grant planning permission for the development.

- 12.3.5. **Design additional Floors blocks 1-4** – In relation to the detailed design of the additional floors, the design approach is a contemporary one with a flat roof clad in zinc with large glazed window openings. This design approach and palette of materials are appropriate, in my view.

Height

- 12.3.6. The planning authority, elected members and the observers have expressed serious concern with regards increased building height and massing.
- 12.3.7. Additional building height over and above prevailing height can have a considerable impact in the context of streetscape. The general area is of mixed character including residential, retail, commercial uses. The prevailing **building height** in the immediate vicinity of the site is mixed ranging from one, two and three storey properties, a four storey student accommodation complex is located to the east of the site to the north of Church of the Immaculate Conception and is visible in the background of the site when viewed from the western approach. Whilst, the planning authority has expressed concerns with respect to increased building height, I note the planning authority also accept that additional height can be accommodated but that it would need to integrate and enhance the existing streetscape and building typologies.
- 12.3.8. As set out above the street frontage addressing Bandon Road reflects a tiered building height approach stepped at either end to reflect the adjoining building heights. The bulk and scale of the proposal is further reduced when viewed from the Bandon Road and surrounding roads by virtue of the recessed portions of the fourth floor and the recessed fifth floor.
- 12.3.9. Emphasis on height is concentrated at the central features of permitted Blocks 1 - 4 internal to the site. The additional floors will provide for a maximum of six storeys only and increase the height of the permitted blocks (ABP 3034537-19) by 1.81m. I do not consider that addition of 1.81m a significant increase in height in the context of the site location. There is no proposed increase in block 3 to the south of the site adjacent to the Lough Villas.
- 12.3.10. I note the existing brownfield use, commercial nature of the adjoining lands and the local centre and residential use zonings and the need for efficient land use, I consider the height range acceptable for this urban setting, providing a focal point at this location.

The 2018 Building Heights Guidelines indicates that there is a presumption in favour of increased building heights. In accordance with the definition contained in Section 16.29 of the 2015 City Development Plan, the subject site would be located within an Inner Urban Area and in these areas the guidelines would suggest that building height of six storeys should be supported.

12.3.11. The mass of the development is reduced by virtue of the design and layout reflecting five individual blocks, the tiered building height approach and external finishes in conjunction with the set back of blocks 1 - 4 from the site boundaries, in my opinion, significantly reduces the mass of the development. I am satisfied that the development is in accordance with Objective 16.4 Skyline and roofscapes of the City Plan which sets out the new building should to be designed to enhance the roofscape in terms of their bulk, massing, materials and aesthetics and where appropriate, divide building mass into smaller elements which respect the existing cityscape and the setting and views and prospects of landmark buildings and the other special amenity views. The individual block forms and staggered building heights offer a new addition to the evolving skyline of Cork City.

12.3.12. A qualitative assessment is required under Section 3.2 of the height guidelines to ensure that the highest standards of urban design, architectural quality and place making outcomes are also achieved. In particular, the guidelines seek that a proposed development should satisfy criteria at the scale of the relevant city, district/neighbourhood/street and site/building. The specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. I propose to expand of these matters in subsequent sections.

12.4. Impact on the Character of the Area and Architectural Heritage

12.4.1. The observers have raised a number of concerns with regards the visual impact and the impact on built heritage. The planning authority contend that the proposal is visibly taller than the permitted development and the applicant has not demonstrated that the development sensitively integrates or enhances the character of the area having regard to topography, cultural context and protection of key views noting Objective 10.6 of the City Plan which sets the protection of local views is assessed on a case by case basis, in particular, the planning authority refer to the impact on the character of the Lough which is a designed area of High Landscape Value and Objective 10.4 which seeks to “conserve and enhance the visual amenity of these areas”.

Conservation /Built Heritage Context

- 12.4.2. This site frontage, together with the Bandon Road to the east and west and the adjacent residential streets of Croaghtamore Square, Loughview Terrace and Lough Villas, is designated as a Historic Street Character Area (HSCA). It is the objective of the City Council to protect the character of these groups of buildings and streets. Objective 9.33 refers to the protection of the physical/architectural character of these areas, avoiding insensitive alterations which would detract from their character.
- 12.4.3. The Greenmount Architectural Conservation Area (ACA) is located to the east. The area includes the Lough Church (Church of the Immaculate Conception) which is recorded on the NIAH as being of regional importance and its immediate grounds. The Bandon Road ACA is to the east. It comprises a small group of buildings on the corner of Bandon Road and Lough Road.
- 12.4.4. The area to the south of the site which consists of the Lough is a designated “Area of High Landscape Value”
- 12.4.5. An Archaeological and Built Heritage Impact Assessment accompanied the application which illustrates the location of the site, in conjunction with adjoining archaeological and architectural designations, assesses the impact of the proposed development relative to the setting and concludes that the development “*will not rise to any significant direct or indirect negative impacts*” on any designated architectural heritage buildings or on any architectural conservation areas. There are no recorded archaeological sites within the proposed site or 300m of its boundary. Archaeological monitoring of the construction ground works is recommended. In this regard, I note that work has commencement on site pursuant to the previous planning permission (ABP 303437-19) and this permission included a condition relating to archaeological monitoring. The proposed development is an amendment to this permission and will be subject to the relevant conditions attached thereto.

Visual Impact and Impact on Architectural Heritage

- 12.4.6. The site is a brownfield site formerly a commercial joinery. The addition of the new block facing onto Bandon Road provides for an active street frontage to the site. The Archaeological and Built Heritage Assessment submitted states that notwithstanding the historic streetscape designation, the existing buildings fronting the site are of limited historic integrity and the streetscape contribution of the existing site is compromised by the significant gaps in the street frontage. I would agree and concur that the existing

streetscape is disjointed and punctuated by the two large entrances which served the former use of the site as a joinery and therefore out of character with the traditional 19th century streetscape surrounding the site. I note the planning authority have raised no concerns regarding the demolition of the existing buildings fronting the Bandon Road. .

- 12.4.7. In my opinion, the contemporary design of the development within the designated historic streetscape would achieve a significant architectural contrast and would not detract from the character of the area or the setting Greenmount ACA or the Church of the Immaculate Conception of the Church, by virtue of separation distance. The development would create an attractive and interesting vista on the approach to the site from all directions and enhance the overall character of the area. I consider this approach acceptable and in accordance with objective 9.33 of the City Plan and in line with the Architectural Heritage Protection Guidelines to respect the physical, historic and aesthetic character and integrity of cultural property.
- 12.4.8. I am further satisfied that the recessed additional floors would not be out of character with the area and would be detrimental to the visual amenities or *Areas of High Landscape Value* of the area, in particular, as the proposed increase is c.1.81m higher than the permitted scheme. In this respect, I note that only brief intermittent views of the additional floor would be available from the approach to the site and from Cork Lough to the south of the site, by virtue of the set back from the streets, mature trees and existing buildings. Views of the proposed development from the Church of the Immaculate Conception will be prominent, however I am satisfied that the impact of the additional floors and Block 5 will be negligible and acceptable in this urban context.
- 12.4.9. The potential visual impact of this increased massing has been considered in the Landscape and Visual Impact Assessment (LVIA) and photomontages submitted with the planning application. 11 key viewpoints have been considered. The significance of landscape and visual effects are assessed on the basis of receptor sensitivity weighed against the magnitude of impact. The visual impact at most receptors is deemed to be 'slight' to 'imperceptible', raising to 'moderate' and 'slight' at elevated points to the north of the site. I have reviewed the accompanying photomontages and I am satisfied in relation to the visual impact and impact on the streetscape that the proposal is of a high standard and is innovative and contemporary and the building height is considered acceptable on this basis.
- 12.4.10. In relation to the concerns raised in the observations with in respect structural impact on Annie Mac's pub (NIAH listed) to the immediate west of Block 5 fronting Bandon Road

The development works will be carried out wholly with the application site and will be subject to detailed construction design and management.

12.4.11. Whilst, I accept the development will alter the Historic Street Character Area, I do not agree with the planning authority that the increased height is out of character with the environment and that the increased height will severely negatively impacts on key landscape assets including the visual setting of the Lough, impact on legibility of the city, diminish the landmark status of the Church of the Immaculate Conception and result in a loss of key local views. On balance, I consider the proposed development, in terms of overall scale and design will significantly improve the visual amenity of the streetscape and will sit comfortably within the existing streetscape and the wider landscape context including Cork Lough and will not appear over dominant or incongruous in the streetscape, so as to negatively affect the character of the area. I am satisfied that the development is in accordance chapter 9 *Built Heritage* and Chapter 10 *Landscape and Natural Heritage* of Cork City Plan 2015-2021 and the Architectural Heritage Protection Guidelines.

12.5. Residential Amenity

12.5.1. The observers have raised a number of concerns number of concerns regarding the impact of the development on established residential amenity. Similarly, the planning authority has also raised a number of specific concerns. I propose to address the issues raised under the number of subheadings as outlined below.

Separation Distance

12.5.2. The development is an amendment planning permission. In this regard the location of blocks 1-4 have not altered and the separation distance from the site boundaries reflects the permitted ABP 303437-19. The four blocks would maintain a minimum separation distance of 20m from the boundary with the residential properties to the south at Lough Villas and more than 40m from the houses to the west at Croghtamore Square. The additional floor levels are further recessed by virtue of stepped building line providing for increased separation distance.

Overlooking

12.5.3. In terms of block 1- 4, I do not consider the additional floor will result in determinantal overlooking by virtue of recessed design and separation distance from adjoining development.

- 12.5.4. In relation to Block 5 fronting the Bandon Road the planning authority have raised specific concerns regarding the western elevation which contains west facing windows on floors 1-5. I note this elevation is located with a separation distance of 15m from the adjoining site boundary. The 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities' and its accompanying 'Urban Design Manual' does not set rigid minimum separation distances but does require that habitable rooms and private amenity space should not be directly excessively overlooked by neighbouring residents. 22m separation distance between opposing windows, 11m individual garden depths is the accepted norm in an urban context as established under the Residential Density Guidelines(1999). Owing to the separation distance of 15m from the development to the adjoining site boundary, I do not consider that there will be significant detrimental overlooking as a result of the development.
- 12.5.5. The issue of overlooking to the east has also been raised in the observations. The eastern site boundary is bound by the access gate and avenue to the Lough Church and not by immediately adjoining residential development.
- 12.5.6. A degree of over-looking is considered reasonable in an urban environment.

Overshadowing and loss of sunlight/daylight

- 12.5.7. Daylight, Sunlight and Overshadowing analysis results demonstrate that on the 21st of March the proposed amenity areas receive at least 2 hours of sunlight on more than half of their area. The results also highlight that the amenity areas will be quality spaces in terms of sunlight with 73% of the total areas provided achieving 2 hours of sunlight on the 21st of March, exceeding BRE recommendations.
- 12.5.8. 88% of the proposed bedrooms tested on the ground and third floor of the new development are achieving Average Daylight Factors (ADF) above the recommended 1% noted within the BRE guidelines. Since these can be viewed as 'worst case' locations, it can be expected that the results from the development as a whole would increase in excess of 95%. Of the 220 points tested among the adjacent residences, 96% (210) of the windows tested have a VSC value greater than 27 or not less than 0.8 times their former value (that of the Existing Situation) and therefore these points exceed BRE recommendations.
- 12.5.9. The shadow analysis shows different shadows being cast at sometimes of the year for the proposed scheme. The images note that there is some overshadowing to streets

located next to the development during March and December as expected when the sun is lower in the sky and sunlight is less prevalent.

12.5.10. The observers and the planning authority consider the increased building height will result in overshadowing on properties of the west and south. In this regard, I note that any potential impact in terms of the impact of sunlight/daylight and overshadowing on the existing residential development immediate to the site must be balanced against the wider strategic objectives for the city. I am satisfied that the changes in terms of daylight and sunlight as outlined in the Daylight Sunlight report submitted with the application would be negligible and any potential adverse impact in terms of overshadowing within this inner urban area of the city must be balanced against the need to provide a quantum of development which seeks to provide a more compact urban form. I am satisfied that the overall impacts are considered minor and appropriate in an urban context, this is aided also by the site orientation. I note the planning authority does accept that based on shadow analysis submitted that there would be less of an impact in terms of sunlight/overshadowing implications than the overall overbearing impact.

Overbearing

12.5.11. Concern has been expressed in relation to the overbearing impact on the development. The planning authority argue that massing and proximity of block 5, 1,2 and 3 to Croaghtamore Square, Loughview Terrace to the west and Lough Villas to the south will result in an overbearing impact on these properties. While the separation distance of 30m from the Lough Villas to the south is noted the planning authority do not consider this sufficient taking account of the massing and height differential between the existing and proposed buildings.

12.5.12. In this regard the current proposal provides for no change to block 3 of the south of the site adjacent to Lough Villas. It is proposed to construct block 3 on accordance with the extant permission on the site ABP 303437-19.

12.5.13. Notwithstanding, in terms of the concerns expressed regarding overbearing impact, in the context of the site location in close proximity to the city centre and the university, the development offers significant setbacks from the adjoining site boundaries which is unusual in a city centre site and in conjunction with the tiered building height approach serves to reduce the overall scale and massing of the development when viewed in close proximity. Views of the development in a wider context will be significantly reduced by the wider landscaping setting including the mature trees surrounding Cork

Lough to the south and the surrounding built environment. For these reasons I do not consider the development will result in an overbearing impact.

Amenity

12.5.14. In relation to open space provision, the planning authority and observes consider the open space proposed unacceptable based on the quality, the peripheral location of the outdoor amenity spaces and the lack of seating areas provided which will result in an over reliance on the amenities of the area, such as the Cork Lough. I do not agree and consider ample green areas are proposed at 6.6m² per bedspace. The layout reflects a number of small pocket parks throughout the scheme providing for a mix of uses. I do agree that the inclusion of additional seating areas would be a positive addition and I consider this matter can be addressed by condition should the Board be minded to grant planning permission.

12.5.15. I further note that the Cork Lough is an amenity for the entire community including students residing in the area. In any case, I consider the external amenity space ample to cater for the development and should not result in an over reliance on the Lough as outdoor amenity space.

12.5.16. In addition, I note the development includes the ceding of a portion of lands to residents of Lough View Terrace , whose boundaries currently form the physical boundary with the site. These properties have no windows looking onto the site and have no existing private open space. This is a considerable planning gain for these properties.

Student Management

12.5.17. The issue of noise generation and anti- social behaviour are concerns raised by the planning authority and the observes. In this regard, I note a Student Management Plan accompanied the application and refers to the existence of 24/7 management team, with security and residential managers, which I consider sufficient management of the site and associated noise and anti-social behaviour.

12.5.18. Concerns has been expressed by the planning authority and the observers in relation to the impact of Coid-19, in particular, how students will socially distance within the development. Whilst I accept the concerns expressed, the development will be required to adhere to relevant public health guidelines and recommendations.

Other Matters

- 12.5.19. Concern has been expressed in the observations received regarding the stability of the **southern retaining wall**. Planning permission ABP 303437-19 stipulated a demolition and construction management plan. A similar condition is applicable in this instance, should the Board be minded to grant planning permission. The onus is on the applicant to ensure all works are carried out in a safe and appropriate manner.
- 12.5.20. As permitted under ABP 303437-19 the development will include for **temporary letting** of apartments over the summer months. Concerns have been expressed by the observers in this regard. The use of the development for summer letting is consistent with definition of student accommodation provided under section 13 (d) of the Planning and Development (Housing) Residential Tenancies Act 2016. I have no issue in this regard.
- 12.6. Access, Parking and Public Realm Works**
- 12.6.1. A number of observers have raised concerns regarding potential conflict between vehicles and pedestrians on the Bandon Road. The issue of agreement regarding boundary works with third parties to the north is also raised in addition to construction access arrangements and access to the Lough via the southern site boundary.
- 12.6.2. Access to the site is proposed via an archway on Bandon Road. This access will be opened at all times. I note potential future pedestrian connection to the Lough is maintained to the south of the site although this does not form part of the current proposal. The site will be landscaped in accordance with a comprehensive landscaping masterplan prepared for the site. I further note that construction traffic and associated access arrangements will be in accordance with a construction management plan to be agreed with the planning authority. Notwithstanding, site inspection indicated that construction access to the site is via Bandon Road.
- 12.6.3. The site is within comfortable walking and cycling distance of UCC. It is therefore reasonable to expect that travel between the proposed development and the college will mainly be by sustainable modes of travel.
- 12.6.4. The layout provides for 16 no. car parking spaces. I consider this acceptable having regard to the central accessible site location. I further note that 16 no. on-site car parking spaces would not generate a significant amount of traffic in the context of the site location. I am satisfied that the additional traffic turning movements generated would not generate a traffic hazard or conflict with other roads users. The number of car parking spaces proposed is acceptable for a facility within 5 minutes' walk from the college.

12.6.5. The Road Design and Transportation Department recommend the provision of 590 bicycles spaces at a rate of one space per bedroom. I do not consider this necessary. I am satisfied that the provision of 280 bicycle parking spaces is adequate. The Mobility Management Plan submitted notes that the development is almost 100% dependent on sustainable modes of travel, primarily walking.

Public Realm Works

12.6.6. The Bandon Road is identified as both a Historic Street Character Area and as a Local Centre. The development includes proposal to modify the 3-point junction of Bandon Road, Magazine Road and Glasheen Road at the western end of the designated zone. The proposed reconfiguration of the junction aims to provide vehicular clarity, minimise traffic speeds and provide a public node to local centre in accordance with DMURS and include a number of landscape improvements including upgrading of pedestrian paving, designated bus stops, public seating and landscaping. The design and layout have been informed by the Road Safety Audit prepared for the site. I am satisfied that the works will enhance the overall character of the Bandon Road and will create an attractive focal point on the road. In accordance with Public Realm Plan submitted these works will be carried out in consultation with Cork County Council. The works will include consultation with the local community group.

12.6.7. A letter of consent has been submitted from Cork City Council relating to the public realm works. I note the Road Design and Transportation Department raised no objection to the works subject to conditions to include the undertaking of a 3 /4 Road Safety Audit as well as the closing out, signing off and incorporation of any necessary modifications to the development.

12.7. **Services**

12.7.1. Irish Water has reported that it can facilitate the proposed connections to its water supply and foul sewerage networks. The site is not at particular risk of flooding. The developer will be required to attenuate the storm water on site to greenfield run off rates. The council has reported its satisfaction with the proposed surface water drainage.

12.8. **Ecology**

12.8.1. An Ecological Report accompanied the planning application, which includes an updated bat survey. The site is not designated for the protection of natural heritage. Most of it consists of lands that have previously been subject to works and industrial use, along

with a smaller green area. Site inspection indicated that site clearance works have commenced pursuant to ABP 303437-19.

- 12.8.2. The nearby lough has been designated as a sanctuary for wildfowl and a proposal has been made for it to be a Natural Heritage Area. The site in its existing condition does not provide a significant habitat for waterfowl and the proposed development would not have a significant effect on the wildfowl at Cork Lough. The ecology report submitted with the applicant states that the lough is also a hotspot for bats. A but a survey was conducted prior to the previous application and Bat roosts were not identified within the site boundary. However, Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat regularly foraged at the site and commuted through the site. The survey advises that the proposed development could affect such routes but that bats can adapt to this provided artificial lighting is controlled and dark routes are provided through the scheme with mature trees retained and new native species planted. As part of the proposed mitigation measures bat boxes are to be mounting on the new buildings and beside areas of tree planting which provide connectivity to Cork Lough.
- 12.8.3. As part of the current application the buildings were further assessed for their potential to support bats in November 2019. There was no evidence of bats roosting within the buildings at the proposed site. The assessment recommended that appropriate mitigation measures are drawn up following the results of an emergence/ re-entry roost survey undertaken at dusk/ dawn between May and September.
- 12.8.4. The observations raised a number of concerns regarding the impact on local wildlife , trees and argues that the bat survey is incomplete and required additional data to be gathered in May. However, as set out above site inspection indicated that work has commenced on site clearance. I further note the location and layout of the current proposal is similar to that already granted on the site and the efficacy of the proposed measures to protect bats is accepted. Similarly, the site is a brownfield site and therefore not a significant wildlife habitat. Subject to their implementation the proposed development is not likely to have a significant negative effect on bats or natural heritage. The Heritage Officer notes the mitigation measures outline in the ecological assessment submitted and sets out no objection subject to conditions.
- 12.8.5. The ecology report notes that no invasive species were recorded on the site.

12.9. **Planning Authority Recommendation**

- 12.9.1. The planning authority consider that the development that would significantly alter and dominate the landscape resulting in a loss of landscape context contrary to objective 10.1 and 10.2 of the development plan, which would diminish the landmark structure at the Church of the Immaculate Conception contrary to objective 16.4 and negatively impact upon and result in the loss of views contrary to objective 10.6 of the plan and as such the proposed development would not successfully integrate into or enhance the character of the area or make a positive contribution to place making contrary to the building height guidelines.
- 12.9.2. The planning authority further consider that the proposed development, because of its height, bulk and massing and the overall density, if permitted, would be overdevelopment of the site and would therefore exceed the capacity of the area to absorb it contrary to objective 16.68 of the development plan, and would therefore seriously injure the residential amenities of property in the vicinity due to visual overbearance, general noise disturbance and nuisance.
- 12.9.3. The development is an amendment to a previously permitted student accommodation scheme consisting of 419 bed spaces under the Strategic Housing Development process ABP 303437-19. I am satisfied for the reasons outlined above that the development is appropriately located in close proximity to the university and the development is reflective of good contemporary architecture and provides a high-quality design approach and is in accordance with section 3.2 of the Building Height Guidelines and adequately addresses the issues of proximity to high quality public transport connectivity; contribution to the character and public realm of the area, to place-making, to the urban streetscape, to legibility and to the mix of uses in the area. The provision for improved activity and engagement at street level and enhancements to the public realm is in my view successful from an urban design perspective and as such is in accordance with the provision of the Cork City Development Plan 2015 -2021, paragraph 16.68 relating to student accommodation, Chapter 9 -Built Heritage, Chapter 10 – Landscape and Natural Heritage and Section 16.25 - Section 16.38 of the Plan relating to policy regarding Building Heights.
- 12.9.4. I consider the proposed development, in terms of overall scale and design will sit comfortably within the existing streetscape and will not have a significant visually overbearing impact given the setbacks, separation distances and site context. In my opinion the development would not appear over dominant or incongruous in the streetscape, so as to negatively affect the character of the area. I am satisfied that the

development reflects a modern design intervention contrasting effectively with the existing built heritage streetscape, providing an enhanced skyline at a central location, which is appropriate in the context of Cork City and in accordance with the objectives of the National Planning Framework and the Building Height Guidelines.

12.9.5. I have reviewed the contents of the Chief Executive's Report and the appendices attached thereto and I have had regard to the conditions and recommendations therein.

12.10. Environmental Impact Assessment Screening

12.11. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

12.11.1. The current proposal is an urban development project in the built-up area of a city but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold 10 hectares. The proposal is for development on a site of less than 1 hectare which is well below the threshold. The development would be mainly on brownfield land previously subject to development. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed below). The development would be in residential use, which is the predominant land use in the adjoining area. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The development would occupy a relatively small area of land. The proposed development would use the municipal water and drainage services of Cork city, upon which its effects would be marginal. In these circumstances it is clear that the proposed development would not be likely

to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered

12.12. Appropriate Assessment

12.12.1. The development site is not within or directly adjacent to any Natura 2000 site. The AA Screening Report on file considers the following designated sites within a 15 km radius of the site. Cork Harbour SPA (Site Code 004030) is located ca. 3.5km southeast of the site and Great Island Channel SAC (Site Code 001058) is located approximately 10.1km east of the development.

Site (site code)	Qualifying Interests
Cork Harbour SPA 004030	Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162]

	Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]
Great Island Channel SAC 001058	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]

Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project

12.12.2. Conservation Objectives

Cork Harbour SPA (004030)

Conservation Objectives

- To maintain the favourable conservation condition of qualifying interests detailed above.

Great Island Channel SAC (001058)

Conservation Objectives

- To maintain or restore the favourable conservation status of habitats and species of community interest

Assessment of likely Significant Effects on Designated Sites

12.12.3. The proposed development is not in or adjacent to any Natura 2000 site. The proposed Natural Heritage Area at Cork Lough is not part of the Natura 2000. However, the location of the development relative to the Lough is not likely to result in disturbance that might displace Shoveler noting that it is not anticipated that birds using the Lough, which are also qualifying interests for Cork Harbour SPA, would be negatively impacted through disturbance or displacement. The gull species and Mute Swan are habituated to

patterns of human activity and benefit from feeding of birds. I would agree. I note also that the Heritage officer raised no concerns in this regard.

12.12.4. The application site is in the built up area of the city. Its existing condition does not provide ex situ habitats that might support a species that is the subject of the conservation objective of a Natura 2000 site. The foul effluent and stormwater from the proposed development would drain to the city's sewerage system. Its downstream effect on the outflow from that system would be negligible. Having regard to the small scale of the development, there are no significant emissions predicted during the construction or operational phase. Therefore, the proposed development would not have the potential to have a significant indirect effect on any Natura 2000 site either.

12.12.5. These conclusions arise from the location and the nature of the proposed development and do not assume the implementation of any mitigation measures because the proposed development is not likely to give rise to any significant effects on any Natura 2000 site that could be mitigated. There are no effects, either direct or indirect, that are likely to arise from the proposed development that could become significant in combination with any other plan or project. It is therefore reasonable to conclude that on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not required

13.0 Recommendation and Conclusion

Having regard to the sites location close to the city centre and third level institutions, the location on lands zoned ZO4 Residential and ZO10 for Local Centres and those policies and objectives contained in the Cork City Development Plan 2015-2021; the extant planning permission ABP 303437-19, the nature, scale and design of the proposed development, the pattern of existing and proposed development in the area; it is considered that the proposed development subject to compliance with conditions below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would not detract from the character or setting of the Greenmount ACA, Cork Lough or the adjacent built heritage including the Church of the Immaculate Conception.

I recommend that planning permission should be granted, subject to conditions, as set out below.

14.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 23rd April 2020 by Lyonshall (Bandon Road) Ltd.

Proposed Development:

Permission for a student accommodation scheme was previously permitted on the site under application reference ABP 303437-19. The applicant has acquired additional lands enabling the enlargement of the site with additional frontage to the Bandon Road. The current application seeks to provide 77 no. student apartments consisting of 554 bed spaces in five buildings that would range from two storeys to six storeys high. The total stated floor area of the scheme is 16,147.5sqm.

The development comprises:

- Construction of a new student apartment building fronting Bandon Road (Block 5) which will range in height from 1 to 5 storeys and will contain shared amenity, study areas, building management and café at ground floor and 79 bed spaces in 12 apartments on the upper floors.
- Alterations to permitted Blocks 1 and 2 to provide for reduced floor to ceiling heights at all levels and the addition of 1 storey to that previously permitted, to provide for a building ranging in height from 4 to 6 storeys and consisting of 128 no. bed spaces in 17 no. apartments.
- Alteration to permitted block 3 to provide for a reduction in floor to ceiling heights
- Alterations to permitted Block 4 for a reduction in floor to ceiling heights at all levels and the addition of 1 storey to that previously permitted, to provide for a building ranging in height from 5 to 6 storeys and consisting of 161 bed spaces in 22 no. apartments.
- Construction of a 3-storey building fronting Bandon Road and connection to Block 5 at upper levels with a retail/coffee shop at ground floor level and 1 no. 3 bedroom student apartment on the upper floors.

- Access to the development will be via a gated entrance from the Bandon Road. The development makes provision for an upgraded junction between Magazine Road and Bandon Road which will include traffic calming measures, enhanced pedestrian public realm and dedicated bus set down area
- The development also provides for ancillary site works including the provision of a substation/switch room/boiler room, bin store and a pump room/gas cylinder store, associated landscaping and internal shared surface courtyards with car 14 surface car parking spaces and 280 bike parking spaces would also be provided. The development in includes a path and gate up to the southern boundary with land at Lough Villas that would facilitate pedestrian access there.
- There are five areas of open space identified as gardens or courtyards with a stated area of 2,329m² (16 spaces) and bicycle parking (210 spaces – 0.38 spaces per bed space). The development also makes provision for the re-location of a mobile telecommunications mast from the roof of the existing industrial building to the roof of Block 2 of the proposed development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in close proximity to University College Cork and the availability of transport links to Cork City Centre and other third level institutes;
- (b) the bulk of the site being brownfield in nature;
- (c) the National Planning Framework and the National Student Accommodation Strategy;

- (d) the policies and objectives of the Cork City Development Plan 2015 – 2021 including variation no. 5 to that plan; and
- (e) the pattern of existing development in the area;
- c) Nature, scale and design of the proposed development;
- f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- g) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j) The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- k) The Architectural Heritage Protection Guidelines (2011)
- l) The Chief Executive's Report (including the recommended reasons for refusal)
- m) Submissions and observations received.
- n) The extant planning permission ABP 303437-19
- o) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- a) the nature and scale of the proposed development on a site served by public infrastructure,
- b) the absence of any significant environmental sensitivities in the area,
- c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

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

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:
 - (a) The accordion effect building line of Block 5 fronting the Bandon Road shall be revised to reflect a flush building line over the central portion of the Bandon Road façade. The building line shall be recessed either side of the central portion in line with the step-in building height and a similar flush façades provided.
 - (b) Additional external seating areas shall be provided throughout the scheme.
 - (c) Details of provision for charging of electric vehicles.

The car parking spaces on site shall be used solely to serve the proposed development and shall not be sold, let or conveyed individually as commercial car parking spaces.

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, road safety and cultural heritage.

4. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

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

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

6. Prior to commencement of development a suitable name for the development (in Irish and English) reflecting local place names shall be agreed in writing with the planning authority.

Reason: In the interest of local heritage.

7. Prior to commencement of development full details of the hours of operation of the retail unit/café element shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of proper planning and orderly development.

8. Details and samples of the materials, colours and textures of all the external finishes to the proposed development, including pavement finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

10. Full details of all signs associated with the overall scheme and individual blocks shall be submitted to, and agreed in writing with, the planning authority prior to their erection on site.

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

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

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

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

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

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

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

14. 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.

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

Reason: In the interest of public health

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

Reason: In the interests of amenity and public safety.

17. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. The road improvements at Denroches Cross (Glasheen Road/Bandon Road/Magazine Road junction) as outlined in Drawing Nos. L304 submitted with the application, shall be carried out in full by the developer at his expense. A final design shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. The final design shall comply with the provisions of DMURS and include the recommendations of the Stage 1/2 Road Safety Audit. A Stage 3/4 Road Safety Audit shall be agreed and discharged with the planning authority.

Reason: To facilitate safe pedestrian and vehicular access to the proposed development.

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

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

17. (a) During the operational phase the noise level arising from the development, as measured at the nearest dwelling, shall not exceed:-
- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

19. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials (and for the ongoing operation of these facilities) in line with the requirement of condition 2 above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development

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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Irené McCormack
Planning Inspector

12th August 2020