



An
Bord
Pleanála

Inspector's Report ABP 311788-21

Development	Demolition of existing vacant public house and change of use from public house to retail on the ground floor and construction of 39 no. residential units.
Location	Formers Lakelands Tavern, Avenue De Rennes, Mahon, Cork City.
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	21/39911
Applicant(s)	Dooneen Property Developments Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellant(s)	Kerryanne O'Connor.
Observer(s)	None.
Date of Site Inspection	28 th April 2022
Inspector	Brendan Coyne

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1.0 Site Location and Description

1.1. The site, which has a stated area of 0.216 ha, is located on the western side of Avenue De Rennes in Mahon, Cork City. The site is broadly rectangular in shape with a road frontage width of c. 32 metres and an overall depth of 73 metres. The site's topography is mainly flat, with a high point of 14.48m OD at the north-western corner dropping to 13.48m OD at the south-eastern corner. The eastern section of the site contains a vacant single / two-storey building, formerly known as the Lakelands Tavern public house. The premises has a hipped roof profile, and its elevations consist of a brick finish. The rear western section of the site comprises an area of hardstanding. The southern boundary adjoins a Neighbourhood Centre known as Mahon Shopping Centre, consisting of a parade of single-storey shops, a community centre and a car parking area. The northern boundary adjoins a three-storey apartment block known as 'The Apartments', which fronts onto Avenue De Rennes and an ancillary car parking area to its rear/west. Two rows of terraced two-storey dwellings, Nos. 1-5 and 6-9 Orchard View are located further north, fronting onto the Ringmahon Road. The western boundary borders the grounds of Blackrock Garda Station, and Scoil na Croise Naofa Primary School is located opposite to the east of the site. The Avenue De Rennes Road links with Ringmahon Road to the north, where there are Cork City bus stops serving bus route nos. 212, 202A and 219. Avenue De Rennes Road links with Skehard Road to the south, where Cork City bus stops serving bus route no. 202. Blackrock Village is located c. 1.3km to the north, and Mahon Point Shopping Centre is located c. 2.4km to the south-east.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 11/02/2021.

Permission sought for the following (as described in public notices);

- Demolition of the existing vacant public house (1,012.6 m²),
- Change of use from a public house to retail on the ground floor to form 3 no. retail units (comprising 665 m²), an undercroft entrance passageway and bicycle storage area,

- Construction of 39 no. residential units comprising 19 no. 2-bedroom apartments and 20 no. 1-bedroom apartments in a single block ranging in height from 3-5 storeys.
- Access to the scheme is off Avenue De Rennes to the south.
- Site clearance, drainage, landscaping and surface treatments, including a pedestrian crossing,
- 76 no. bicycle parking spaces,
- Bin storage,
- Boundary treatments,
- All ancillary site development works.

2.1.1. Documentation submitted includes;

- Design Statement,
- Visual Impact & Shadow Analysis Assessment,
- Construction and Demolition Management Plan,
- Engineering Report.

2.1.2. **Revised Proposal as submitted by way of Further Information on the 01/09/2021**

- The replacement of the originally proposed concrete paving to the front of the building with natural granite paving.
- The replacement of the originally proposed blank walls of the retail units facing the under-croft and entrance area to the apartments with glazed window opes to provide passive surveillance.
- Revisions (omission) of car parking to the front /south of the building. The revised proposal provides 3 no. car parking spaces and 1 no. unloading parking space.

2.1.3. Documentation submitted by way of Further Information includes;

- Site Layout Plan, Ground Floor Plan and drawings detailing communal bin storage,
- Autotrack analysis,

- Drawings detailing pedestrian and vehicular movement, cycle parking, landscaping, playground facilities and the undercroft entrance passageway.
- Hard and soft landscape plans including details of proposed boundary treatment, dropped kerbs and tactile paving and revised potential public open space.
- Construction and Demolition Management Plan,
- Outline Mobility Management Plan,
- Outdoor Lighting Report,
- Lighting and Power Specification.

3.0 Planning Authority Decision

3.1. Decision

Cork City Council GRANTED permission for the proposed development subject to 23 No. Conditions. Noted Conditions include:

- C.3 Prior to commencement of development, the Applicant shall submit for the written agreement of the Planning Authority revised elevations and floor plans showing screening on the northern elements of all balconies which side onto the northern elevation (apartment nos. 3, 15, 26 and 39) to remove the potential for overlooking from same.
- C. 4 An uncontrolled pedestrian crossing with pedestrian priority measures shall be constructed at the southeast of the development site, as per RFI drawing Site Layout Plan 1 submitted on the 01/09/2021.
- C. 5 Design details of the development's interface with the development's footpath, car park and loading area shall be carried out as per the RFI drawing Site Layout Plan 1 submitted on the 01/09/2021.
- C.6 Submit for the written agreement of the Planning Authority details of a legally incorporated management company which shall be responsible for the future maintenance and upkeep of all services within the development site, including

roads, footpaths, open spaces and amenities, car parks, public lighting, surface water drainage systems and communal waste storage.

C.11 The total parking supply on the site shall be as follows; a) no new vehicular parking shall be provided as part of the development, and b) the provision of 80 no. cycling parking spaces (76 for residential in line with the Sustainable Urban Housing: Design Standards for New Apartments and 4 for retail).

C. 23 Development Contribution requirements - €120,035.19.

3.2. Planning Authority Reports

3.2.1. First Report (07/04/2021)

- The proposed development is an L-shaped, mixed-used building with a setback on the fourth-floor corner.
- A total of 39 no. number apartments are proposed comprising the following;
 - 1st floor: 12 apartments
 - 2nd floor: 12 apartments
 - 3rd floor: 11 apartments
 - 4th floor: 4 apartments.
- At ground floor level, the proposal provides 3 no. retail units with a service core comprising a lift and staircase on either side of the undercroft entrance passageway and entry to the landscaped area to the rear of the building.
- The ground level facade comprises grey granite cladding, and the upper floors are finished with various brick colours.
- Balconies are integrated within the overall layout.
- The architectural language is conventional massing, comprising solid to void proportions and window fenestration.
- Semi-private open space is provided to the development's rear/ north and west.
- The site is zoned 'ZO 9 Neighborhood Center'.
- The land-use zoning supports the principle of local shopping and residential development.

- Regarding the site's location and the character of surrounding properties, the site is classified as an infill site. Such sites are suitable for development provided they do not detract from the character and residential amenity of the area. Development should be of appropriate scale and density, and provide adequate amenities for the future occupants of the development.
- The City Architect report advises that the overall massing of the building is acceptable and that the solid to void proportions combined with the fenestration are well-considered. Furthermore, the proposed external finishes are acceptable.
- The City Architect notes that the proposed paving to the front of the building facing Avenue de Rennes consists of concrete paving and Yorkstone slabs at the entrance to the undercroft. The City Architect recommends that natural granite paving is used to match the grey granite cladding of the ground floor elevation facing southwards onto a 'potential' urban/ public open space fronting Avenue de Rennes.
- There is potential for the proposed development to initiate 'place-making' in the area. Due to the site's southern aspect, outdoor seating would significantly contribute to achieving this goal. To achieve this, the City Architect recommends removing two on-street car parking spaces.
- While the undercroft is gated, this space has potential for anti-social behaviour. The proposed blank walls of the retail units, which face into the undercroft and entrance area to the apartments, should be glazed to provide passive surveillance. This entrance should be paved in granite to correspond with the external public realm fronting the potential southern public space and Avenue de Rennes.
- The decorative paving motives denote the threshold and entrance to the apartments and the semi-private courtyard space to the rear.
- The proposed 'magnolia campbelli' coloured boned surface resin surfaces can extend from the entrance / threshold space to the rear courtyard. The swings and the mini hammocks can be located in these areas with the associated feature benches. This recommended arrangement of paved surfaces within the undercroft

announces the transition between the public realm of the street and the internal entrance and courtyard space to the rear.

- The housing mix within the proposed development complies with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2018).
- This design statement details how the proposed units comply with other aspects of residential amenities set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines.
- All units comply with the minimum floor areas and minimum room sizes set out in the Guidelines.
- The majority of units are dual aspect with only 2 no. units providing a single aspect.
- Communal open space is provided to the north and west of the development. This would adjoin the amenity space of the apartment block to the north.
- The proposed communal open space is well laid out.
- Detailed proposals have been submitted regarding landscaping and active use of the communal space.
- The site's redevelopment will likely improve the amenities of both the adjoining development and the area in general, particularly if the proposals set out in the Mahon Local Area Plan for the adjacent Local Center are implemented in parallel with the proposed development.
- The proposed development provides a step down to three storeys where it abuts to adjoining apartment development to the north.
- The layout and design of the proposed development would have a minimal impact on adjoining development while still achieving a high density of development.
- There would be some overlooking of the adjoining amenity space. However, this would be mainly by bedroom windows.
- The overlooking of the communal open space of the proposed development from the apartments on adjoining lands is acceptable.
- The proposed development would not overshadow or have an overbearing impact on existing dwellings to the north fronting the Ringmahon Road.

- Any potential overlooking issues can be addressed by screening the limited number of balconies that side onto the northern boundary.
- The majority of the windows on the upper levels of the development serve bedrooms. This arrangement would lessen the impact of direct overlooking of existing properties.
- The density of the proposed development is 180 units per hectare.
- Given the site's location within a zoned Neighborhood Center and having regard to the availability of public transport in the area, and government policy that seeks to promote increased residential densities where possible within cities and suburbs, the density of the proposed development complies with national policy.
- The Transportation Engineer report requests further information regarding the rationale for the non-provision of car parking on-site, clarification regarding on-street car parking, further details on cycle parking, a mobility management plan and public lighting details.
- The Road Design Engineer requests further information regarding the design of the adjacent footpaths, details on the interface between pedestrians and vehicle movements, details on the loading bays, parking bays and the proposed pedestrian crossing on Avenue de Rennes.
- The Environment Section report requests further information regarding waste generated by the proposed development and during construction.
- The Housing Directorate report states that Part V proposals submitted by the Applicant are unclear and ambiguous. The suggestion to alternatively meet the Part V obligation through off-site provision is not agreeable to Cork City Council. As submitted with the application, the provision of units on-site is acceptable in principle to the Housing Directorate, subject to planning permission and Part V agreements regarding cost and funding. A condition to this effect is recommended. Other items of further information are sought.

3.2.2. Further information was requested requiring the following:

1. The omission of 2 no. car parking spaces and the provision of natural granite paving to the front of the building along Avenue de Rennes and to the south.
2. Amend the proposal's design so that the proposed blank walls of the retail units that face the undercroft and entrance areas to the apartments are glazed to provide passive surveillance. The entrance area should be paved in granite to correspond with the external public realm fronting the southern (potential) public open space and Avenue de Rennes.
3. Clarification of and justification for the number and type of car parking spaces proposed. The proposed reduced level of car parking needs to be justified in accordance with the Sustainable Urban Housing Design Standards for New Apartments.
4. A Mobility Management Plan to support the reduced car parking level in conjunction with promoting alternative active travel modes.
5. Cycle parking details in accordance with the Cork City Council Development Plan and the Sustainable Urban Housing Design Standards for New Apartments.
6. Details on proposed public lighting/amendments to existing public lighting.
7. Clarify the proposed and/or retained pedestrian network as part of the development site, particularly along the eastern side of the development. Drawing P-003a Proposed Site Layout Plan 1 indicates a sub-optimum width footpath on the western side of Avenue de Rennes.
8. Clarify the pedestrian provision along the southern frontage of the site. There is concern regarding potential conflicts between pedestrians and vehicles accessing/egressing the loading/parking area. Therefore, the Applicant is requested to submit details outlining a clear separation of pedestrian movements from vehicle movements.
9. Submit details of turning manoeuvres utilising the proposed loading/car parking bays and the access/egress arrangements to the parking bay areas. In addition, the Applicant is to submit an auto track analysis indicating turning manoeuvres to access the loading/car parking bays. The Applicant is also required to clarify the

boundary treatment along the southern boundary of the site, i.e. fence located adjacent to the loading/car parking bays.

10. Submit revised drawings/details for the provision of dropped kerbs and tactile paving appropriate to the controlled crossing to align with the desire lines to reduce crossing distances for pedestrians, particularly those with mobility impairments.
11. Clarification regarding domestic waste (general/recycling/food) and refuse collection.
12. Further details regarding proposed construction and demolition works.
13. Clarify/confirm Part V housing provision on site.
14. Consult with the Council's library service to explore whether there would be interest in exploring the adaptation of the proposed building design to accommodate a library fronting Avenue de Rennes.
15. Submit legal/documentary evidence confirming ownership of the site.

3.2.3. **Second Report (28/09/2021)**

- The revised proposal replaces some of the proposed concrete paving with natural granite paving and 2 no. car parking spaces are replaced with a landscaped area, including cycle parking and seating. This is acceptable.
- The revised proposal provides glazing to retail units nos. 2 and 3 and the apartment entrance, providing some passive surveillance of the undercroft area.
- The cover letter, revised drawings and mobility management plan submitted are acceptable to the Senior Executive Engineer for Transport and Mobility, who states the Applicant has satisfactorily addressed car parking provision.
- The Applicant has submitted a cover letter and revised drawings indicating an additional 4 no. cycle parking spaces to the front of the development to serve the retail units.
- The cycle parking provision is acceptable to the Senior Executive Engineer for Transport and Mobility.

- The Applicant has submitted a lighting layout, which is acceptable to the Senior Executive Engineer for Transport and Mobility.
- The revised drawing clarifying the proposed pedestrian network is acceptable to the Urban Roads and Street Design Division.
- The revised drawing indicating bollards to avoid pedestrian/vehicle conflicts is acceptable.
- The auto-track analysis submitted is acceptable.
- The revised drawing detailing the provision of dropped kerbs and tactile paving is acceptable.
- The revised drawings showing a separation between residential and commercial waste storage areas are acceptable.
- The revised construction and demolition plan submitted is acceptable.
- The Applicant proposes to lease on-site units to Cork City Council for a 20-year period. An agreement in relation to Part V proposals should be agreed in writing prior to commencement of development. A Condition regarding same should be attached to a grant of permission.
- The Applicant states that the possibility of accommodating a library or a children's library has been discussed in meetings with representatives of Cork City Council. Current plans are to locate the library elsewhere in the vicinity. However, the applicants remain open to this and will engage with the Council as the development progresses.
- The Applicant has submitted details regarding their legal interest in the site. Section 34(14) of the Planning and Development Act 2000 (as amended) applies.
- Development contributions are based on gross internal areas in accordance with the Cork City Council Development Contributions Scheme.
- Recommendation: that permission be granted subject to Conditions.

3.2.4. Other Technical Reports

Roads and Transportation Directorate - 2nd Report: No objection subject to conditions.

Urban Roads and Street Design Planning Report - 2nd Report: No objection subject to conditions.

Environment Report: No objection subject to conditions.

City Architect: Further Information requested requiring natural granite paving to the front of the building and the provision of glazing to the retail units facing the undercroft and entrance to the apartments, in the interest of passive surveillance and security.

Drainage Report: No objection subject to conditions.

Housing Report: No objection subject to conditions.

Planning Policy Section: No objections. The proposal is supported in principle.

Development Contributions Report: Total Development Contributions €120,035.19.

3.2.5. Prescribed Bodies

Transport Infrastructure Ireland: No observations to make.

Inland Fisheries Ireland: No objections.

4.0 Planning History

4.1. Appeal Site:

P.A. Ref. 09/34249 Permission GRANTED in June 2010 to Tom Scriven to redevelop a 0.2 ha site known as 'The Lakelands Bar', Avenue De Rennes, Mahon, Cork into a mixed use development. Proposed works consist of the part demolition of a single storey area with a pitched roof and associated yard area to the north of the structure, which houses part of the existing public house and the construction of a single storey extension with a flat roof in its place. The work will also include the demolition of a stairs from the first floor which enters this area of the structure. To the south and west elevation it is proposed to demolish a two storey stairwell with a pitched roof and construct a two storey extension & new stairwell with a pitched roof to the south and west elevation. Internal separation and change of use of the ground floor public house and associated uses existing floor area of 694.00sqm and proposed extension of 247.00sqm to 4 no separate retail units of 355.53sqm, 123.30sqm, 135.80sqm, 93.10sqm and stair core area of 44.92sqm. The continuation of use 188.60sqm for a

Public House. The change of use of the first floor reception room and associated uses, existing floor area of 308.80sqm and proposed extension of 87.40sqm to 396.20sqm office development, toilets and stairs. Changes to all elevations including new window and doors, shop fronts, signage, the rendering of the facades and the addition of stone to same, the construction of a parapet on part of the east facade, together with all associated site works.

4.2. **Adjoining Site to the North**

P.A. Ref. 99/23642 Permission GRANTED in June 2000 for the erection of 6 no. 2 bed apts. and 1 no. 1 bed apt.

5.0 **Policy and Context**

5.1. **Development Plan**

Cork City Council Development Plan 2015-2021 is the statutory plan for the area.

The following provisions are considered relevant:

Land Use Zoning: The site is zoned 'ZO 9 Neighbourhood Centres' (Map 6) with the objective 'To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services' (Section 15.16).

Objective 16. 1 Design Statement: All significant planning applications shall submit an accompanying design statement which provides a framework explaining how a proposed development is a suitable response to the site and its setting.

Objective 16.3 Urban Design:

- To deliver high quality built environments through good place making;
- To ensure that development is designed to high qualitative standard and is cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design.

Section 16.12 Density

Section 16.13 Plot Ratio

Section 16.29 Building Height in the City Centre and Inner Urban Areas

Section 16.34 Tall Buildings

Section 16.37 Tall buildings will normally be appropriate where they are accessible to a high quality public transport system which is in operation or proposed and programmed for implementation.

Objective 16.9 Sustainable Residential Development: Residential developments shall be sustainable and create high quality places and spaces which:

- a. Deliver a quality of life which residents and visitors are entitled to expect in terms of amenity, safety and convenience;
- b. Provide adequate open space which are practical in terms of scale and layout and naturally supervised by the aspect of the dwellings it serves;
- c. Provide a good range of suitable facilities;
- d. Prioritise walking, cycling and public transport and minimise the need to use cars e. Present an attractive appearance with a distinct sense of place;
- f. Are easy to access and navigate;
- g. Promote the efficient use of land in terms of density and plot ratio;
- h. Promote social integration and provides accommodation for a diverse range of household types and age groups;
- i. Enhance and protect the built and natural heritage.

Section 16.40 Residential Density

Section 16.43 Dwelling Size Mix

Section 16.46 Residential Design

Section 16.49 Proposals for New Residential Developments

Section 16.50 Apartments

Section 16.51 Residential Density: Densities higher than baseline levels will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);

- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;
- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres).

Section 16.52 Apartment Size and Key Floor Dimensions

Section 16.57 Assessing Proposals for Apartment Developments

5.1.1. Mahon LAP 2014

5.1.2. The site is located in Sub-Area 6: Avenue De Rennes (Section 4.7).

Relevant key objectives for the Avenue De Rennes sub-area are:

- To make the most of the Avenue De Rennes Development Opportunity to ensure that the area fulfils its role as a neighbourhood centre and also offers an attractive high street for Mahon and a real physical focus for the community;
- To improve connectivity between Avenue De Rennes and Mahon Point Shopping Centre and nearby employment areas;
- Enhance key streets to ensure that they offer attractive environments and also encourage walking and cycling. This will include reconfiguration of streets where they are too wide, additional tree structure, and provision of pedestrian crossings at key conflict points to make crossing the road safer for all (see Figure 4.8). Streets for enhancements will include: Skehard Road, Ringmahon Road (East) / Estuary Drive, Saint Michael's Drive and Ballinure Road.
 - To ensure that the pedestrian realm is continuous and safe, and to seek to reconfigure streets where footpaths are missing or ambiguous (e.g. to front of Brothers of Charity on Mahon Drive).

5.1.3. Long term development of Avenue De Rennes includes redevelopment of the Lakelands Bar Site, where the following is identified:

- This building / adjacent car park is underutilised and should be redeveloped to provide an attractive face to the proposed "plaza" as well as buildings that contribute to the life of the space. The car park requires resurfacing.

5.2. National Policy / Guidelines

Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.

National Policy Objective 3(b): Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, with their existing built-up footprints.

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 35: Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2.1. The list below of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and accompanying Urban Design Manual: A Best Practice Guide (2009).
- Urban Development and Building Height Guidelines for Planning Authorities (2020).

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Cork Harbour SPA (Site Code: 004030), approx. 3.5 km north-east of the site, approx. 0.6 km to the north-east of the site.
- Proposed Natural Heritage Areas: Douglas River Estuary (Site Code: 001046) approx. 0.5 km to the east of the site.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment (EIA) Screening Report was not submitted with the application. Regarding EIA thresholds, 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.)

- 5.4.2. It is proposed to construct a residential development containing 39 no. apartments and 3 no. retail units, as submitted to the Planning Authority. Therefore, the number of dwellings proposed is well below the threshold of 500 dwelling units. The site has an overall area of c. 0.216 ha and is located within an existing built-up area but not in a business district, and is, therefore, well below the applicable threshold of 10 ha.
- 5.4.3. The site contains a vacant former public house with an area of hard-standing to the rear/west. The site is adjoined by residential development to the north, neighbourhood centre mixed-use and ancillary parking to the south, a garda station to the west, a primary school building with ancillary lands to the east, and adjoining roads. The introduction of residential development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of landscape or natural / cultural heritage. The proposed development is not likely to have a significant effect on any European Site (as outlined in Section 7.6 of this Report). There is no hydrological connection present, which could significantly impact nearby watercourses (whether linked to any European site or other sensitive receptors).
- 5.4.4. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be minimal.
- 5.4.5. Having regard to:
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
 - The site is located on lands zoned 'ZO 9 - Neighbourhood Centres' with the objective 'To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services' under the Cork City Council 2015-2021 and was subject to the results of the Strategic Environmental Assessment of the Cork City Council Development Plan 2015-2021, undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to avoid significant effects by reason of connectivity to any sensitive location,
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have 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 and that, on preliminary examination, an Environmental Impact Assessment Report (EIAR) or a determination in relation to the requirement for an EIAR was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal against the decision of the Planning Authority was received from Kerryanne O'Connor of No. 6 Orchard View, Ringmahon Road, Mahon, Cork. The following concerns were raised in the grounds of appeal:

- The design of the proposed development is not similar to the surrounding buildings.
- The proposal does not demonstrate a natural evolution from its surroundings.
- The surrounding area comprises low rise buildings. There are no mid-rise buildings in the immediate vicinity. Ninety-nine per cent of the surrounding buildings are two storeys high, with a large proportion of those being one storey high. Only one building is three storeys high in the immediate vicinity.

- The row of houses that back onto the site along Orchard View comprises two-storey houses, not apartments as mentioned in the original planning application.
- The adjacent retail units and schools facing the proposed development are one storey high.
- The drawings submitted do not reflect the character of the area.
- The surrounding area is a family neighbourhood, including three schools, local shops, a Community Center and numerous family homes.
- A high-rise building comprised of one and two-bedroom apartments does not reflect this demographic.
- The proposed development would be more suited to inner-city professional living.
- To use and elevation treatment of the proposal would have a negative effect on the residential amenity of the surrounding area.
- The northern elevation of the proposal provides a large concrete wall which would be the view for some adjacent dwellings.
- The proposal would create a canyon effect. House nos. 1-5 Orchard View already have the existing apartment block to the south and house nos. 6 to 10 Orchard View to the west.
- Due consideration should be given to the privacy of the residential dwellings to the north of the site along Orchard View. This seems to have been disregarded.
- The second storey of the existing Lakelands Tavern structure is imposing and visible from the ground floor of the houses along Orchard View. The provision of additional storeys to this building and another building would engulf the rear gardens of dwellings along Orchard View and create privacy issues.
- Five floors of apartments would have the ability to look into the homes along Orchard View from both their windows and balconies.
- The dwellings along Orchard View have large floor to ceiling windows at ground floor level. Residents within the proposed development would overlook these dwellings.

- Security was not addressed. The proposal does not indicate if surveillance would be provided e.g. security cameras, motion-activated lighting, and details of their position or direction. This is of concern to the residents of Orchard View regarding their privacy.
- The existing structure needs serious renovation. However, the proposed development is inappropriate.
- A site notice for the proposed development was missing for a full week at the site. Photographs of the street elevations of the existing premises dated 25/02/2021 - 04/03/2021 submitted.

6.2. Applicant Response

6.2.1. The response received from Butler O'Neill Planning Solutions Consultants representing the Applicant is summarised as follows;

- At 0.216 hectares, the proposed 39 units provides a density of 180 units per hectare.
- The proposal is a high-density development. The area can accommodate a high-density development.
- The Cork City Development Plan specifies that within the city, 'minimum residential density in suburban areas should be 35 to 50 dwellings per hectare'.
- The Cork City Development Plan states that densities higher than this baseline level would be appropriate in other types of locations;
 - Along bus routes, densities should be a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
 - At larger development sites (>0.5 ha, the size of a residential block) capable of generating and accommodating their own character;
 - Major development areas and mixed-use areas (including Central areas, District, Neighborhood and Local Centers).
- The proposed development accords with the above objectives outlined in the Development Plan.

- In terms of the objectives outlined in Table 2.6 of the Mahon Local Area Plan 2014, the proposed development has been assessed against the following principles;
 - Urban Design – “new development is to be sensitive to established height. Opportunities to integrate development and ensure positive frontage and connections”.
 - Ensure linkages and development to provide positive frontage as far as possible. Building height restrictions.
 - Land Use – “Strategy to increase residential population of the area and to focus employment growth in specific areas”.
- The scale and proportions of the proposed development are in keeping with similar schemes in the area. The main difference is that the attention to detail and quality of materials, finishes and improved connectivity are all planning gains that nearby schemes do not offer.
- The problems currently characterising the Cork housing landscape will drastically worsen if strategically located brownfield sites in areas set to be serviced by future light rail infrastructure are not densified in accordance with best practice.
- Maintaining the status quo of suburban semi-detached and terraced housing is not going to address the exponential demands that currently exist.
- Specific sites such as the subject site, bound by roads and car parks, have the capacity to take scale and should be leading the way in showing what can be achieved if the National Planning Framework (NPF) is to be applied.
- In order to achieve the ambitious targets prescribed in national policy, there needs to be more flexibility in certain instances regarding housing mix standards and density.
- To address the worsening housing shortage, proactive and coordinated action should be taken to ensure that sites suitable for residential development are supported.
- Locating residential development near employment locations is imperative to achieving sustainable development. However, brownfield development is not straightforward - it needs to be proactively facilitated.

- The subject site is ideally positioned to accommodate a residential development close to employment, retail, education, leisure and public transport services.
- The proposal provides a high-quality scheme that will enable its future residents to enjoy a high quality of life.
- Reference to Section 5.5 of the Sustainable Residential Development in Urban Areas Guidelines (2009) which states that

Where there is good planning, good management, and the necessary social infrastructure, higher density housing has proven capable of supporting sustainable and inclusive communities. In general, increased densities should be encouraged on residentially zoned lands and particularly in the following locations:

(a) City and town centres

The increase of population within city or town centres with their range of employment, recreation, educational, commercial and retail uses can help to curtail travel demand; therefore, these locations have the greatest potential for the creation of sustainable patterns of development. Increasing populations in these locations can assist in regeneration, make more intensive use of existing infrastructure, support local services and employment, encourage affordable housing provision and sustain alternative modes of travel such as walking, cycling and public transport. While a mix of residential and other uses will often be desirable in city and town centres, particular care is needed to ensure that residential amenity is protected. The infilling of "gap" sites will also contribute to the improvement of the architectural form.

- The NPF places major policy emphasis on renewing and developing existing settlements rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centers and smaller villages.
- The NPF sets a target that at least 40% of all new housing be delivered within the existing built-up areas are cities, towns and villages on infill and/or brownfield sites.
- Section 2.6 of the NPF states that;

A preferred approach would be compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not

have been built on before and either reusing or redeveloping existing sites and buildings.

- Specifically, in relation to Cork, one of the key objectives for the Cork area is to;
Identifying infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas, supported by public realm and urban amenity projects;
- The nature of infill development involves adjoining properties and land uses.
- The NPF has a policy preference for infill and brownfield development over building out into the countryside
- The NPF refers to Performance-Based Design Standards and states that;
Infill and brownfield development is more challenging to deliver than greenfield development for a variety of reasons, including land management but also the challenge of integrating with existing communities, who may have a preference for the status quo to be retained, even if that might reduce opportunities for rejuvenation and drive urban expansion outwards...
Although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes.
- National policy is clear that the status quo is no longer acceptable, and an acceptance that infill development is necessary to avoid sprawl and achieve sustainable development is needed.
- The proposed development is designed to balance the objectives and guidance set out in planning policies and plans with the constraints and opportunities presented by the subject site.
- The proposed development provides an appropriate site layout and unit types for the site and settlement of Mahon.
- The proposed development has been carefully considered in the context of a wide-ranging set of policy parameters at a national, city and local level.

- The proposed scheme adheres to the development objectives set out in the Mahon Local Area Plan and provides the most appropriate layout for the subject site.
- The 39 no. residential units have been designed to a high standard with a mix of unit types.
- The proposed development will provide a positive contribution to the economic, environmental and social well-being of the Mahon area.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

6.4.1. None

7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Scale, Design and Visual Impact,
- Overlooking,
- Security Issues,
- Procedural Issues - Site Notice,
- Appropriate Assessment.

I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. Accordingly, the issues for consideration are addressed below.

7.2. **Scale, Design and Visual Impact**

7.2.1. The proposed development comprises the demolition of the existing vacant public house (stated floor area 1,012.6 sq.m.) and the construction of a 3-5 storey building

comprising, inter alia, 3 no. retail units at ground floor level and 39 no. residential units comprising 19 no. 2-bedroom apartments and 20 no. 1-bedroom apartments. The proposal also provides 80 no. bicycle parking spaces, bin storage, boundary treatments and all ancillary site development works.

- 7.2.2. The Appellant objects to the proposed development on the grounds that the height of the proposed 3-5 storey building is out of character with the pattern of development in the surrounding area, which comprises mostly 1-2 storey buildings. The Appellant puts forward that such type of development would be more suited for the inner-city. The Appellant also expresses concern that the large concrete wall on the northern elevation of the proposal would detract from the visual amenity and outlook of dwellings located to the north of the site along Orchard View. Furthermore, the Appellant puts forward that the scale and location of the proposed development would create a 'canyon effect' for house Nos. 1-5 Orchard View, having regard to the existing apartment block 'The Apartments' to the south and house Nos. 6 to 10 Orchard View to the west.
- 7.2.3. The Planning Authority, in its assessment, had regard to the site's location and the character of surrounding properties and classified the site as an infill development, whereby the development of such sites are acceptable subject to not detracting from the character, visual and residential amenity of the surrounding area and being of appropriate scale and density. The City Architect considered the massing and elevation finishes of the proposal acceptable and its fenestration treatment well considered. Concerns raised by the City Architect regarding concrete paving to the front of the building were addressed by way of the further information submission with the provision of natural granite paving. Furthermore, concerns raised regarding potential anti-social behaviour arising from the proposed blank walls of the retail units facing into the undercroft and entrance area to the apartments were addressed by the further information submission with the provision of window opens at this location.
- 7.2.4. Regarding building height, the Planning Authority notes that the proposal provides a step down to three storeys where it abuts the adjoining three-storey apartment building to the north. Regarding layout and design, the Planning Authority consider the proposal would have a minimal impact on neighbouring property while still achieving a high density of development. Regarding density, the Planning Authority notes that the proposal would provide a density of 180 units per hectare. This is considered

acceptable, given the site's location within a zoned Neighborhood Center and the availability of public transport in the area. The Planning Authority considers the density of the proposal complies with government policy which seeks to promote increased residential densities within cities and suburbs.

- 7.2.5. The site is zoned 'ZO 9 Neighbourhood Centres' with the objective 'To protect, provide for and/or improve the retail function of neighbourhood centres and provide a focus for local services', as detailed on Zoning Map 6 in Volume 2 of the Cork City Development Plan 2015-2021. Residential and retail use classes are acceptable on ZO 9 – Neighbourhood Centre zoned lands, as detailed under Section 15.16 of the Development Plan. As such, the proposed residential and retail development is acceptable in principle, in accordance with the zoning objective of the area subject to planning consideration, including policies and objectives outlined in the Cork City Development Plan 2015-2021 and the Mahon Local Area Plan 2014.
- 7.2.6. Property in the surrounding area comprises a three-storey apartment block known as 'The Apartments' on adjoining lands to the north and two rows of two-storey terraced dwellings further to the north, identified as Nos. 1-5 and 6-9 Orchard View, fronting onto the Ringmahon Road. The adjoining land to the west consists of land ancillary / to the rear of Blackrock Garda Station, which fronts onto the Ringmahon Road. Adjoining lands to the south comprise a neighbourhood centre known as Mahon Shopping Centre, consisting of a parade of single-storey shops, a community centre and a car parking area. A single-storey primary school and attendant grounds are located opposite, to the east of the site.
- 7.2.7. The existing premises to be demolished has a maximum ridge height of 24.28 AOD. The adjoining three-storey building to the north, 'The Apartments', has a ridge height of 24.33m AOD and eave height of 21.62m AOD. The two rows of terraced dwellings along Orchard View further to the north have ridge heights of 24.4m - 24.8m AOD. The adjacent closest parade of retail units to the south has a ridge height of 19.496m AOD.
- 7.2.8. Under the subject appeal, the proposed commercial / residential building is 3-5 storeys and flat-roofed. The section of the proposed building closest to the adjoining apartment building to the north is 3-storeys with a ridge height of c. 24.3m AOD, aligning with the roof ridge height of 'The Apartments' building. The overall ridge height of the proposal is 15.81 AOD. The fifth floor of the proposal is recessed when viewed from the south,

east and west. The proposal presents a predominantly 5-4 storey elevation when viewed from the north.

7.2.9. Section 16.25 of the Cork City Development Plan 2015-2021 refers to 'Building Height'. This section states the following;

Within the context of Cork City the following building height categories can be identified:

- *Low-rise buildings (1-3 storeys in height);*
- *Medium-rise buildings (less than 32metres in height, 4-9 stories approximately). Buildings which are taller than the general building height in any area will be considered "taller" even where they are less than 10 storeys;*
- *Tall buildings (32metres or higher, the approximate equivalent of a 10 storey building with a commercial ground floor and residential in the remaining floors).*

7.2.10. Section 16.26 states the following:

Building height should be in proportion to the space between buildings and, where appropriate, be set back from the road edge or the existing building line to allow wider footpaths and space for landscaping, to reduce overlooking or overshadowing of adjoining buildings and to avoid creating a canyon effect between buildings.

7.2.11. Section 16.27 refers to 'Building Height in Suburban Areas' and states the following;

Within the suburban areas of the city (developed after 1920) low rise buildings will be considered appropriate (including cases where demolition and replacement of existing buildings occurs) except in the following areas:

- *Major development areas identified in this development plan for which a local area plan or Development Brief will be prepared;*
- *Larger development sites – sites of greater than 0.5 hectares (or one residential block) which are capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.*

Buildings of between 3-5 storeys will be considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23 metres (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan.

7.2.12. As per Chapter 14 of the Cork City Development Plan 2015-2021, the appeal site is located in a suburban area. Having regard to the above the proposed 5 storey development would comprise a medium-rise building. As per above, 3-5 storeys buildings are considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. As detailed in Section 5.1.1 above, a key objective of the Mahon Local Area Plan is the redevelopment of the Lakelands Bar Site.

7.2.13. Of relevance to the appeal site is National Policy Objective 35 of the National Planning Framework (NPF) which seeks to;

'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

7.2.14. Section 1.20 of the 'Urban Development and Building Heights Guidelines for Planning Authorities (2018)' details how;

'A key objective of the NPF is therefore to see that greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels'.

7.2.15. Section 3.1 of the Guidelines states that;

'it is Government policy that building heights must be generally increased in appropriate urban locations, and therefore, a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility'.

7.2.16. Section 3.2 of the Guidelines sets out development management criteria, which are addressed under the headings below, accordingly.

7.2.17. At the scale of the relevant city/town

7.2.18. The site is served by public transport with Cork City bus stops located along Ringmahon Road serving bus route nos. 212, 202A and 219. These are located c. 160m / 2 mins by foot from the site. The site is also located c. 450m (6 min walk) from Cork City bus stop No. 202 along Skehard Road to the south. In accordance with the guidelines, I am satisfied the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

7.2.19. The site is not located within an architecturally sensitive area. The Design Statement submitted with the application details how the proposal would provide a positive addition to the identity of the locality and a discernible focal point, reinforcing the existing neighbourhood centre. The Design statement states that the detailing and mix of elevation materials would be consistent with the existing pattern of development in the Mahon area and would assist in unifying the development with the existing apartment scheme to the north. Given that the site is not located within an architecturally sensitive area, I consider the stepped building height and design of the proposal would successfully integrate into and enhance the character of the existing area. In particular, the proposal would provide a discernible focal point at this location and reinforce the role of the existing neighbourhood centre in which it is located.

7.2.20. At the scale of district/neighbourhood/ street

7.2.21. The Design Statement submitted includes three-dimensional perspective drawings of the proposed development within the site's context, adjoining land, buildings and adjacent Orchard View terraced housing to the north. The Visual Impact Assessment submitted details distant and near views and three-dimensional perspective drawings of the existing site and proposed development. These and the other drawings submitted with the application demonstrate how the proposed development's design, massing and height are designed to transition from the existing adjoining apartment block to the north while achieving increased densities with variety in the overall design. In my view, the proposal responds well to the scale of the adjoining development, providing an appropriate transition from the adjoining three-storey apartment block

'The Apartments' to the north while providing a strong building line with active retail use street frontage at ground floor level. The proposed fenestration treatment and elevation materials comprising brick and stone cladding would be consistent with the existing pattern of development in the surrounding area. In addition, the proposal's mass and height and the provision of retail use at ground floor level would provide a discernable focal point, reinforcing the role of the existing adjacent neighbourhood centre to the south.

- 7.2.22. The form of the proposed development is varied, with the fifth-floor setback behind its main four-storey elevation when viewed from the south and providing a stepped 3-5 storey elevation when viewed from the east. The southern and eastern elevations are punctuated with balconies and the south-eastern corner provides a recessed building line at ground floor level with overhang from the floors above, providing opportunity for a sheltered outdoor dining / seating area. I am satisfied that the proposal responds to the surrounding environment alongside the adjoining neighbourhood centre and would positively contribute to the visual amenity of the surrounding streetscape and public realm at this location.
- 7.2.23. The Appellant expresses concern that the proposal would create a canyon effect of house Nos. 1-5 Orchard View. Having regard to (i) the position of existing property 'The Apartments', (ii) the position of the row of house nos. 6-9 Orchard View, (iii) the existing property proposed to be demolished on the subject site and (iv) the location, layout and building height of the proposed development and its distance from dwellings along Orchard View to the north and north-west, I do not consider the proposed development would create a canyon effect of house Nos. 1-5 Orchard View, as put forward by the Appellant.
- 7.2.24. The Appellant also expresses concern that the northern elevation of the proposal provides a large concrete wall which would be visible to residents from dwellings to the north along Orchard View. This concrete wall relates to the northern side elevation of the three-storey component of the proposal. The proposed elevation finishes of this elevation comprise grey granite cladding at ground floor level and selected brick finish a first and second floor level. Given that the front and rear building lines of this 3-storey component of the overall building broadly align with the front and rear building lines of the adjoining 'The Apartments' building and a separation distance of c. 0.8m would be

provided between both elevations, it is my view that this element of the proposal would not be highly visible from adjacent dwellings to the north along Orchard View.

7.2.25. At the scale of the site/building

The application is accompanied by a Visual Impact and Shadow Analysis Assessment, prepared by Realism - 3D Visualisation and Simulation Experts. The assessment illustrates the impact of the proposed development for daylight and sunlight on neighbouring property on the 21st June at 14:14, 22nd June at 13:00, 30th November at 14:41 and 22nd December at 14:21. The assessment identifies five properties or property blocks at or within 30m of the proposed development and describes the shadow impact on these properties. The assessment details the shadow impact of the proposal on the closet building 'The Apartments' block to the north would be modest. Shadows cast onto the south-facing facades of the rear of The Apartments building would range from minimal in summer months to 80% in winter months.

The Shadow Analysis assessment states the shadow impact of the proposal on the row of house Nos. 6-9 Orchard View would be minimal. Located 24m to the north-west, at its closest point, shadows from the proposed development would only partially affect this row of houses in the morning from October and up to 1 pm in December. After this time, shadows would be orientated away from this building block. The assessment acknowledges that while this could be regarded as the most impacted property of all the surrounding buildings in terms of loss of direct sunlight, the shadow does not cover the entire building at any time of the day on any day of the year and for nine months of the year, no shadow is cast on this residential block from the proposed development.

The assessment states the shadow impact of the proposal on house nos. 1-5 Orchard View would be minimal for one month of the year and that there would be no shadow impact on this row of dwellings for 11 months of the year. Located north of 'The Apartments' building, the row of houses nos. 1-5 Orchard View would be c. 24m from the northern boundary of the proposed development at its closest point and 36m from the main northern elevation of the proposed development. The shadow analysis states that due to the proposed development being directly south of this row of dwellings, shadows would be at their shortest when the sun is highest in the sky. The assessment also states that on the shortest day of the year where the sun is lowest in the sky, the

shadow cast at 12 pm would only cover two-thirds of the ground floor of house nos. 1-5 Orchard View. Furthermore, the assessment states that the existing adjacent building creates a higher shadow impact on this row of dwellings.

7.2.26. The shadow impact assessment states there would be no shadow or lighting impact from the proposed development on the adjacent retail units by reason of their location to the south of the proposed development.

7.2.27. The shadow impact of the proposal on the adjacent Holy Cross National School is stated as being negligible, with no shadow impact from the end of January to the end of November. Located 32m to the east of the site, the shadow analysis details that there would be no shadow impact on the school for ten months of the year during school hours (up to 3 pm). In addition, the assessment details how shadows would only start to impinge on the nearest school block on November 30th at 2.40 pm.

7.2.28. The shadow analysis submitted does not show the shadow cast by the proposed development on adjacent properties on the spring equinox (21st March) as recommended by the technical guidance document 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011)'. Notwithstanding this, having regard to the orientation, layout and height of the proposed development and its distance from the principal elevations of adjacent property to the north and north-west, and having regard to the shadow analysis submitted, I am satisfied that the rear elevations of 'The Apartments Building' and the rear /southern elevations of the two rows of houses Nos. 1-5 and 6-9 Orchard View would receive in excess of 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours (APSH) in the winter months between the 21st September and 21st March, in accordance with the recommendations of Section 3.2 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 2011). Furthermore, I am satisfied that the private amenity space to the rear of these properties would receive at least two hours of sunlight on the 21st March, in accordance with the recommendations of Section 3.3.7 of the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 2011).

7.2.29. Specific Assessment

7.2.30. The site is not a Protected Structure and is not located within an Architectural Conservation Area, designated Conservation Area or Zone of Archaeological Interest.

In terms of environmental assessments, these are considered separately in sections 5.3, 5.4 and 7.6 of this report.

7.2.31. Conclusion

Having considered the proposed building's height, scale and design in the context of the Urban Development and Building Heights Guidelines for Planning Authorities (2018), and in particular Section 3.2, I consider the outlined criteria have been appropriately incorporated into the development proposal. It is my view that the proposed development is in accordance with Strategic Planning Policy Requirement 3A as set out in the Guidelines and Section 16.27 - 'Building Height in a Suburban Areas' as set out in the Cork City Development Plan 2015-2021. Accordingly, I am satisfied the proposed building height and design is acceptable in this context.

7.3. **Overlooking**

- 7.3.1. The Appellant objects to the proposed development on the grounds that the proposal would result in overlooking of dwellings to the north along Orchard View. The Appellant puts forward that dwellings along Orchard View have large floor to ceiling windows to their rear at ground floor level, which would be overlooked from the windows and balconies of the proposed five-storey building.
- 7.3.2. The Planning Authority report notes the separation distance of 24-36.5m between the proposed development and the dwellings to the north along Orchard View. Regarding the issue of overlooking, the Planning Authority report states that the majority of the windows on the upper floor levels of the proposed development would serve bedrooms, which would lessen the impact of direct overlooking of existing neighbouring properties. Furthermore, the Planning Authority report notes that there are no balconies on the proposed development directly overlooking the properties to the north and that any potential overlooking issues can be addressed by screening the limited number of balconies that side onto the northern boundary.
- 7.3.3. A separation distance of c. 36.5m would be maintained between the northern elevation of the proposed development (serving bedrooms) and the rear elevations of the row of terraced dwellings No. 1-5 Orchard View, at its closest point. A separation distance of 24.1m would be maintained between the northern elevation of the proposed

development and the rear elevation of the row of terraced dwellings No. 6-9 Orchard View, at its closest point. The northern elevation of the proposal at above ground floor level contains window openings serving bedrooms with the exception of the north-western corner, which would serve a kitchen/living room. There is also the possibility of overlooking from the side balcony rail of the balcony on the rear / north-western corner elevation of the proposal at fourth-floor level and the north-western corner of the four-storey component of the proposed building.

- 7.3.4. Regarding overlooking, Section 16.49 of the Cork City Development Plan 2015-2021 requires that 'when assessing proposals for residential developments, the following (but not limited to) shall be considered...overlooking'. The Development Plan does not make specific provisions for separation distances between directly opposing first floor rear windows of residential development. Section 7.6 of the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (2009) refers to 'Privacy and Security' and recommends that 'at the rear of dwellings, there should be adequate separation (traditionally about 22 m between 2-storey dwellings) between opposing first floor windows'. Having regard to the separation distances provided between the proposed development and the rear elevations of dwellings along Orchard View, I am satisfied that the proposal would not result in direct overlooking of these dwellings and complies with Section 7.6 of the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (2009) regarding privacy. Any overlooking of the communal open space / area of hard standing to the rear of 'The Apartments' would be acceptable, as this communal area is already overlooked by The Apartments building itself and would provide an additional degree of passive surveillance of this communal area.

7.4. Security Issues

- 7.4.1. The Appellant expresses concern that security of the proposed development was not addressed by the Planning Authority and puts forward that the proposal does not indicate if surveillance would be provided e.g. security cameras, motion-activated lighting, and details of their position or direction. The Appellant states that this issue is of concern to the residents of Orchard View regarding their privacy.
- 7.4.2. Security equipment (CCTV cameras, motion-activated lighting etc.) serving the proposed development have not been detailed in the drawings and documentation

submitted with the application. As such, security equipment does not form part of the proposed development and therefore cannot be assessed or authorised under the subject appeal. Any such works may be subject to a separate planning application, unless exempted development in accordance with the provisions set out under the Planning and Development Act 2000 (as amended) and Planning and Development Regulations 2001 (as amended).

7.5. Procedural Issues - Site Notice

7.5.1. The Appellant objects to the proposed development on the grounds that a site notice for the proposal was missing for a whole week at the site. The Appellant has submitted a series of photographs of the street elevations of existing premises, dated from the 25/02/2021 to 04/03/2021.

7.5.2. It is my view that this ground of appeal is a validation issue which is the function of the Planning Authority. I am satisfied that this did not prevent the concerned party from making representations to the Council on the proposed development. The third-party Appellant has made a valid planning appeal to An Bord Pleanála and the issues raised in this appeal are addressed above.

7.6. Screening for Appropriate Assessment

7.7. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Cork City Development Plan 2015-2021, the zoning of the site and the Mahon Local Area Plan 2014, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on the 01st day of September 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>Details of the materials, colours and textures of all the external finishes to the proposed development 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>
3.	<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>

	<p>(a) Location of the site and materials compound(s) including areas identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p> <p>(c) Details of site security fencing and hoardings;</p> <p>(d) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>(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;</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <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) Provision of parking for existing properties during the construction period;</p> <p>(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(k) 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>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers, drains or the Grand Canal.</p>
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	<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>
4.	<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. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
5.	<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>
6.	<p>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.</p>

	Reason: In the interest of public health.
7.	<p>Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing -</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii.</p> <p>(iii) Details of roadside/street planting which shall not include prunus species.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation .</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 shall be replaced within the next planting season with others of</p>

	<p>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>
9.	<p>Proposals for a development name, retail/commercial unit identification, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
10.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, footpaths and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity</p>
11.	<p>The apartments shall not be used for any short term residential letting.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
12.	<p>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</p>

	<p>facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
13.	<p>Prior to commencement of development, the Applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
14.	<p>Prior to the commencement of the development as permitted, the Applicant or any person with interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all units permitted, to first occupation by individual purchasers, i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the Authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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>

Brendan Coyne
 Planning Inspector

28th April 2022