



An
Bord
Pleanála

Inspector's Report ABP-309974-21

Development

The demolition of a rear annex/
outbuildings and change of use of
Hawthorn House from residential to
student amenity and management
facilities.

The construction of a four-storey
student accommodation building
located to the rear of Hawthorn House
comprising 15 apartments and all
associated development works.

Location

Hawthorn House, fronting onto
Western Road and Mardyke Walk,
Cork.

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

21/39853

Applicant(s)

Mideam Ltd

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal	First Party -v- Decision
Appellant(s)	Mideam Ltd
Observer(s)	Michael & Maura Sheehan Mardyke Walk Residents Association Mike O Floinn & Kathryn Neville William & Joan McInerney Carla O'Connell
Date of Site Inspection	16 th July 2021
Inspector	Hugh D. Morrison

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2.0 Site Location and Description

- 2.1. The site is located on the northern side of Western Road (N22) and on the southern side of Mardyke Walk. This site spans these two east/west routes to the west of Cork city centre: The former forms part of the national primary road (N22), as does the latter over its eastern portion. The western portion, which abuts the site, is predominantly a local access and pedestrian/cyclist route that serves several recreational grounds and Fitzgerald Park to the north of the site.
- 2.2. Within the vicinity of the site, Western Road, on its northern side, is characterised by large established houses that are the subject of residential and commercial uses, e.g. guest houses/Bn'Bs, offices, and childcare facilities. The grounds of these houses run between Western Road and Mardyke Walk: Primary access is from the former and secondary access, often to yards, is from the latter.
- 2.3. The site itself is essentially rectangular in shape and it extends over an area of 0.145 hectares. Gated access is from Western Road. The southern portion of the site accommodates the majority (western and central portions) of a three-storey over basement period house, which dates from c. 1840 and which is known as "Hawthorn House". (The eastern portion lies outside the site). This house has a two-storey annex and single storey outbuildings to the rear. It is in residential use and the annex/outbuildings, while presently vacant, were last in use as a veterinary surgery. The northern portion of the site laps around to the rear of the eastern portion of the house, which has been extended to the rear, too.
- 2.4. The southern boundary of the site abuts the rear of the northern footpath to Western Road. It is enclosed by means of a wall and hedgerow. The northern boundary abuts the rear of the southern footpath to Mardyke Walk. It is enclosed by means of a wall and railings. The southern portion of the eastern boundary runs through the above cited house and the northern portion is adjacent to a new three/four storey student accommodation building that the applicant has recently built on an adjoining site to the east and which is denoted as the Phase 1 development. This building is sited close to the junction between Mardyke Walk and Noel Cantwell Walk, a curved pedestrian/cyclist link between Western Road and Mardyke Walk, and it defines part of the edge to this link. A concrete post and timber panel fence denotes the northern portion of the eastern boundary. The western boundary of the site is denoted by a

part brick/part stone wall. Beyond it lies a large four-storey house, which is in use as Redclyffe House guest accommodation. This house has been extended to its eastern side/rear by means of two-storey extension, which abuts the aforementioned western boundary treatment.

3.0 Proposed Development

3.1. The proposal would entail the following elements:

- The demolition of a rear annex/outbuildings (previously used as a veterinary surgery) (227 sqm) to Hawthorn House,
- The change of use of Hawthorn House from residential to student amenity and management facilities (374.2 sqm), and
- The construction of a four-storey student accommodation building (2210.4 sqm) sited to the rear of Hawthorn House. This building would comprise 15 apartments, which would range in size between 3 – 7 bedrooms and which would provide a total of 79 bedspaces.

3.2. The site would continue to be served by the existing vehicular access from Western Road. A new pedestrian access would be formed from this Road and an existing one from Mardyke Walk would be re-used. To the west of Hawthorn House, a parking area and a central courtyard with bicycle and bin storage facilities would be provided. Another bicycle storage facility would be sited adjacent to the western elevation of the proposed building. The existing fence on the eastern boundary of the site would be removed and so the site and the adjoining site of the student accommodation development would be continuous with one another.

4.0 Planning Authority Decision

4.1. Decision

Permission was refused for the following reasons:

1. *Having regard to:*

(a) *The location of the site within the Mardyke Architectural Conservation Area (Ref: Map 9, Volume 2 and Volume 3 of the Cork City Development Plan 2015 – 2021),*

(b) Paragraph 16.132 and Objectives 9.29 and 9.32 of Volume 1 of the Plan,

(c) The excessive height, scale, and massing, and

(d) The intended building lines,

It is considered that the proposed development would be visually overbearing, out of character with the pattern of development in the area of the Mardyke. The proposed development would not significantly enhance the special character of the ACA. The proposed development would therefore adversely affect and seriously injure the character and amenities of the Mardyke ACA. The development, if permitted, would not respond well to its natural and built context by reason of excessive height, scale, and massing nor would it successfully integrate into or enhance the character of the area or make a positive contribution to place-making, contrary to the Urban Development and Building Height – Guidelines for Planning Authorities 2018. The proposed development would therefore be contrary to Development Plan objectives and national planning guidelines and would seriously injure the visual amenities of the area, contrary to the proper planning and sustainable development of the area.

2. Having regard to the layout of the proposed development on site, the nature and intensity of the proposed use for student accommodation and the insufficient provision of communal open space, it is considered that the proposed development would seriously injure the residential amenities of property in the vicinity by reason of overbearance, overlooking, noise, and general disturbance and would depreciate the value of property in the vicinity. The proposed development would be contrary to planning policy set out in Paragraphs 15.10 and 16.68 of the Cork City Development Plan 2015 – 2021, would set an undesirable precedent for similar development in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

See decision.

4.2.2. Other Technical Reports

- IFI: Defers to Irish Water.
- Irish Water: No objection + Site-specific notes.

- Cork City Council:
 - Environment: No objection, subject to conditions.
 - City Architect: Advises that from urban design and architectural perspectives, the proposal is satisfactory.
 - Transport & Mobility: Further information requested with respect to increased cycle parking.
 - Contributions: General Development Contribution required.
 - Urban Roads & Street Design: Further information requested with respect to access arrangements, including sightlines, entrance width, and pedestrian priority.
 - Drainage: Further information requested with respect to drainage discharge routes and the capacity of pipelines to accommodate loadings.
 - Conservation: Objects – “The development will result in a strong negative impact on the character of the ACA.”

5.0 Planning History

Site

- 84/20: Pre-application consultation occurred on 22nd April 2020.

Adjoining site

- 17/37685: Four-storey 41-bedspace student accommodation apartment block: Permitted at appeal (ABP-301170-18) and subsequently implemented.

6.0 Policy and Context

6.1. Development Plan

Under the Cork City Development Plan 2015 – 2021 (CDP), the site lies within an area that is zoned ZO 4, residential, local services and institutional uses, wherein “The provision and protection of residential uses and residential amenity is a central objective”. The site also lies within the Mardyke Architectural Conservation Area

(ACA). Volume 3 of the CDP discusses this ACA under the headings description of area, statement of character, building typology, and issues.

Objective 9.29 undertakes “To seek to preserve and enhance the designated ACAs in the City.”

Objective 9.32 undertakes that “Development in ACAs should take account of the following: ...Acceptable design, scale, materials and finishes for new development...”

Paragraph 16.132 adds that “The overall guiding principle is positive enhancement of the unique qualities that make a place special because of its particular character.”

Objective 9.28 addresses buildings identified in the NIAH and it aims “to protect structures of built heritage interest.”

To the north of the site on the opposite side of Mardyke Walk lies Fitzgerald Park, which is zoned ZO 14, public open space. This Park lies within the ACA and it also lies within an area of high landscape value. Amenity routes run around its eastern and northern perimeters.

Under Variation No. 5 of the CDP, the Planning Authority acknowledges that “There is currently an under supply of purpose built student accommodation in the city” and so Objective 6.5 states “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.”

Paragraphs 16.68 & 69 address student accommodation as follows:

***16.68** 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:

- *The 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 below.*

16.69 *Student accommodation developments shall only be used for accommodation for students of a tertiary/higher education institute, including residential accommodation that is used as tourist or visitor accommodation only outside of academic term times. Such developments shall not be used as permanent residential accommodation or (subject to the above) as a hotel, hostel, apart-hotel or similar use.*

Table 16.5a Minimum Standards for Purpose Built Student Accommodation

Description of Development	Minimum Standard (Gross Floor Area)
<i>Shared Unit/house: Minimum 3-bed up to Maximum 8-bed occupancy</i>	<i>55 sqm</i>
<i>Single/Double occupancy (self-contained) studio unit with en-suite bathroom and kitchenette/cooking facilities</i>	<i>25 sqm (min) 35 sqm (max)</i>

<i>Campus located townhouse/own-door Student Accommodation</i>	<i>max of 12 bed spaces per townhouse</i>
<i>Shared kitchen/ living/dining rooms</i>	<i>4 sqm per bed space</i>
<i>Single Study Room (with en-suite shower, toilet and basin)</i>	<i>8 sqm (12 sqm)</i>
<i>Twin Study Room (with en-suite shower, toilet and basin)</i>	<i>15 sqm (18 sqm)</i>
<i>Single disabled study bedroom, with en-suite disabled shower, toilet and basin</i>	<i>15 sqm</i>
<i>Bathrooms</i>	<i>Either en-suite with study bedrooms / studio units or to serve a maximum of 3 bed spaces</i>
<i>Car Parking</i>	<i>As per Table 16.8</i>
<i>Cycle Parking Standards</i>	<i>As per Table 16.9</i>
<i>Communal private open Space</i>	<i>5 - 7 sq. m. per bed space</i>

6.2. National Policy

- National Student Accommodation Strategy (2017)

This strategy is “designed to ensure that there is an increased level of supply of purpose-built student accommodation (PBSA) to reduce the demand for accommodation in the private rented sector by both domestic and international students attending Higher Education Institutions (HEIs).”

- National Inventory of Architectural Heritage (NIAH)

The existing building on the site is identified under reg. no. 20866104.

- Urban Development and Building Height Guidelines
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management

6.3. Natural Heritage Designations

- Cork Harbour SPA (004030)
- Great island Channel (001058)

6.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 15 student accommodation apartments on a site with an area of 0.145 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- Design, scale, height, and massing of development and impact on the Mardyke ACA.
 - The Planning Authority's first reason for refusal cites the Urban Development and Building Height Guidelines and yet these very Guidelines mandate that the provision of at least three to four storey buildings be supported in principle.
 - The Conservation Officer reiterates his opposition to the applicant's Phase 1 development, which was permitted by the Board. He has failed to come to terms with the fact that this development forms part of the fabric of the ACA against which the current proposal must be assessed. Likewise, his reference to the "smaller scale, the varied, less urban nature of the

buildings” in the Mardyke ACA fails to recognise that the adjacent Redclyffe Guesthouse to the west of the site has a ridge height which would be 1.76m above the parapet height of the proposal. Furthermore, from Western Road, this proposal would be more discrete than the Phase 1 development.

- By contrast, the City Architect is supportive of the proposal recognising as he does that it would present to Western Road, where it would hold the building line of Redclyffe Terrace to the west and be finished in a neutral palette of materials. This proposal would also reflect the size, design, and appearance of the Phase 1 development to the east along Mardyke Walk.
- The applicant contends that the site in its existing state does not make a positive contribution to the ACA, whereas the proposal would do so. In this respect, attention is drawn to the visibility of unprepossessing annexes and side elevations of adjacent buildings that enclose a vacant lot.
- The proposal would exhibit a plot ratio of 1.78, which would be above the relevant range of 1.0 – 1.5 cited in the CDP but below the plot ratio of 1.9 exhibited by the Phase 1 development. The applicant contends that this plot ratio would be wholly appropriate, given the inner-city location of the site, which is within easy walking distance of UCC, outdoor recreation facilities, and high frequency public transport.
- Likewise, the proposal would exhibit a density of 100 units per hectare, whereas the Phase 1 development exhibits a density of 160 units per hectare. Under the criteria set out in Section 16.12 of the CDP, this density would be justified in view of –
 - The site’s accessibility to high frequency public transport,
 - The positive urban edge that it would provide to Mardyke Walk and the informal surveillance that it would afford to Fitzgerald Park,
 - The provision of between 6.1 and 6.7 sqm of communal amenity space per bedspace (CDP standards require between 5 – 7 sqm),

- A reduction in traffic movements/need for parking with the replacement of the established residential and veterinary surgery uses by the proposed student accommodation that would be served by 1 mobility-impaired car parking space and 40 cycle parking spaces, and
- The support that would be extended to local shops and services and recreational facilities.
- While the Planning Authority cites “intended building lines” in its first reason for refusal, the applicant is unclear as to what the issue is in this respect. Essentially, the proposal would reflect the siting of the Phase 1 development and the other attributes of this development. Furthermore, Hawthorn House would be retained and improved in accordance with good conservation practice.
- Impact on residential amenity and communal open space provision
 - The Planning Authority’s second reason for refusal refers to precedent, which, in the light of the Phase 1 development is misplaced.
 - The second reason for refusal refers to the criteria set out in Section 16.68 of the CDP. The proposal would accord with these criteria in the following ways:
 - The site is within a 2-minute walk of UCC, it is on a high frequency public transport route, and it is beside a Cork bikes station.
 - The proposal would provide an appropriate level of amenity space under the CDP. Thus, 352 sqm of outdoor space and 130.6 sqm of indoor space, including meeting and study facilities in Hawthorn House, would be provided, along with storage, waste, and bicycle parking facilities.
 - The City Architect testifies to the quality of the design of the proposal.
 - The applicant undertakes to make available the facilities in Hawthorn House during the academic year.

- With respect to residential amenities, the proposal would have a recessed top storey to ensure that it is both consistent with the Phase 1 development and avoids being visually overbearing.
- Privacy concerns arising from the proximity of the proposed eastern elevation and the existing western elevation of the Phase 1 development have been addressed in the design of the proposal. Thus, high-level secondary windows would be installed, and primary windows would overlook courtyards/circulation areas.
- Privacy concerns arising from the proximity of the proposed western elevation and the existing eastern elevation of the single storey side/rear extension to Redclyffe House are discussed. This extension, which was permitted under application 10/34418, has high-level windows on the common boundary, which serve either circulation spaces or en-suites/wcs. Additionally, if the Board is concerned about the proposed northernmost windows in the proposed western elevation, then these windows can be re-specified as high-level windows (cf. drawing no. 20050/P/704).
- Attention is further drawn to the set back position of the proposed western elevation from the common boundary, i.e. a minimum of 1.55m, and the specification of either high-level windows or, behind recesses in this elevation, full-height windows, with positive implications for any overlooking.
- The proposal would only overshadow the above cited windows in the eastern elevation of Redclyffe House in the early morning. These windows would be more severely overshadowed by the original building comprised in this House later in the day.
- The second reason for refusal refers to “noise and general disturbance”. This reference is inappropriate, as the proposal is for a residential use that would be professionally managed. In this respect, the applicant manages existing student accommodation in Cork, and it would manage the proposal, too, on the following basis:

- Continuous on-site management with dedicated out of hours support,
- Standardised operational measures,
- Contactable at all times to neighbours,
- Promotion of sustainable modes of transport, e.g. cycling, and
- Summer self-catering accommodation managed by staff.

The applicant operates a Behaviour Policy, which is applicable to all guests, and it undertakes to meet with local resident's associations each term.

- Pre-planning consultation
 - The Planning Authority raised no objection in principle to the proposal and advised that the draft five-storey proposal be revised to reflect the height, massing, and finishes of the Phase 1 development. The proposal was subsequently revised on this basis and so the Planning Authority's refusal came as a shock to the applicant.
 - While the applicant acknowledges that pre-application advice is given on a "without prejudice" basis, the summary refusal of its proposal for the reasons stated is difficult to fathom.
- Need for student accommodation
 - The National Student Accommodation Strategy states that, while Cork accounts for 14% of full-time enrolments in third level institutions in the state, it has a significant shortfall in purpose-built student accommodation (PBSA), due partly to a lack of suitable sites. This Strategy estimates that by 2024 there will be a demand for 7391 PBSA bedspaces and yet even if all the extant permissions for such accommodation were to be implemented by then there would still be a shortfall of 1000 bedspaces. Furthermore, if its overly optimistic assumptions concerning student digs are factored-in, then this shortfall would double to 2000 bedspaces. In the light of these considerations, the need for the proposal on an eminently suitable site is clear.

7.2. Planning Authority Response

None

7.3. Observations

(a) Michael & Maura Sheehan of Redclyffe House, 4 Redclyffe Terrace, Western Road, Cork.

Objection is raised on the following grounds:

- The proposal would lead to overlooking/loss of privacy and overshadowing/loss of sunlight at the observers' guesthouse, due to the 33 windows and 3 balconies in its western elevation and its proximity to this guesthouse. The CDP consistently upholds the need to respect these residential amenities. Additionally, noise during the construction and operational phases would be problematic, e.g. early morning noise during the construction of Phase 1 generated complaints from guests.
- The proposal for a modern apartment block would, due to its juxtaposition with existing Victorian houses, be disrespectful of its historic context, which, as an ACA, the CDP consistently undertakes to protect.
- The proposal would exacerbate existing on-street parking problems in the area. In this respect, the applicant is unrealistic in assuming that students would not have cars and that tourists staying in the summer months would not have cars.

(b) Mardyke Walk Residents Association

Objection is raised on the following grounds:

- Student accommodation development in Cork is listed, which would provide over 3700 bedspaces. The proposal would only provide a relatively small number of additional bedspaces. Mardyke Walk comprises dwelling houses within which long established and new households reside. The resulting character of the area should be respected.

- The proposal would exhibit a density and plot ratio that would fail to reflect the pattern of existing development in the area, the character and amenities of which would be adversely affected.
- The northern side of Mardyke Walk is characterised by recreational uses, many of which have been the subject of investment following floods in 2009. The Walk itself is an important link between the North Mall and the Lee Fields. Its amenity value arises from the existing residential and recreational uses on either side, which would be eroded by the proposal.
- The siting, scale, and design of the proposal would be out of character with the Mardyke ACA and so it would depart from CDP policies/objectives for this ACA.
- In conjunction with Phase 1, the proposal would lead to a concentration of population on the site, which is not in keeping with the residential/recreational zoning of the area. Tourists who stay in the proposed student accommodation in the summer would add to local on-street parking congestion when such parking is already at a premium due to local sporting events.
- Attention is drawn to the narrow stretch of Mardyke Walk, which adjoins the site. Vehicular, cyclist, and pedestrian traffic generated by the proposal would add to congestion and the risk of accidents in the area.
- In particular, the added pressure on the limited number of on-street parking spaces arising from the term time and holiday use of the proposal would exacerbate congestion/conflict in the area.
- The submitted Site Management Plan is critiqued on the basis that 24/7 on-site management is not proposed. This level of oversight is considered to be critical to deter anti-social behaviour. Likewise, the lack of outdoor communal space would lead to overspill onto public areas.
- During the construction phase, the high site coverage of the proposal would necessitate the use of Mardyke Walk posing health and safety risks to the public.

(c) Mike O Floinn & Kathryn Neville of 39 Mardyke Walk

Objection is raised generally on the grounds that the proposal would disrupt the balanced mixed-use pattern of development along Mardyke Walk by the introduction of a large concentration of transitory student residents.

Objection is raised, too, on the following specific grounds:

- The proposal would not be in keeping with the Mardyke ACA.
- Contrary to the applicant's contention, the proposal would be visually overbearing and out of character with existing development along the historic and important Mardyke Walk.
- The proposal would add to the applicant's Phase 1 development and so it would disrupt the balance of mixed-use in the area.
- While the site may be a convenient location for UCC and CIT, there are locations other than Mardyke Walk where new student accommodation could be sited.
- The observers illustrate the above point by identifying 19 student accommodation developments in the wider area.
- The proposal would be four-storeys high. Of the 49 houses on Mardyke Walk, all but 2 are two-storeys high, along with the applicant's Phase 1 development.
- The applicant incorrectly refers to the site as "brownfield". Where it proposes to site the student accommodation is, in fact, predominantly a domestic rear garden that should be retained as such.
- The proposal would lead to concentration of transitory student residents, who would disrupt the population balance of the area.

(d) William & Joan McInerney of 35 Mardyke Walk

The following observations are made:

- The proposal would lead to the introduction of a commercially based high-density apartment block/short-term tourist accommodation. Without any car parking, into a residential and recreational area.
- The applicant refers to apartments whereas in reality the 6/7 bedspace units would be more akin to co-living or dormitory/hostel type accommodation.

- The proposal, at four storeys and with a large footprint, would be out of scale with the surrounding two-storey pattern of development.
- The proposal would be sited only 2m away from Mardyke Walk, thereby breaking the existing building line. Balconies overlooking the Walk would detract from its amenities.
- The absence of parking provision from the proposal would lead to increased pressure/conflict over the finite amount of on-street car parking spaces in the area. Students residing in Phase 1 are already competing for spaces.
- Clarification is needed on round the clock security for the proposal, against a backdrop of increasing incidents of anti-social behaviour on Mardyke Walk.
- In excess of over 800 units of student accommodation have already been provided in the Western Road/Victoria Cross area. *Ad hoc* further developments in the area, such as that proposed, should not be undertaken. Instead, they should be the subject of strategic planning.
- While the applicant states that it wishes to build long-term relationships with local residents, the observers have not been contacted by it either over Phase 1 or the current proposal.

(e) Carla O'Connell of 3 Monfort Park

Objection is raised on the following grounds:

- In combination with Phase 1, the proposal would be a potential eyesore when viewed from Fitzgerald Park opposite.
- Parking is already a big issue in the area.
- A lot of student accommodation has already been provided in Cork. As students are likely to be studying from home for the foreseeable future, is more of this type of accommodation needed?

7.4. Further Responses

None

8.0 Assessment

8.1. I have reviewed the proposal in the light of national policy, the Cork City Development Plan 2015 – 2021 (CDP), relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Need and balance,
- (ii) Land use, density, and transportation,
- (iii) Conservation and aesthetics,
- (iv) Development standards,
- (v) Residential amenity,
- (vi) Traffic, access, and parking,
- (vii) Water, and
- (viii) Appropriate Assessment.

(i) Need and balance

8.2. The observers question the need for more student accommodation. Specifically, observer (b) lists existing student accommodation in Cork City, which provides over 3700 bedspaces, observer (d) states that there is already plenty of student accommodation in the Western Road/Victoria Cross area of the city, with in excess of 800 bedspaces available, and observer (e) questions the continuing need for additional provision, on the basis that students may be more likely to study from home in the future.

8.3. The applicant sets out the case for believing that more student accommodation is needed. Thus, the National Student Accommodation Strategy states that, while Cork accounts for 14% of full-time enrolments in third level institutions in the state, it has a significant shortfall in purpose-built student accommodation (PBSA), due partly to a lack of suitable sites. This Strategy estimates that by 2024 there will be a demand for 7391 PBSA bedspaces and yet even if all the extant permissions for such accommodation were to be implemented by then there would still be a shortfall of 1000 bedspaces. Furthermore, if its overly optimistic assumptions concerning

student digs are factored-in, then this shortfall would double to 2000 bedspaces. In the light of these considerations, the need for the proposal is self-evident.

- 8.4. The case planner in her report on the current application discusses demand and supply factors with respect to student accommodation in Cork City. She accepts the applicant's predicted shortfall in provision, and she considers that the patterns of studying from home evident during the current pandemic are likely to fall away as society emerges from the attendant public health emergency.
- 8.5. I am conscious that the applicant is not obliged to demonstrate that its proposal would be needed. Insofar as it has presented the view that this proposal would be needed, I see no persuasive grounds upon which to disagree with this view.
- 8.6. Observers (b) and (c) draw attention to the applicant's Phase 1 student accommodation building, which is now operational. They state that the current proposal in conjunction with this existing accommodation would lead to an over concentration of transitory students in this locality, which would upset the balance of its population.
- 8.7. I note that the phase 1 development provides 41 bedspaces and that the currently proposed development would provide 79 bedspaces, i.e. a total of 120 between the two projects. I note, too, that, under figure 1 of observer (c)'s submission, the distribution of existing student accommodation in the Western Road/Victoria Cross area is depicted and that, while there is a clear concentration in Victoria Cross, accommodation on Western Road is more dispersed.
- 8.8. During my site visit, I observed that while there is a residential population in the vicinity of the site, there are workplaces, in the form of offices, and visitor accommodation, in the form of guesthouses, in the vicinity, too. Furthermore, the recreational facilities along Mardyke Walk, e.g. Fitzgerald Park, attract users/visitors. These land uses ensure that, in addition to local residents, the area is frequented by workers, visitors, and recreational users. The augmentation of the existing student accommodation needs to be seen in this context, too.
- 8.9. I conclude that there is a *prima facie* need for the proposal. I conclude, too, that in conjunction with the applicant's Phase 1 development on the adjoining site, the proposal would not lead to an over concentration of student accommodation within the locality of the site.

(ii) Land use, density, and transportation

- 8.10. Under the CDP, the site lies within an area that is zoned ZO 4, residential, local services and institutional uses, wherein “The provision and protection of residential uses and residential amenity is a central objective”. The proposal is for student accommodation and so it would result in the provision of a residential use in a new building sited in the northern portion of the site with ancillary uses in the existing Hawthorn House in the southern portion. The zoning objective would thereby be fulfilled.
- 8.11. Under Objective 6.5 of the CDP, “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.” In these respects, the proposal would command support, as the site is close to UCC, which lies on the southern side of both Western Road and the accompanying River Lee (southern channel), this site is adjacent to bus stops on Western Road, which serve high frequency routes that benefit from an in-bound bus lane that is operational on weekdays during peak periods, and it is close to a Cork bike scheme stand at the junction between Mardyke Walk and Noel Cantwell Walk. Furthermore, the western portion of Mardyke Walk is a pedestrian/cyclist route into/out of the city centre.
- 8.12. The proposal would exhibit a density of 103 units per hectare, whereas its Phase 1 development exhibits a density of 166 units per hectare. Its plot ratio would be 1.78, whereas under Phase 1 it is 1.9. The applicant refers to Section 16.12 of CDP in seeking to justify the density. (Section 16.16 addresses higher plot ratios). These Sections begin by citing the presence of public transport, which as cited above is of high frequency and conveniently placed for the site. Other factors cited, e.g. streetscape, amenity, and parking, will be discussed under subsequent headings of my assessment. In anticipation of my conclusions set out below, I consider that there is no in principle objection to the proposal on the basis of the density and plot ratio that it would exhibit.
- 8.13. I conclude that the proposal, as a residential one, would fulfil the zoning objective for the site, and that it would be well-served by sustainable modes of transport, such as

buses and bicycles. I conclude, too, that its density would, in principle, be appropriate, primarily due to the convenience of these modes of transport.

(iii) Conservation and aesthetics

- 8.14. Under the NIAH, Hawthorn House is identified under reg. no. 20866104 as being of architectural, artistic, and technical interest as a house dating from c. 1840. This House is given a regional rating. Its use would change under the proposal from residential to student amenity and management services and the annex and outbuildings to the rear, which were last used as a veterinary surgery, would be demolished.
- 8.15. The applicant has commissioned an Architectural Heritage Impact Assessment (AHIA) of Hawthorn House. This Assessment confirms that there would be no changes to the front (southern) and western elevations of the House, and it specifically recommends that the ornamental grilles to the ground floor windows in the western elevation be retained in-situ and that the stained-glass windows to the stairwell be retained and conserved/repared. While the Assessment judges that the two-storey annex may be original, it has been extensively altered over the years and so no objection is raised to its demolition. The openings in the rear elevation that would thereby be exposed would be fitted with round-headed painted timber sash windows. Internally, some alterations would be necessary to facilitate the new use of the House.
- 8.16. The AHIH expresses the view that the proposed demolition to the rear of Hawthorn House would allow for a better appreciation of the original structure. The Planning Authority's Conservation Officer does not disagree. However, he takes strong exception to the new build proposal to the rear of this House. In doing so, he draws attention to the CDP's character statement of the Mardyke ACA, which describes the relevant middle section of the ACA as being characterised by "the smaller scale, the varied, less urban nature of the buildings and their varied boundary treatment towards Mardyke Walk." The current proposal would be a larger version of the Phase 1 student accommodation on the adjoining site to the east. He fears that, notwithstanding the Board's approval of the Phase 1 development, if this latest proposal proceeds, then the ACA designation would be rendered meaningless.

- 8.17. The applicant has responded to the Conservation Officer's critique by expressing the view that he has failed to come to terms with the fact that the Phase 1 development now forms part of the fabric of the ACA against which the current proposal must be assessed. Furthermore, it contends that the site in its existing state does not make a positive contribution to the ACA, whereas the proposal would do so. In this respect, attention is drawn to the visibility of unprepossessing annexes and side elevations of adjacent buildings that enclose a vacant lot.
- 8.18. Observers (a), (b), and (c) also express concern over the current proposal from the perspective of the ACA with respect to its relationship with both adjacent Victorian buildings and Fitzgerald's Park.
- 8.19. The applicant comments on the former relationship by drawing attention to the adjacent Redclyffe House to the west of the site. The front elevation of the proposed building would align with the front elevation of this House and its parapet height would be lower than the ridgeline of this House, i.e. by 1.76m. The siting of this building would be to the rear of Hawthorn House and so it would appear in scale with this House from Western Road. Indeed, the applicant expresses the view that this proposal would be more discrete, when viewed from Western Road, than the Phase 1 development.
- 8.20. During my site visit, I observed the Phase 1 development from Western Road, Noel Cantwell Walk and Mardyke Walk. Its presence when viewed from the first of these vantage points is relatively discrete, from the second it is a defining presence, and from the third it is prominent on approach from the east, due to its position at the junction between the two Walks and its siting forward of the front building line of the nearest dwelling houses to the east. (From the west it is less prominent, due to the presence of trees to the rear of buildings).
- 8.21. Within the context described above, the current proposal would be relatively discrete, too, when viewed from Western Road, due to its recessed position on the northern portion of the site. It would be barely visible from Noel Cantwell Walk between existing buildings and it would be largely hid by the Phase 1 development on approach from the east along Mardyke Walk. On approach from the west, it would have a similar profile to the existing Phase 1 development.

- 8.22. During my site visit, I also observed that the existing Phase 1 development is highly visible from within Fitzgerald Park, i.e. from within the green that accompanies the Pavilion of Light Bandstand, which lies forward of the Cork Public Museum. The applicant has submitted a photomontage of an existing view of this development from the green with the current proposal superimposed alongside it (cf. the Architectural Design Statement). This proposal would be of a similar scale and design to the Phase 1 development and so it would read as a continuation of this development. The two buildings would be partially screened by several roadside deciduous trees, which would filter the resulting visual impact. The proposal would add to the sense of enclosure created by the Phase 1 development.
- 8.23. Objective 9.29 of the CDP undertakes “To seek to preserve and enhance the designated ACAs in the City.” The Board in permitting the Phase 1 development considered that it would “constitute a visual improvement of the streetscape and wider environs of the ACA.” As the applicant has correctly pointed out, this development now forms part of the ACA, which would host the current proposal. Aesthetically, the City Architect has expressed the view that it would be satisfactory. He states that “From an architectural standpoint the massing of the building and general articulation of the brickwork façade is well considered on all public facades. Solid to void massing is well proportioned as well as window fenestration design.” I concur with his view that this proposal would represent a good example of contemporary architecture.
- 8.24. The question that arises from the foregoing discussion is whether this proposal, in combination with the Phase 1 development, would be visually excessive when viewed from the green within Fitzgerald’s Park. Essentially, the southern backdrop to this green has been radically changed by the introduction of the Phase 1 development. As discussed above, the current proposal would add to this backdrop in a manner that would read as completing that which has been begun. If the Phase 1 development is viewed as unsympathetic to the character of the ACA, then effectively the current proposal, which would provide more of the same, will be viewed in the same light. If, with the Board, the view is taken that the streetscape has been visually improved by the Phase 1 development, then the current proposal will be welcomed as continuing such improvement. Effectively, precedent for this proposal exists by virtue of the comparable circumstances of the two adjoining sites.

8.25. I conclude that the proposal would facilitate the enhancement of the setting of Hawthorn House and, given the precedent established by the Phase 1 development on the adjoining site, it would be compatible with the visual amenities of Mardyke ACA that now exist.

(iv) Development standards

8.26. Paragraph 16.68 and Table 6.5a of the CDP set out criteria that are to be taken into account in assessing purpose-built student accommodation proposals. Under the current proposal, 15 apartments providing a total of 79 bedspaces would be provided by way of such student accommodation. The internal space requirements set out in Table 6.5a would be met quantitatively. Qualitatively, 6 of the 15 apartments would not be served by any dedicated balconies off their shared living space, i.e. the apartments that would be sited in the north-eastern portion of the building and in the top storey (third floor). The residents of these apartments, in particular, would be reliant upon the communal outdoor space provided within the grounds of Hawthorn House/the new building.

8.27. Under Table 6.5a, communal private open space should be provided to a minimum standard of 5 – 7 sqm per bedspace, i.e. 395 – 553 sqm. The Planning Authority's second reason for refusal critiques the current proposal on the basis that its provision of communal open space would be insufficient. At the appeal stage the applicant has submitted drawing no. 20050/P/801 revision P2, which shows amenity space within the overall proposal including and excluding marginal areas, i.e. purely circulation areas. I consider that the latter presentation of the proposal is the appropriate one to consider in any assessment of communal open space. It depicts a total of 352 sqm of such space, although this would include the two bicycle storage areas. It also depicts the balconies that would serve the living spaces of 9 of the 15 apartments. These would have a total area of 58.8 sqm. If these two figures are aggregated, then 410.8 sqm of either communal or semi-communal open space would be provided, i.e. 5.2 sqm. This level of provision would come within the range of 5 – 7 sqm, although not if the two bicycle storage areas are excluded.

8.28. The applicant also includes within its depiction of amenity space the communal facilities by way of a study, lounge, and meeting room that would be available for

student use on the ground floor of Hawthorn House during the academic year (71.8 sqm). This space would supplement the communal open space provided outdoors.

8.29. I conclude that the proposal would comply with the minimum internal space standards for student accommodation in the CDP. I conclude, too, that, while the proposal would fall just short of the relevant minimum communal private open space standard, the supplementary role of communal facilities in Hawthorn House would compensate in this respect.

(v) Residential amenity

8.30. The observers express general and specific concerns over the impact of the proposal upon residential amenity. The Planning Authority cites these concerns in its second reason for refusal. The former concerns relate to the operation of the proposal and the attendant concern that it could generate noise and disturbance. The latter concerns relate to the impact of the proposed new building upon Redclyffe House in terms of lighting, outlook, and privacy.

8.31. The applicant has responded to the observers' general concerns by drawing attention to the residential nature of the proposed use, which it would professionally manage as it does other existing student accommodation sites elsewhere in Cork City. In this respect, the applicant refers to its practise of providing continuous on-site management with dedicated out of hours support and to its operation of a Behaviour Policy. It also undertakes to be contactable at all times by local residents and to meet with local residents' associations each term. The applicant's management of the proposal would extend to the summer months when it would be used to provide self-catering accommodation for holiday makers.

8.32. The applicant has responded to observer (a)'s specific concerns by, at the appeal stage, submitting a series of plans (drawing nos. 20050/P/700 – 703 revision P2) that depict, at a larger scale, the relationship that would exist between the western elevation of the proposed building and the eastern elevation of the adjacent Redclyffe House, which includes a two-storey side/rear extension that abuts the common boundary between the two adjoining sites. These plans identify ground floor high-level windows and obscure glazed windows and first floor rooflights in the side/rear extension and second and third floor windows in the side elevation of the original house. The spaces/rooms served by these windows are also identified. They

are shown in conjunction with the windows in and balconies on the western elevation of the proposed building. Relevant dimensions between corresponding windows are cited.

- 8.33. The aforementioned plans also show the re-specification of high-level windows in place of full height windows to the shared living spaces in apartments nos. 3, 7, and 11 on the ground, first, and second floors. These windows are at the northern end of the western elevation and they would, as originally proposed, have afforded views into the rear garden/yard to Redclyffe House.
- 8.34. I have examined the larger scale plans and I note that the instances of proposed/ existing corresponding full height windows/windows 800 – 1000 mm cills would be relatively few. Of these instances, at second floor level, proposed windows to bedrooms nos. 9.6 and 10.1 would be 8.840m away from the existing window to bedroom no. 6 opposite. Opportunities for overlooking/loss of privacy would thus arise and so I consider that these proposed windows should be redesigned to ease their correspondence with this existing window, i.e. by re-specifying projecting windows that tilt towards the north-west. While the equivalent proposed windows on the third floor would be separated from Redclyffe House by the same distance, they would correspond with smaller secondary windows and so the opportunity for overlooking/loss of privacy would be significantly reduced. I note, too, the applicant's suggested re-specification of windows towards the north-western corner of the proposed building: This re-specification is welcome.
- 8.35. The applicant has submitted a shadow/daylight study – plan view (drawing no. 20050/P/505 revision P1), which depicts overshadowing on 21st March at 09.00, 12.00, and 15.00 hours. The first of these depictions shows the shadow cast by the proposed building extending over the two-storey side/rear extension to Redclffe House and over the majority of its rear garden/yard. Thus, in the morning, increased overshadowing would arise. Habitable rooms in the guest house would experience less light, although the majority of these would be reliant upon rooflights in this respect. Of the habitable rooms that would be served by conventional windows, bedroom no. 6, cited above, would be the most affected by the proposed new building.

- 8.36. Under Section 2.2.5 of the BRE's Site Layout for Daylight and Sunlight: A Guide to Good Practice, the impact of development upon skylight can be assessed by the application of a 25-degree line of sight from the centre of a window. If this approach is applied to the window to room no. 6, then no interference would register from the recessed portion of the corresponding elevation of the proposed new building. The projecting portion, which does not directly correspond with this window, would interfere with the line of sight. I, therefore, conclude that the proximity of the proposed building over this portion would be likely to reduce the skylight to the window marginally below the accepted level for the maintenance of a reasonable amount of skylight.
- 8.37. In seeking to assess the aforementioned reduction, I am mindful of the following factors: The site is in an inner urban location, the undeveloped state of the northern portion of the site is anomalous for such a location, and so existing lighting levels are unusually high. Given the need to utilise more fully sites such as the application site for development, I do not consider that the proposal can reasonably be opposed on the basis of the limited light loss that would be experienced at Redclyffe House, which is in use primarily as a guest house.
- 8.38. I conclude that the proposal would be capable of being operated in a manner compatible with residential amenity. I conclude, too, that, subject to minor amendment, the proposed new building would not unduly affect the residential amenities of the surrounding urban area.

(vi) Traffic, access, and parking

- 8.39. The proposal would entail the provision of 15 apartments with a total of 79 bedspaces. As discussed under the second heading of my assessment, the site is highly accessible to UCC and the city centre and to sustainable transport options such as frequent bus services and the Cork Bike Scheme. The Planning Authority has, therefore, accepted the position that the need for private car usage would be low and so the provision of only a very small parking area to the west of Hawthorn House in the southern portion of the site has been accepted. This area would be laid out to provide one mobility impaired space. It would facilitate dropping off/collecting vehicular movements and the temporary storage of bins for kerbside collection of waste.

- 8.40. Observers express concern that, in practise, students and, during the summer months holiday makers, would use private cars and so the pressure on finite on-street parking arrangements would be greater again than it already is. I recognise the risk thus flagged and so I consider that it is critical that the applicant state in its advertising of the proposal emphasis the effective absence of on-street parking and the finite nature of on-street parking spaces. A condition requiring the submission of such advertising material should be attached to any permission.
- 8.41. The Planning Authority's Transport and Mobility consultee advised that the Planning Authority's above cited acceptance of only a small car parking area should be conditional on an increase in the proposed level of bicycle storage in accordance with the Sustainable Urban Housing: Development Standards for New Apartment Guidelines. These envisage 1 space per bedroom for residents and 1 space per two apartments for visitors. Accordingly, 79 + 7.5 spaces would be required say 88, whereas, as submitted, the proposal would entail the provision of 40 such spaces.
- 8.42. I note that under the adopted CDP and the recently published draft replacement CDP, the cycle parking standard for student accommodation is 0.5 spaces per bedroom. Thus, under the proposal, the applicant would meet this standard. I note, too, that under the submitted Outline Mobility Management Plan the anticipated modal split targets are 85% walking, 10% cycling, and 5% public transport. Insofar as UCC is within easy walking distance of the site, the bias towards walking is credible and so I am unable to see a basis for the above cited advice concerning a higher level of provision.
- 8.43. The proposed vehicular access to the site would be reused under the proposal. This access was the subject of a Stage 1 RSA, which made several recommendations, which have largely been incorporated within the submitted proposal. The Planning Authority's Urban Roads and Street Design consultee questioned two of these recommendations, in particular. Thus, the adoption of an x distance of 2m rather 2.4m was raised in the assessment of sightlines, as was the proposed left-in/left-out turning regime for egressing drivers. The former x distance is a concessionary one. While the applicant has not addressed its adoption, I anticipate that the reduced level of vehicular usage compared to that of the historic veterinary surgery on the site would be likely to be its justification. The latter regime is proposed, due to observed delays in right hand turn egress movements during busy periods on Western Road.

The consultee expresses concern over the likelihood that it would lead to inappropriate turning manoeuvres elsewhere on the public road network. I consider that such a regime would be difficult to enforce and so it could only have an advisory status.

8.44. I conclude that the traffic, access, and parking aspects of the proposal would be satisfactory, provided students and holiday makers are advised of the on-site and local parking situation.

(vii) Water

8.45. Under the proposal, the new building would be served by the public water mains via the water supply network that was constructed as part of the Phase 1 development. Likewise, it would be served by the public foul water sewer via the foul water drainage network that was constructed as part of the Phase 1 development.

8.46. Under the proposal, storm water run-off from hard surfaces would be collected and attenuated before being discharged to the public storm water sewer via the storm water drainage network constructed as part of the Phase 1 development. The proposed attenuation tank, at 10 cubic metres, has been sized on the same basis as the 9 cubic metre one installed under the Phase 1 development and the point of connection to the existing on-site storm water drainage network would be downstream of its flow control device. Elsewhere on the application site SuDS methodologies would, subject to the testing of ground conditions, be used to manage storm water, e.g. the car park would be surfaced in a permeable material.

8.47. Irish Water raised no objection in principle to the proposal. The Planning Authority's Drainage consultee requested further information about the foul and storm water drainage connections to existing networks on the adjoining site, i.e. the exact routes of these networks and their capacities. This information should be the subject of a condition attached to any permission.

8.48. Under the OPW's flood maps, the site is identified as being the subject of a 1% AEP fluvial flood risk and a 0.5% AEP tidal flood risk. Under the Planning System and Flood Risk Management Guidelines, this site is, therefore, categorised as being in Flood Zone A and the proposal, which is for a residential use, is categorised as being highly vulnerable development. Accordingly, the Justification Test is applicable.

8.49. The applicant has submitted a Flood Risk Assessment (FRA) of the proposal. I will draw upon this FRA in my running of the Justification Test below.

Step 1: The site is zoned ZO 4, residential, local services and institutional uses, in the CDP, which was adopted since the Guidelines were introduced.

Step 2: The proposal is the subject of the applicant's FRA.

(i) With respect to increased flood risk elsewhere, the FRA acknowledges that, as the footprint of the proposed building would exceed that of the annex/outbuildings to Hawthorn House, which would be demolished, there would be a small loss of available flood plan. This loss is not regarded as significant, and it would be negated by the construction of the Lower Lee Flood Defence Scheme.

(ii) With respect to minimising flood risk, the finished floor level (FFL) of the proposed building would be 4.7m OD Malin and as such 0.53m above the level of the nearby River Lee, which would be 4.17m OD under a 1% AEP flood event. As fluvial flooding poses a greater risk than tidal flooding, the proposed FFL would allow for this lesser risk, too.

(iii) With respect to residual risk, an Emergency Plan would be prepared to address the potential need to evacuate the proposed building. Following the construction of the Lower Lee Flood Defence Scheme, the risk of the surrounding area being inundated would reduce dramatically. Any remaining residual risks would then relate to either the failure of flood defences or their overtopping.

(iv) With respect to wider planning objectives, the proposed building would represent good urban design and it would, through informal surveillance of Mardyke Walk, add to the vibrancy and activity of this street.

I, therefore, conclude that the proposal passes the Justification Test.

8.50. I conclude that the proposal would raise no insurmountable water issues.

(viii) Appropriate Assessment

8.51. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for appropriate assessment of a project under Part XAB of Section 177U of the Planning and Development Act 2000 (as amended), are considered in this section.

- 8.52. The applicant's planning report comments on Appropriate Assessment to the effect that, as the site is c. 4.2 km away from the nearest European site and as there is no direct connection between these sites, the project would be highly unlikely to have any significant effects on this or any other European site. The case planner has reached the same conclusion.
- 8.53. I will screen the project for Appropriate Assessment: In this respect, I will examine it in relation to any possible interaction with European sites, i.e. designated Special Conservation Areas (SAC) and Special Protection Areas (SPA), to assess whether it may give rise to significant effects on any European Site. The nearest such sites are in Cork Harbour and they are Cork Harbour SPA (004030) and Great Island Channel SAC (001058).
- 8.54. The southern portion of the site is already developed and under the project the northern portion would be developed to provide a four-storey student accommodation building. This site is bound to the north and to the south by existing streets and it is accompanied on either side by development. The northern and southern channels of the River Lee lie at some remove to the north and south of the site and its accompanying streets. These channels flow into Cork Harbour and its European sites.
- 8.55. In the light of the site's situation, there would be no hydrological or other links between it and the northern and southern channels and so their connection to the European sites would not be affected by the proposal.
- 8.56. I concur with the applicant's finding that the site is a minimum of 4.2 km away from the nearest European site. The intervening land comprises a built-up portion of Cork City. The site, itself, is of limited ecological value and it does not make any significant contribution to the foraging and potential roosting habitats of bird species that comprise the Qualifying Interests of the SPA.
- 8.57. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites Nos. 004030 and 001058, or any other European site, in view of the site's Conservation Objectives, and so Appropriate Assessment (and submission of a NIS) is not therefore required.

8.58. This determination is based on:

- The absence of links between the site and any European site, and
- The distance between the site and any European site.

9.0 Recommendation

That permission be granted.

10.0 Reasons and Considerations

Having regard to:

- National Student Accommodation Strategy (2017),
- National Inventory of Architectural Heritage (NIAH),
- Urban Development and Building Height Guidelines,
- Design Manual for Urban Roads and Streets,
- The Planning System and Flood Risk Management Guidelines,
- Cork City Development Plan 2015 – 2021, and
- The planning history of the adjoining site to the north-east,

It is considered that the proposal would, subject to conditions, contribute to the provision of much-needed student accommodation in Cork City and, as a residential development, it would fulfil the zoning objective for the site under the Development Plan. The density of the proposal would be appropriate for the location of the site, which is close to UCC and Cork city centre and which is served by sustainable modes of transportation. The proposal would enhance the setting of Hawthorn House, which is included in the NIAH, and it would contribute a new building of architectural quality that would complement the adjacent building on the adjoining site to the north-east as a further contemporary addition to the Mardyke Architectural Conservation Area. The proposal would comply either directly or indirectly with relevant development standards for student accommodation, and it would not unduly affect the residential amenities of the area. Traffic, access, and parking aspects of this proposal would be satisfactory, and no water or Appropriate Assessment issues

would arise. It would thus accord with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 19th day of April, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed windows to bedrooms numbered 9.6 and 10.1 shall be re-specified as projecting windows that tilt towards the north-west.</p> <p>(b) Plans shall be prepared which show the water supply and foul and storm water drainage networks on the adjoining site to the north-east that the proposed development would connect into. The dimensions and capacities of these networks shall be specified.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity and public health.</p>
3.	<p>(a) The recommendations of the Architectural Heritage Impact Assessment of Hawthorn House shall be implemented.</p> <p>(b) All works to Hawthorn House shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p>

	<p>Reason: To secure the authentic preservation of this structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed building and accompanying external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Storm water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The finished ground floor level of the proposed building shall be 4.7m OD Malin.</p> <p>Reason: In order to mitigate the risk of flooding.</p>
8.	<p>External communal lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p>

	<p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	<p>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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

	<p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
12.	<p>The landscaping scheme shown on drg no. 20050/P/006 revision P1, as submitted to the planning authority on the 28th day of January, 2021, shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>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 [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

13.	<p>Prior to the commencement of use of the student accommodation, the bicycle and bin storage facilities shall be provided and thereafter they shall be retained in-situ for the duration of the use.</p> <p>Reason: In order to promote cycling, as a sustainable mode of transportation, and in the interest of public health.</p>
14.	<p>Prior to the commencement of use of the student accommodation, the student facilities in Hawthorn House shall be provided and made available for student use throughout the academic year.</p> <p>Reason: In the interest of amenity.</p>
15.	<p>The proposed development shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under Section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, and shall not be used for any other purpose without a prior grant of planning permission for a change of use.</p> <p>Reason: For the avoidance of doubt and in order to afford the Planning Authority the opportunity to control any change of use.</p>
16.	<p>Prior to the commencement of the student accommodation use, the applicant shall submit to the Planning Authority copies of materials used in the advertising of the accommodation for use by students and holiday makers.</p> <p>Reason: to afford the Planning Authority the opportunity to examine such materials with respect to how they address car parking.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution of €116,644 (one hundred and sixteen thousand, six hundred and forty-four euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased</p>

<p>payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Hugh D. Morrison
Planning Inspector

30th July 2021