



An
Bord
Pleanála

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

Inspector's Report ABP-300325-17

Strategic Housing Development

Construction of Student
Accommodation

Location

The Former Crow's Nest Site, Junction
of Carrigrohane Road and Victoria
Cross Road, Cork City, Cork.

Planning Authority

Cork City Council

Applicant

University College Cork

Prescribed Bodies

Irish Water
DAA
Transport Infrastructure Ireland
Irish Aviation Authority
Development Application Unit (Dept.
Culture, Heritage and the Gaeltacht)

Observer(s)

David Riordan & Patricia Duff

Noel Murphy

Michael O'Driscoll

Donal Lyne

Tony Power

Patrick L. O'Brien

Gay & Gearoid O'Crualaoich

Date of Site Inspection

2 February 2018

Inspector

Una Crosse

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application, made by University College Cork, was received by the Board on 29 November 2017.

2.0 Site Location and Description

The site, subject of this application, is 0.299 hectares in area and comprises the site of the former 'Crow's Nest' Public House site at Victoria Cross/Carrigrohane Road in Cork City. The application site is irregular in form and incorporates an existing workshop building and yard, four derelict two storey terraced houses and the area occupied by the former Crow's Nest public house and an outbuilding. To the west there is a four storey student accommodation block known as 'The Village'. The southern boundary of the site comprises the walls of the existing workshop building and a 2 metre high boundary wall to the rear garden of an adjoining two storey semi-detached house. The eastern boundary of the site adjoins Victoria Cross a busy traffic intersection between, Carrigrohane Road, Wilton Road and Western Road.

The site addresses the Carrigrohane Road (N22) to the north and Wilton Road/Victoria Cross Road (R641) to the east. The western side of the University College Cork main campus is c.750 metres to the east and Cork University Hospital is located 900 metres to the south. The area is generally known as Victoria Cross. The Curragheen River flows south of the site and the south channel of the River Lee flows north of the site. Cork County Hall is located to the west of the site, it is 67 metres in height (17 storeys) and is a protected structure. There are a number of existing student accommodation complexes in the vicinity of the site including apartments directly opposite the site along Victoria Cross which range in height. A development known as the Village addresses Carrigrohane Road to the east of the site between the proposed development and County Hall and is 4-storeys in height.

3.0 Proposed Strategic Housing Development

The development as proposed comprises the construction of a student accommodation development for which a 10 year permission is sought which is proposed as follows:

- Demolition of the existing structures onsite (totalling 734sqm), as follows:
 - The former Crow's Nest public house and restaurant;
 - 4 no. two-storey dwellings at 1-4 Victoria Terrace;
 - Existing machinery shed and yard;
- Construction of student accommodation with an overall gross floor area of 8664 sq.m comprising 66 units providing a total of 255 bedspaces proposed to be used for student/university related accommodation.
- The development comprises 4 blocks of development which extend above a single storey podium at ground level and which effectively covers the site area except for the landscaped areas to the east and within the site and the set down/drop off area to the west. The blocks vary in height from 8 to 10 floors above ground level. A fifth low level gateway block is included at the main entrance onto Victoria Cross. There are a number of internal landscaped garden areas at ground floor level. At first floor, the podium level provides large areas of open space with the 4 blocks extending above the podium. Block A, B & C address the Carrigrohane Road. Block A is 7 storeys above podium level (8 levels in total), Block B is 8 storeys above podium level (9 levels in total) and Block C & D are 9 storeys above podium level (10 levels in total). Block D is located to the rear of Block A with a north south axis. Each of the 4 blocks have an entrance from the podium level as well as ground level.
- The mix of units is as follows:
 - 1 two-bed apartment,
 - 7 three-bed apartments and
 - 58 four-bed apartments,
- Ancillary student support facilities located at ground floor level include laundry, admin office and meeting room, common rooms and comms rooms;

- Vehicular access to the development is proposed from the Carrigrohane Road at the northwest boundary with a taxi and set down/drop off area provided with secure gates proposed. A lobby (Block D) is provided into the development from this area with bicycle parking spaces (c.100 spaces), a plant room, switch room and sub-station.
- A healthcare facility/wellness centre (462.4sqm) is proposed at ground floor and which is accessed separately from the Carrigrohane Road elevation and includes 7 consulting rooms and various treatment rooms including nursing room and occupational therapy room with ancillary support spaces proposed including utility rooms, reception and waiting areas.
- The ground floor elevation along the Carrigrohane Road also provides a lobby into the accommodation (Block A), a recessed landscaped area (Wild Garden) and bicycle parking spaces are also proposed along this frontage (25 spaces). Another lobby into the accommodation is proposed (Block B) to the east of the entrance to the Wellness Centre. Further east close to the junction with Victoria Cross there is a lobby entrance to Block C.
- A commercial/café unit is proposed at ground floor level (125.2sqm) access from the Victoria Cross elevation. The building is then recessed from the street edge to provide a plaza area from where there are a number of entrances to the proposed facility including an entrance to the common/shared facilities. The building line extends towards the street edge to the southeast of the site with a stepped access through a secure gate to the podium level above.
- Ancillary works including landscaped areas comprising internal courtyards, a public open space at street level and a private open space at first floor podium level; foul and surface water sewers; works to the public footpath; and all other associated site services, site infrastructure and site development works.

The following table outlines the main details of the proposal:

Detail	Proposed Development
Area of Site	0.299 hectares
Area to be demolished	724 sq.m (former pub, 4 two-storey units and machinery shed)
Gross Floor area	8864 sq.m
No. of Units	66
Mix of Units	1 x 2-bed 7 x 3-bed 58 x 4-bed
No. of Bedspaces	255
Height of Blocks (including ground floor)	Block A – 8 storeys Block B – 9 storeys Block C – 10 storeys Block D – 10 storeys Block E (Gateway Block) – 2 storeys
Other Uses	Healthcare/Wellness Centre – 462 sq.m Commercial/café Unit – 125 sq.m
Density	220 units per ha
Plot Ratio	1:2.9
Bicycle Spaces	125
Private Open Space	855 sq.m (770 sq.m at podium level & 2 courtyards at ground floor – 58 sq.m & 27 sq.m)
Public Open Space	500 sq.m (east of proposal at street level)

4.0 Planning History

PA reference 09/33647. Permission was granted for demolition of all buildings on site construction of mixed use student accommodation and commercial development. Condition 2 of the decision reduced the proposal to provide for 44 no. apartment units in two blocks ranging from 3-7 storeys with a gfa of c.10,000 sq.m. (October 2009). Decision was appealed under PL28.235006 but was withdrawn. Extension of duration of permission granted until 20 March 2020.

PA reference 05/30071 and An Bord Pleanála reference PL28 .217701.

Permission was granted for demolition of existing buildings including 4 no dwelling houses and construction of a mixed use development comprising of commercial units and c.48 apartments in a 5/6 storey structure. (July 2007)

5.0 Section 5 Pre Application Consultation – TC0020

5.1. Notice of Pre-Application Consultation Opinion

A notice of pre-application consultation opinion was issued by the Board on 2nd November 2017 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on 11th September 2017.

The notice of Pre-Application Consultation Opinion states that the Board was of the opinion that the documents submitted constituted a reasonable basis for an application for strategic housing development. Pursuant to Article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2016, the prospective applicant was notified of specific information to be submitted with any application, in addition to the requirements specified in articles 297 and 298 of the Regulations. This was as follows:

1. A detailed visual impact assessment. A photomontage report with additional viewpoints from locations where protected views in the vicinity of the site have been identified in the City Development Plan. An accompanying architectural report should outline the design rationale for the proposed building height, scale and massing.

2. A report that addresses issues of residential amenity (both existing residents and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units to the west and south.
3. A report that addresses the demand for and concentration of student accommodation in the area, together with an adequately detailed management plan that will address the ongoing operation of the student accommodation facility.
4. Appropriately scaled drawings that show how the development integrates with the existing footpath and road infrastructure. Detailed public realm proposals should be prepared that extend to and include the public footpath and incorporate an appropriately located and dimensioned set down area. This may require an expansion of the red line boundary of the site and the consent of relevant landowners. The documentation relating to the interface between the development and public roads should be designed in accordance with the Design Manual for Urban Roads and Streets.
5. Additional documentation relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') with specific reference to a Justification Test (if necessary) and should take account of any highly vulnerable development proposed.
6. Landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of the public realm at podium and ground level.
7. A layout plan that details the location and appropriate quantity of bicycle parking spaces.

5.2. Applicant's Statement

In a cover letter submitted with the application, the applicant's agent provides a statement in relation to the matters specifically required by the Board which is summarised as follows:

Visual Impact Assessment and Design Rationale

A Visual Impact Assessment submitted includes additional viewpoints from specific locations where protected views and prospects have been identified in the Cork City Development Plan 2015. It is stated that the report also highlights a number of views specifically relating to panoramic views over the city, identified in the development plan, where specific viewpoints that would be impacted by the proposed development could not be identified. A Design Statement submitted sets out the rationale for the building design.

Residential Amenity of Existing and Future Residents

A Residential Amenity Report submitted outlines how the proposed development aims to limit the potential for any negative impacts on the residential amenity of both existing residents in the area (both to the west and south, but also the north at Victoria Cross where relevant), as well as future occupants of the scheme. The report deals specifically with the topic of overlooking and privacy and outlines the physical measures incorporated into the form of the building to minimise the potential for overlooking or perceived overlooking and ensure that there are no negative impacts on residential amenity as a result of the proposed design. It is stated that the measures used to reduce the potential impacts on overshadowing as well as the related topics of daylight/skylight are also outlined, which incorporate the findings of the Daylight, Sunlight and Overshadowing Report submitted.

Student Accommodation Concentration and Management

A report entitled 'The demand for and concentration of student accommodation in Cork and the management plan for the operation of UCC student accommodation complexes' submitted highlights that there is a significant shortfall in the supply of student accommodation spaces in the city and that in general, the majority of students are forced to rent within the private rental market. The report also outlines the existing management structures which are in place to oversee the management

and operation of UCC owned and controlled complexes as well as the proposed management arrangement for the Crow's Nest scheme.

Compliance with DMURS

Drawing CN-P-055 highlights that the redline boundary of the scheme has been extended from that put before the Board at the pre-application meeting to provide for the upgrade of the surrounding footpaths on both the Carrigrohane Road and Victoria Cross. A letter of consent from Cork City Council has been submitted confirming their consent to facilitate the enlargement of the site.

Engineering Services Report and the Statement of Compliance include a section on compliance with DMURS.

Flood Risk Assessment

A Flood Risk Assessment submitted includes an assessment of the potential impact of the proposed development on flood risk elsewhere as well as measures to reduce overall flood risk.

Wind Impact Mitigation

Drawing CN-P-050 'Ground Floor Landscaping Plan' and CN-P-051 'First Floor Landscaping Plan' detail the relationship of the wind mitigation measures proposed in the Pedestrian Level Wind Assessment in relation to the proposed public realm design at both ground and podium level.

Bicycle Parking

Drawing CN-P-055 'Proposed Public Realm and Bicycle Parking' outlines that there are 125 no. dedicated bicycle spaces proposed, 25 no. at the entrance to the healthcare/wellness centre off the Carrigrohane Road and 100 no. secure spaces located off the service/drop-off area to the west of the development. The Statement of Consistency states that the provision of cycle spaces falls slightly short of the requirement of 135 no. spaces as per the Cork City Development Plan 2015 with the provision to be reviewed on a regular basis during the operation of the scheme and further spaces will be provided if the need is identified.

6.0 Relevant Planning Policy

6.1. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’).
- Architectural Heritage Protection Guidelines for Planning Authorities’

The following documents are also considered relevant:

- Dept. of Education and Skills ‘National Student Accommodation Strategy’ (July 2017)
- Dept. of Education and Science ‘Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.’ (July 2005)

6.2. Cork City Development Plan 2015-2021.

The majority of the site is within Zone 10 - Local Centre the objective of which is ‘to protect, provide for and/or improve the retail function of local centres and provide a focus for local centres’. The remainder of the site, a small area on the western side is zoned Zone 4 – Residential, Local Services and Institutional Uses, the objective of which is ‘to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3’.

Protected Structures

County Hall, a 17 storey office building (67 metres), is a protected structure recorded on the RPS, reference number PS527, other protected structures in the vicinity are Victoria Cross Cycles (PS434) and a post box (PS1027).

Cork Airport

The site is located approximately 750 metres east of the Airport Public Safety Zone associated with Cork Airport, Map 19 - Cork Public Safety Zone (Outer).

Relevant City Development Plan Policies and Objectives

Student Accommodation

Section 16.68 includes a number of criteria that should be taken into account including:

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

Section 16.69 - As per Objective 6.5 in Chapter 6, all permissions for student housing shall have a condition attached requiring planning permission for change of use from student accommodation to other type of accommodation. Future

applications for this type of change of use will be resisted except where it is demonstrated that over-provision of student accommodation exists in the city.

Smaller Scale Health Services

Section 3.40 outlines that small scale GP practices and other small scale local medical service providers will be open for consideration within the Residential, Local Services and Institutional Use zones, provided general planning issues such as access are acceptable.

Section 3.41 states that specialist medical services should be located in the City Centre or District, Neighbourhood or Local Centres and will not normally be permitted in other locations.

Views, Prospects and Protected Views

Map 18 (Views and Prospects South West) outlines a series of views within which the subject site is within or close to the view shed. It is noted that County Hall is designated as a landmark building and panoramic assessment point for the purposes of views and prospects. The site is located within a View designated as Linear View CH1 (view of County Hall from Western Road (near Western Star)) and peripheral to Linear View CH2 (view of County Hall from College Road (down Orchard Road)). The site may also be visible from a number of River Prospects – RP10 (view of County Hall from Mardyke Bridge upstream), RP 11 (view of County Hall from Daly's (Shaky) Bridge) and RP 12 (view of County Hall from Thomas Davis Bridge) The site is also within the view of a Landscape/Townscape View of Shanakiel Ridge (not numbered on Map18) and may be visible from a Primary Approach Road - AR2 (view of County Hall from the Carrigrohane Road). There is another linear view of note, which is included in Map 14 of the Water Tower from the Wilton Road – WT1.

The Plan identifies 5 types of views in sections 10.27 -10.31

Linear Views of Landmark Buildings (section 10.27) these occur where a particular landmark/ building is the main point of focus. Views tend to be framed within relatively narrow viewing corridors such as laneways and streets. The views of landmark buildings are considered to be of particular importance and special amenity value. The majority of these views are from City Centre or inner city viewing locations.

Panoramic Views (section 10.28) Panoramas are wide views of the city and suburbs (often from elevated sites) featuring a varying number of city's landmarks. These panoramic views from specified locations or 'Panoramic Assessment Points' are considered to be of particular importance and are important reference points from which large development proposals can be assessed in terms of visual impact.

River Prospects (section 10.29) River prospects are views of landmark buildings from bridges but also riverbanks and quaysides.

Townscape and Landscape Features (section 10.30) these are views of areas that have distinctive/ outstanding townscape or landscape features within the city including views of the city ridges.

Approach Road Views (section 10.31) the approach roads into Cork City offer visitors the vital 'first impression' of the city and glimpse of the unique topography and character of Cork. Historical routes into the city tend to be from high vantage points, whereas the national primary roads offer wider viewing corridors.

Objective 10.6 has two particular parts as follows: "to protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's landscape from inappropriate development, in particular those listed in the development plan. There will be a presumption against development that would harm, obstruct or compromise the quality or setting of linear views of landmark buildings, panoramic views, rivers prospects, townscape and landscape views and approach road views.

To identify and protect views of local significance through the preparation of local area plans, site development briefs and the assessment of development proposals on a case-by-case basis".

Skyline and Roofscapes

Objective 16.4 'Skyline and roofscapes' states that the City Council will seek new buildings be designed to – enhance the roofscape in terms of their bulk, massing, materials and aesthetics; where appropriate, divide building mass into small elements which respect the existing cityscape and the setting and views and prospects of landmark buildings and the other special amenity views; and where appropriate locate plant housing for buildings in basements to avoid impact on views of cityscape.

Building Height

Building height is addressed in section 16.25 which categorises building height into low-rise (1-2 storeys), medium rise (less than 32m 4-9 storeys approx.) and tall buildings (32m or higher 10 storeys). Section 16.26 states that building height should be in proportion to the space between buildings and where appropriate be set back from the road edge or 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.

Building Height in the City Centre and Inner Urban Areas

Section 16.29 refers to inner urban areas as those developed until 1920 which have varying building heights. In section 16.30 it is stated that in appropriate circumstances new corner (local landmark) buildings may reflect their location by means of additional building height of 1-2 storeys with the building design and treatment to reflect new civic and public benefit uses. Section 16.31 refers to the North and South Channel River Corridors providing an opportunity for new development to address and celebrate the landmark river corridors with Table 16.3 providing River Corridor Building Height Guidelines. Section 16.33 refers to Inner Urban areas (those being parts of the 1920 city outside the commercial core of the city) and where new development should respect the scale (1.5-3 storeys typically) due to the important character of these areas and their high visibility from the city centre and historic approach roads.

Tall Buildings

Section 16.34 states that tall buildings can play a visual role as landmark buildings and can make a positive contribution to the skyline of a city. It is stated that due to the visual prominence and strategic significance of tall buildings their design must be of a high standard. It is further stated that there are large areas of the city where tall buildings are unsuitable given the potential conflicts with the character, grain, and the amenity enjoyed by users of adjacent sites. In particular, high buildings should be avoided in the historic areas of the city. The City Council has identified Docklands and South Mahon as areas with the potential to accommodate high buildings and Maps 2 & 7 in Volume 2 identify these locations. All other areas of the city are not

considered appropriate for tall buildings. The Plan then states that such development will be resisted in areas of special and/or significant character in the city i.e:

- The City Centre (within the 1869 boundary)
- The North and South River Lee Channels (west of Docklands)
- Architectural Conservation Areas;
- Other historic areas of the city of architectural and historic character (including the old city approaches and the villages enveloped by city expansion);
- The suburban areas of the city (apart from locations specified in the Plan);
- Areas of significant landscape value (including Landscape Preservation Areas and Areas of High Landscape Value).

Section 16.35 states that Cork's tallest strategic landmark building should be that proposed for the Eastern gateway in the South Docks area as this location defines the gateway to Docklands and the City Centre from the east.

Section 16.36 states that while the development plan identifies locations considered appropriate for tall buildings and provides guidance on their height, this does not imply that planning permission will automatically be granted by the local planning authority. All proposals for tall buildings will be subject rigorous appraisal due to the potential impacts of tall buildings given the scale and potential impacts of any tall building.

Section 16.37 states that 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. Significant intensification will only be considered appropriate where public mass transit is either in operation or where its delivery is programmed.

Section 16.38 states that tall buildings should always be of high design quality to ensure that they fulfil their role as strategic landmarks. It is noted that tall buildings can have negative impacts which will need to be assessed in any planning

application and include: relationship to context; the effect on the whole existing environment; the relationship to transport infrastructure; the architectural quality of the building; sustainable design and construction; the credibility of the design; the contribution to public spaces and facilities; the effect on the local environment; the contribution made to the permeability of the environment and the provision of a high quality environment.

Objective 16.7 refers to Tall Building Locations and states that the City Council will aim to protect the special character of Cork City which have been identified as having potential for tall buildings. These are South Docklands and South Mahon.

Residential Density

Section 16.41 refers to density and states that 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).

6.3. Applicant's Statement

The applicant's statement of consistency with relevant policy required under Section 8(1)(iv) of the Act is summarised as follows:

- Student Housing identified as one of key action areas in Rebuilding Ireland action Plan with HEA estimate of demand for c.25,000 spaces nationally with one of highest areas of demand in Cork;
- Proposal consistent with the local centre zoning which also includes other student accommodation developments with proposal including a retail/café unit and health centre which provide valuable local services;

- Section 16.37 of the Plan lists specific areas where tall buildings are not appropriate with the proposal not located in one of these areas and argued that policy restricting height should not apply to subject site;
- Prevailing character in the area is characterised by modern midrise and taller buildings which contrasts with the description on Inner Urban Areas in the CCDP;
- Design and massing of site advanced on prevailing character as well as landmarked nature of the site with a high quality flagship building proposed with in a landmark site;
- Proposal provides an indented street edge, upper garden platform, vertical cluster and varied skyline and designated views of County Hall not impacted significantly as it is much taller with proposal subservient in views;
- Proposal located in a highly accessible area given proximity to UCC and is of a high quality design;
- Specific design measures and separation distances incorporated to ensure opportunity for overlooking minimised;
- Measures to address anti-social behaviour included including onsite security and management services;
- Preliminary Environmental, Construction Waste Management Plan submitted to be updated and expanded during design and construction process with impact of noise mitigated and condition acceptable to limit hours of operation of retail/café with external lighting plan provided;
- Daylight, sunlight and overshadowing assessment submitted indicates that proposal broadly in line with BRE site planning for daylight and sunlight and pedestrian level wind assessment indicates public realm suitable for intended purposes;
- Plot ratio and density acceptable given landmark innovative design breaking up massing, appropriate use of a brownfield site within the local centre with high accessibility and innovative provision of open space;
- Health facility proposed to replace existing UCC health and wellbeing centre on College Road;

- Sub-threshold EIA not required as adequate measures in place to avoid, reduce or mitigate likely impacts during construction and operational phases;
- Stage One AA screening report submitted;
- Site within Flood zone A and proposed ground floor level determined based on 1% AEP for the mid-range future scenario of 5.63mOD, applying 0.3m freeboard giving final level of 5.93mOD with ground floor uses predominately healthcare and ancillary with proposal passing justification test;
- Mobility management plan for the site to act as transportation demand management tool with the aim of reducing car dependency;
- Site layout and design informed by DMURS where appropriate with proposal integrating with existing street context, engaging with public realm creating active frontages, widening footpaths, providing a concourse area and cycle facilities and routes into the development;
- No issue in providing written documentary confirmation of a qualifying lease to provide accommodation let to students during academic year and proposed to use development for visitor/tourist accommodation outside term time;

7.0 Observer Submissions

7.1. A total of 7 observer submissions were made under section 8(1)(vii) of the Act of 2016. The following is a summary of the main issues addressed in each:

David Riordan & Patricia Duff (Lee Road)

- Redevelopment of the site timely;
- Challenge for developer to get sufficient return on cost but social, infrastructural, environmental, visual and amenity costs borne by others too onerous;
- Principle of proportionality should be guiding principle;
- View of Lehenaghmore Ridge to the south from Lee Road severely interrupted and obscured;
- Views in VIA taken at road level rather than at elevation of houses which have an ascending exposure of the line of sight to the south of the road and different to

that presented at road level with impact of View 3 in VIA is not considered slight and neutral;

- Consider additional montages from Rose Hill and Hyde Park Lane required with applicant/Inspector welcome to take images/photos from observers property;
- Trees on north channel of River Lee, relied upon in some views, are due to be removed to facilitate Lower Lee Flood Defence Scheme;
- Concern that other agency such as IFI may fell trees and vegetation along river channel relied upon by applicant to address visual amenity concerns;
- Proposed buildings too high for the location and disproportionate;
- High towers may adversely affect the flight routes of certain bird species in this sensitive ecological location including herons which fly over and back to the river channel and swans flying over from the Lough to the southeast.
- No car parking provided with conservative estimate of 20% of students owning or having use of a car not unreasonable and limited parking in the area oversubscribed with applicant in denial about students use of cars;
- Restrictions on parking in vicinity of UCC results in increased parking along Lee Road with impact on residents with cars left on occasion for entire week with disproportionate impact on Lee Road;

Noel Murphy (Farranlea Park)

- Welcome redevelopment of the site but it's not in-keeping with established buildings and plot ratio excessive compared to plot ratio in Cork City Development Plan;
- Existing student accommodation in area and hotel are 4-storey with other buildings 2-storey with other student accommodation higher than 4-storey set back from road as is County Hall;
- Proposal overbearing given scale, height, design, form and proximity to existing buildings and permission above 4 storeys should be refused;
- Plot Ratio of 1:2.9 very high and greater than 1.0-1.5 indicated in Cork CDP with bicycle parking of 125 spaces less than required in City Plan;
- County Hall provides a landmark building with no requirement for a competing landmark.

Michael O'Driscoll c/o Meitheal Design Partners

(Owner of 'The Village' student accommodation, Carrigrohane Road)

- City Plan identifies specific areas suitable for tall buildings (s.16.7 & s.16.34);
- Applicants argues that as the area not listed as an area where tall buildings resisted that tall buildings acceptable;
- Reference to tall buildings in the area refers to a complex set back from the road with buildings immediately adjacent between 4-6 storeys with proposals far in excess of prevailing height;
- Previous permissions on the site reinforce City Council and ABP position on height;
- Proposed 10 storey blocks adjoining Victoria Villas and 'The Village' seriously injure existing residential amenity of the area;
- Designated view CH1 (Map 18) impacted by proposal interfering/competing with views of County Hall with proposal negatively impacting on the visual prominence of County Hall;
- Overlooking from the apartments (10.4m from adjoining 4-storey building) and the podium (FFL +10.58) with planting previously considered inadequate measure;
- Proposed 8 & 9 storey blocks directly overlook two-blocks in The Village and the communal central courtyard;
- Overlooking from common rooms of adjoining development;
- Scale and proximity of proposal will create loss of outlook and significant visual intrusion;
- Noise from podium level creating nuisance particularly at night;
- Scale and large number of windows overlooking adjacent property seriously impacts value and existing residential amenity;
- Proximity of proposed development to adjoining properties create concern regarding practicality of construction at party walls between properties with impacts on residential amenity of adjoining properties during construction;
- Concern at how applicant plans to finish exterior of these blocks with access from adjacent gardens required;

- Construction access to west and south of the building difficult without access from adjoining site/s with serious concern at 4-storey 'staircase' element and impact of same on adjoining structures;
- Location of proposed developer and loading for construction vehicles of concern given proximity to bedroom windows in adjoining development;
- The largest of the proposed cranes will oversail most of dwelling houses and student accommodation in the area and represents unacceptable risk;

Donal Lyne c/o Meitheal Design Partners

(Owner of 3 properties at Victoria Villas)

Observations as per above observation from Michael O'Driscoll save for:

- Overlooking from the apartments (2.7m from adjoining boundary) and the podium (FFL +10.58) with planting previously considered inadequate measure;
- Proposed 10 storey block to the south overlooks gardens to the south and east and apartments to the west;

Tony Power (Victoria Cross)

- Victoria Cross has seen a dramatic increase in student population in last 15 years, understand shortage in accommodation and importance of UCC to Cork City;
- Proposal will add further strain to long-term residents with clustering and concentration of student accommodation sucking life out of the area;
- Disproportionate amount of students in the area in comparison to rest of city;
- Hyper growth of student population has potential to threaten sustainability of neighbourhood with side-effects including property value, noise pollution, reduced car parking, litter and anti-social behaviour;
- Visual impact of proposal on area affecting integrity of neighbourhood particularly obstruction of protected County Hall;
- Existing high student population in area not incentive to increase population further with little regard to effects on long standing residents;

Patrick L. O'Brien (Victoria Cross)

- Scale of proposed excessive within long established urban residential area with area already encroached upon by student accommodation;

- Urban aspect of Victoria Cross dominated by student accommodation;
- Anti-social behaviour ongoing issue & threat to elderly residents;
- Toll House No 2 (immediately opposite) will be adversely impacted by construction works with out of hours and weekend work likely creating disruption;
- Traffic movements will create additional problems and congestion;
- EIA screening report does not mention residences opposite the proposed with Toll House No 2 (last house with west facing gable) from historical perspective;

Gay & Gearoid O’Cruaioich (Lee Road)

- Virtual saturation of area with student accommodation, proposal would further increase imbalance and disproportionality of civic life for residents in the area;
- Regular and frequent congestion of footpaths in the area with area resembling part of the University Campus rather than a public thoroughfare;
- Proposal will close last remaining vista to the south and of the Lehenaghmore Ridge from the Lee Road, Rosehill and Sundays Well with living areas in many instances on first floor to take advantage of view with many of houses of heritage interest;
- Loss of visual amenity is part of environmental dis-improvement cost of proposal;
- Busy vehicular and pedestrian junction with narrow paths, traffic backed up through junctions and crossings and hazardous pedestrian practices;
- Increased pedestrian traffic and no provision for increased measures such as footpaths, guard rails, extra crossings, longer crossing times to facilitate increased student population with potential to impede public convenience;

8.0 Planning Authority Submission

8.1. Overview

The planning authority, Cork City Council, has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises the observer comments as per section 8(5)(a)(i) and the views of the relevant elected members as expressed at the Ward meeting held on 22nd January 2018, as per

section 8(5)(a)(iii). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

8.2. Planning Analysis

The Chief Executives View are outlined in the following summary:

- PA satisfied proposal accords with zoning objectives and objectives relating to student accommodation (para 16.68) in terms of location and not a high concentration of the use and subject to proper management no objection in principle to use;
- Provision of active ground floor uses is welcome and proposal will make a significant contribution to housing shortage in City;
- Proposal is located at strategic gateway location where number of buildings of scale and range of protected views;
- Building as proposed is a tall building (para 16.25 of CDP) with site within scope of (para 16.29) city centre and Inner Urban Area considered there is potential for a development of scale at the site given its gateway location and surrounding character of the area balanced against other criteria;
- Positive impact on city in terms of accommodation, emerging national policy on height, positive report from City Architect which considers proposal is of a high design quality;
- Concern regarding scale of proposal on protected views (photomontages 12, 10, 6, 4, 3 & 2) with potential negative impact particularly from close up views;
- Scope to consider higher buildings of scale and proposal is acceptable subject to a reduction in height by one floor of each element of proposal which will bring it within the scope of development plan parameters;
- Proposal will have negative impact on gardens to south but not unacceptable as no overshadowing, mitigation measures proposed including orientation of bedrooms, shutters and layout of building;
- Consider podium acceptable and will not have undue negative visual impact;

- Impact on student accommodation to west (the Village) is key concern with issues of overshadowing, overbearance from Block D and while mitigation proposed impact is unacceptable and Block D should be omitted and revised proposals submitted;
- Proposal well designed for future occupants in term of open space and amenity;
- Proposal acceptable in terms of access, traffic and transportation with set down area provided and condition proposed for disabled parking space and enhancement of public realm;
- No objection in terms of flooding with measures in flood risk assessment should be carried out;
- Proposal would not affect integrity of most proximate Natura 2000 sites and NIS not required
- Proposal does not required mandatory EIA and not considered warrants sub-threshold EIA;
- A summary of the issues raised in the submissions received are outlined in Appendix A.

8.3. Other Technical Reports

8.3.1. Drainage

Conditions proposed in relation to foul water details and connections, storm attenuation to limit discharge and mitigation measures against risk of flooding;

8.3.2. Environment

Conditions proposed in respect of: Construction Waste, Noise, Waste Management and General Environment.

8.3.3. Planning

- Concern at residential amenity of adjoining properties and questions proposal to develop 8-10 storeys adjacent to two-storey properties with concerns also in

terms of scale of proposal and the context within which it is proposed with proposal considered to be large scale and blocky;

- Impact on setting of Victoria Cross Cycles (protected structure);
- Proposal needs to respect both the scale, character and residential amenity of the adjoining two-storey properties;
- Concern at impacts on residential amenity from use of podium level, particularly at night, which has not been properly considered and concern that proposed wall of podium and its impact on No. 1 Victoria Villas with planting not considered sufficient;
- Noise from plant room/witch room/transformer room on adjoining properties not addressed;
- Location and proximity of Block D to adjoining gardens of properties in Victoria Villas of particular concern with height and scale of proposal relative to the Village student accommodation of concern in terms of excessive overlooking, overbearing and overshadowing;
- Impact on Amenity of existing residential accommodation to west from location of proposed drop-off area also of concern;
- Maintenance arrangements for western façade of Block A requires consideration;
- Dwellings to northwest may be impacted upon from overlooking from windows in common rooms on northern elevation adjacent to the corner and these may be relocated to reduce overlooking with concerns relating to degree of overshadowing of these properties;
- Construction management plan required to address impacts arising from construction impacts;

8.3.4. **Transportation**

- Road Safety Audit – all findings of Stage 1/2 to be closed off and incorporated into the development and a Stage 3/4 RSA to be undertaken and conditioned;
- Lighting - public lighting to be designed with the requirements of the PA;

- Mobility Management Plan – MMP submitted draft in nature and needs to be agreed with the PA and needs to cover all uses proposed which can be done by condition;
- Car parking – not aware of any agreements with Cork City Council regarding use of their car park to facilitate drop off/pick up; disabled parking space required within the drop off area to facilitate the healthcare facility; a further 7 bicycle parking spaces are required;
- Construction traffic management plan required;

8.3.5. Road Design

- Considered proposal will enhance the pedestrian environment at Victoria Cross and improve pedestrian connections to the County Hall, Library and existing and proposed student accommodation;
- Pedestrian crossings at Victoria Cross have recently been improved by the City Council and are considered to be suitable to support the proposal;
- Exact detail of the design of the vehicular access could be improved to achieve compliance with DMURS with reference to Section 4.3 of DMURS which stated that design of vehicular crossovers should clearly indicate that pedestrians and cyclists have priority over vehicles with no change in level to the pedestrian footway;
- Design of vehicular crossover could be improved by continuing the footpath across the entrance in the same material to clearly indicate pedestrian priority;
- Turning radius for access could be reduced improving pedestrian safety with details to be agreed with Cork City Council;
- Issues raised in road safety audit are outlined;
- Set down proposal considered safest and most suitable arrangement;
- Proposal for no parking supported by Cork City Council but considered that a minimum of one disabled access parking space should be provided specifically for access to the medical centre adjacent to the taxi/set-down area and may

require relocation or redesign of bike parking spaces and can be dealt with by condition;

- Taking in charge drawing should be amended to reflect the recommendation regarding extension of public footpath across the vehicular crossover in accordance with DMURS with Bond required to ensure satisfactory completion of same and a management company is required to ensure completion of internal element;

8.3.6. **Archaeology**

Site outside zone of Archaeological Potential for Cork City and no known RMP's on site but proposal is large-scale in nature and recommended that archaeological monitoring of all ground works is undertaken.

8.3.7. **City Architect**

- Site is an extremely prominent location within the city, focal point, terminating a long vista on Western Road;
- Most apartments have good east, west and south orientation with few having a northern orientation;
- Proposal maximises importance of location as a landmark building for the City without being in competition with County Hall;
- Ground floor area used intelligently, pavilion blocks cleverly located to allow light and sunlight penetrate through the site and provide good orientation and diminishes monolithic nature of perimeter block which was case in previous applications and also creates landmark building;
- Proposal is of a very high standard architecturally, with good massing and sensitively designed solid to void massing with extremely elegant proposal particularly with use of a loggia element at upper levels;
- No hesitation in recommending approval would suggest the form of 'render' would be a condition for approval;

8.4. Recommended Conditions

Appendix C contains 26 recommended conditions from the City Council which are summarised as follows:

1. Development as per plans and particulars submitted;
2. Permission for student accommodation only and change of use to other residential will require permission;
3. Samples of external finishes;
4. Development to be revised to omit Block D and top floors of Blocks A, B & C;
5. Water Supply and Drainage Arrangements;
6. Storm Attenuation;
7. Mitigation measures against risk of flooding;
8. Revised Management Plan for proposal;
9. Construction Management Plan;
10. Construction Traffic Management Plan;
11. Waste Management Plan for development;
12. Public lighting;
13. External lighting requirements;
14. Service cables to be underground;
15. Access points to comply with DMURS;
16. Surface of pavement;
17. Targets in MMP to be agreed with PA
18. Construction working hours;
19. No Car Parking (save for disabled space – see below);
20. Findings of Road Safety Audit;
21. Mobility Management Plan;
22. Finish of pavement;

23. Min. of one disabled car parking space to be provided for medical centre;
24. Bond;
25. Management Company;
26. Section 48 contribution.

8.5. **Views of the Relevant Elected Members**

Appendix D of the submission provides a summary of the views expressed by Elected Members at the Ward Meeting held on 22nd January 2018 and the views outlined are summarised as follows:

- Location good fit for student accommodation given close proximity to UCC;
- Differing views in relation to car parking with some supporting zero parking with others concerned about potential to negatively impact existing residents considering 25% of students may have access/use of car during term time;
- Traffic generated by users of facility during short term letting;
- Proposed relocation of UCC medical centre will create further traffic from workers and users of facility;
- Traffic management plan required to cover all modes with particular consideration to pedestrian access and through flow to and from the area;
- Concerns as to how the flow of traffic in vicinity will be affected by volume of pedestrians/vehicles in the area;
- Proposal should accord with height requirements of current City Plan with previous proposals required to reduce height with some concern as to potential negative impact on river prospects, protected views and landscape/townscape views suggesting a reduction in height with differing views on overall design and impact;
- Concern expressed at impact on water/sewage network given issues which arise when the Village development opened;
- Condition required for management of the facility;

- Specific submission from Cllr John Buttimer outlined deficit in City Plan in relation to policy or particular zoning for dedicated student accommodation and suggest ABP take note of the Dublin Policy which required the PA to take into account the distribution of proposals and their impact on the residential community within 1km with concern about the amount of accommodation approved and the potential for sterilisation of residential communities; Concern about treatment of area to accommodate pedestrian, cycle and vehicular activity in the area with concern about traffic generated by medical facility; ABP should have regard to height, scale density of previous applications on the site, protection of views; impact on local community of short term rental;

9.0 Prescribed Bodies

Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

9.1. Irish Water

Irish Water confirms that subject to a valid connection agreement being put in place the proposed connections to the Irish Water networks can be facilitated.

9.2. DAA (on behalf of Cork Airport)

No comment

9.3. Transport Infrastructure Ireland

No observations

9.4. Irish Aviation Authority

If permission granted, condition required to contact IAA in relation to all crane operations with 30 days notification. A suitable marking and lighting scheme to be agreed with the IAA prior to construction commencing and information regarding the crane and location to be submitted.

9.5. **Development Applications Unit**

Archaeological Monitoring condition recommended.

10.0 **Assessment**

10.1. **Introduction**

Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars and submissions/observations on file, I consider the following the relevant planning considerations for this application:

- Principle of Proposal
- Visual Impact, Building Height, Design and Amenity Spaces
- Residential Amenity
- Mobility Management and Access
- Flood Risk
- AA Screening
- Other Matters

10.2. **Principle of Proposal**

There are a number of matters which I propose to address in the context of the principle of the proposed development. These are addressed in turn as follows:

- Compliance with Planning Policy
- Need for Accommodation
- Concentration and Management of Accommodation

10.2.1. **Compliance with Planning Policy**

In terms of planning policy I consider that there are three principle considerations which I will address in turn:

- Zoning
- Height
- Student Accommodation

Zoning

The majority of the site is within Zone 10 - Local Centre the objective of which is '*to protect, provide for and/or improve the retail function of local centres and provide a focus for local centres*'. Section 15.17 of the Cork CDP states that residential uses are also acceptable within this zone and therefore I would suggest that the proposed student accommodation use would be appropriate within this zone given it is a residential use.

The remainder of the site, a small area on the western side is zoned Zone 4 – Residential, Local Services and Institutional Uses, the objective of which is '*to protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3*'. Section 15.10 of the Plan states that the provision and protection of residential uses and residential amenity is a central objective of this zoning. Student accommodation would accord with the residential objective of the zoning.

The development as proposed incorporates a number of uses on the ground floor level which is it considered complement the principle use of the facility as student accommodation. I would note that the site is zoned 'local centre' and therefore 'active' ground floor uses would complement the zoning objective and create activity at street level. It is stated in the statement of consistency that the Health and Wellness facility is proposed as a replacement for the existing health and well-being centre at Ard Patrick on College Road which is considered to be inadequate and undersized and lacks opportunities for expansion. I consider that this ancillary use is complimentary to the use of the site for student accommodation and as I outline above the use creates a suitably active frontage in the context of the area.

Furthermore, the proposal to use the unit fronting Victoria Cross as a café or shop is also appropriate both in the context of complementing the use of the site and also the context of the location.

Height

I would note that the Cork City Plan states that tall buildings are buildings of 32 metres or higher (approximate equivalent of a 10-storey building with a commercial ground floor and residential above) as is set out in Section 16.25 of the Plan. A number of observations note that the City Plan identifies specific areas suitable for tall buildings (s.16.7 & s.16.34) and consider that the applicant's argument that, as the area is not specifically listed as an area where tall buildings are resisted that tall buildings are acceptable, is not appropriate. In their supporting statement the applicant states that Section 16.37 of the Plan lists specific areas where tall buildings are not appropriate with the proposal not located in one of these areas and therefore argues that the policy restricting height should not apply to subject site. They consider that the prevailing character in the area is characterised by modern midrise and taller buildings which contrasts with the description of Inner Urban Areas in the CCDP. They also state that the design and massing of site was advanced on the prevailing character as well as the landmark nature of the site with a high quality flagship building proposed with in a landmark site. While I address the suitability of the proposed height and design for the site in question at Section 10.3 below, I intend in this section to deal with the principle of a tall building on this site.

The City Plan has identified the Docklands and South Mahon as areas with the potential to accommodate high buildings and Maps 2 & 7 in Volume 2 identify these locations. It then states that all other areas of the city are not considered appropriate for tall buildings. The Plan then goes on to state that such development (tall buildings) will be resisted in areas of special and/or significant character in the city i.e:

- The City Centre (within the 1869 boundary)
- The North and South River Lee Channels (west of Docklands)
- Architectural Conservation Areas;
- Other historic areas of the city of architectural and historic character (including the old city approaches and the villages enveloped by city expansion);
- The suburban areas of the city (apart from locations specified in the Plan);
- Areas of significant landscape value (including Landscape Preservation Areas and Areas of High Landscape Value).

While I would not necessarily agree with the applicant that given that the site's location is not specifically included in the list above, contained in section 16.34 of the Plan, it automatically provides that the site is appropriate for tall buildings, I would suggest that there is an ambiguity in the Plan in respect of tall buildings. There is a statement as noted above in Section 16.34 that Maps 2 & 7 in Volume 2 identify the locations suitable for tall buildings and then states that all other areas of the city are not considered appropriate for tall buildings. However section 16.37 states that 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. The Plan does not specify that this refers to the areas identified on Maps 2 & 7. It states then that significant intensification will only be considered appropriate where public mass transit is either in operation or where its delivery is programmed. Again it does not specify that this refers to the areas identified on Maps 2 & 7.

As I note above, I consider that there is an ambiguity in the Plan in relation to tall buildings and therefore I consider that the proposal would not materially contravene the Plan in this regard. I also consider that the Plan facilitates the consideration of tall buildings where they are accessible to a high quality public transport system particularly at gateways and therefore it is not the case that tall buildings cannot be considered outside of the two areas specified on Maps 2& 7. Furthermore, there are tall buildings in the vicinity of the site which establish a context of higher buildings within this area. Therefore, given the existing context within which the site is located, the location of the site on bus routes 208 and 220 and most significantly in this instance, its proximity to the UCC campus, I consider that in principle the proposal for tall buildings can be considered on this site.

Both the applicant and the City Council refer to the site as a Gateway and reference its landmark location. Indeed the extant permission on the site allows for

development up to 7 storeys. The applicants design statement outlines their concept and justification for a tall building on the site. I note what I would suggest are 'theoretical' context comparisons to Turin (historic) and Mexico City (modern) in terms of the creation of Gateways. The applicant suggests in the Design Statement that the proposal represents a gateway point to Cork City with the mass of the building broken into four distinct vertical elements which punctuate the skyline with a fifth element mediating between the existing and proposed heights. Comparison is drawn with the Luis Barragan sculpture in Mexico City in this regard with the subject site stated to offer the potential to make a dramatic corner at the junction of the Carrigrohane and Wilton Roads. The PA in their submission state that there is potential for a development of scale at the site given its gateway location and the surrounding character of the area. I would agree that this is a landmark site and represents a gateway into and out of the city and I would suggest that it is this context that is most appropriate in the consideration of height.

I would note the comments in the opinion received from the Planning Authority. They state that the development which ranges from 28.3m to 34.3m as currently proposed is a tall building as it exceeds the 32m identified in the City Plan at section 16.25. While it is stated that the proposal is a high quality design concerns are expressed regarding the impact on some views and it is stated in conclusion that the proposal would be acceptable subject to a reduction in height by one floor on each element of the proposal which would bring it within the scope of the development plan parameters. I do not consider that it is necessary for the Board to amend the scheme in order to come within the scope of the Plan. I consider that what is more important in the Plan, in the context of tall buildings, are the considerations for the appraisal of such tall buildings, included at section 16.38 and which state that tall buildings should always be of high design quality to ensure that they fulfil their role as strategic landmarks. It is noted that tall buildings can have negative impacts which will need to be assessed in any planning application and include: relationship to context; the effect on the whole existing environment; the relationship to transport infrastructure;

the architectural quality of the building; sustainable design and construction; the credibility of the design; the contribution to public spaces and facilities; the effect on the local environment; the contribution made to the permeability of the environment and the provision of a high quality environment. I address these matters at Section 10.3 below.

Student Accommodation

Cork City Development Plan deals specifically with student accommodation at Section 16.68 of the Plan and includes a number of criteria which they consider should be taken into account in the consideration of any proposal such as that now before the Board. To avoid repetition, I refer the Board to the relevant section in this assessment where the matters arising below are specifically addressed.

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes. This matter is addressed under mobility management and access at Section 10.6 below.
- The potential impact on local residential amenities. This matter is specifically addressed at Section 10.4 below and I would note that the management of accommodation is addressed at Section 10.2.3 above.
- Adequate amenity areas and open space. This matter is addressed below at Section 10.3 visual impact, building height, design and amenity spaces.
- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities (including shop/café uses), car parking and amenity. Onsite facilities are addressed at Section 10.2.3 below, ancillary uses and in relation to mobility management and parking, at Section 10.6 below.
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of uses. This matter is addressed below at Section 10.3 visual impact, building height, design and amenity spaces.

- In all schemes the applicants will be required to provide written documentary confirmation for a 'Qualifying Lease' as defined in the Guidelines on Residential Developments for third level students published by the Department of Education and Science in May 1999, to prove that the accommodation is let to students within the academic year. This matter is addressed above at Section 10.2.3 management of accommodation.

Objective 6.5 included in Chapter 6 of the City Plan states that all permissions for student housing shall have a condition attached requiring that planning permission is required for a change of use from student accommodation to other type of accommodation. It is stated that future applications for this type of change of use will be resisted except where it is demonstrated that over-provision of student accommodation exists in the city. I would suggest to the Board that if they are minded to grant permission for the development that a condition is attached which restricts occupancy of the proposal to student accommodation, including use as visitor or tourist accommodation outside academic term times without a prior grant of planning permission for change of use.

10.2.2. **Need for Accommodation**

The National Student Accommodation Strategy was launched in July 2017 and is described as an important action in the Government's overall plan to accelerate housing supply. Rebuilding Ireland sets a target to bring on-stream an additional 7,000 purpose built accommodation bed spaces by 2019. While there were 179,354 full-time enrolments in the 2015/2016 academic year, in terms of increased demand, the Department of Education and Skills (DES) has previously indicated there is potential for the number of full-time enrolments in DES aided HEIs (Higher Education Institutes) to increase by 27% by 2030. The strategy also looks at projected supply and demand for purpose built student accommodation (PBSA) in the State and for Cork notes that in 2019 there will be a demand for 6,463 bed spaces with a supply of 4,351 (excess of 2,111) and while supply is projected to increase by 2024, the increasing demand would provide an excess of 1,901 bed spaces.

I would also note the applicant's arguments in respect of need at Section 3.1.1 of the Statement of Consistency. They note that the Report on Student Accommodation: Demand and Supply, Higher Education Authority, 2015 uncovered that Cork has an

extremely low provision of purpose built student accommodation with just 3,788 bed spaces in comparison to Limerick which has a smaller student population and 6,816 bed spaces. Therefore it is clear that there is a need for this accommodation type both nationally and within Cork City. I would also note that while a number of observer's criticise the proposal for the accommodation proposed at this location in terms of concentration of accommodation type, they do not necessarily dispute the need for the accommodation type in principle.

10.2.3. **Concentration and Management of Accommodation**

A number of observations express concern at the concentration of student accommodation within Victoria Cross and its impact on the long-term residential character of the area. I would also note that in the pre-application opinion issued by the Board that the applicant was requested to prepare a report that addresses the demand for and concentration of student accommodation in the area, together with an adequately detailed management plan that will address the ongoing operation of the student accommodation facility. The applicant has submitted a report entitled 'the demand for and concentration of student accommodation in Cork and the management plan for the operation of UCC student accommodation complexes. The first section of the report deals with student accommodation demand and concentration. While the demand is clear as outlined above in terms of need, it is noted that c.61% of bed spaces in Cork are provided in the private rental accommodation sector. UCC, currently own and manage 1,230 bed spaces in 4 separate complexes exclusively to UCC students. There are c.23 other purpose built accommodation complexes operated and owned privately and which are not exclusive to UCC students. The report also refers to proposals for student accommodation either with extant permissions or in planning.

In terms of concentration it is stated that the highest demand for private rental accommodation is generally located within 1.5km of the centre of the Campus. The report includes a map of the area in the vicinity of the site and the UCC Main Campus. There are 7 existing student accommodation complexes within the vicinity of the site with 4 complexes adjacent. While I acknowledge that this is a significant number, yielding a significant number of students, the proximity of the location to the Main University Campus is a key factor. The ability to walk and cycle to the Campus

from this location is key and I would suggest is sustainable. Locating such accommodation further away from the University on sites not proximate enough to walk or cycle would encourage car journeys which I would note would increase traffic on the public roads. Therefore I consider that in terms of concentration of student accommodation that the subject site is in a suitable location.

While I address residential amenity in Section 10.4 below, the second part of the report submitted by the applicant addresses UCC's operational management plan for student accommodation complexes. As noted above, UCC currently own and operate 4 different complexes and have a management structure in place with a General Manager responsible for all complexes. Each complex then has a dedicated Manager and Assistant Manager based full-time at each complex Monday-Friday. Residential assistants live on site and are on duty every night from 6pm to 8am. A 24/7 security presence is also proposed.

Neighbourhood relations are stated to be paramount and it is stated that management staff will maintain contact with neighbours if issues arise. The report outlines in some detail the onsite management process as well as the operational measures which include CCTV. It is also noted that it is proposed to let the accommodation out-of term as tourist accommodation during which time the property will continue to be managed. Reference is also made to the unmanaged nature of the private rental sector which it is stated is the main contributor of anti-social behaviour in the area surrounding the University. Reference is also made to the University Patrol Teams who cover the wider University area during busy periods/events.

I would note that there is potential concern at the noise which may emanate from the podium open space area. While I can appreciate the concerns at the potential for late night revelry, the proposed management of the development includes for 24/7 management including at night by way of residential assistants who remain within the development. I would suggest to the Board that a noise condition could be attached, if they are minded to grant permission. I note that this has been recommended in the Environment Report in Appendix B of the City Council report although I note it is not one of the 26 recommended conditions in Appendix C of the City Council report. In this regard I would suggest that managed student accommodation such as that proposed may be preferential within any residential

area to unmanaged accommodation rented by students in the private rental sector. Therefore I consider that the principle of the proposed development is appropriate.

10.3. **Visual Impact and Building Height, Design and Amenity Spaces**

Visual Impact and Building Height

10.3.1. While I have addressed building height as it relates to planning policy in section 10.2.1 above, the matter of the visual impact of the proposal on protected views and structures and visual amenity in general is outlined in this section. The design of the building and the quality of amenity spaces proposed is also addressed herein. I would note that the applicant has submitted a visual impact assessment (VIA) with the application which a series of photomontages taken from 15 specifically chosen viewpoints. I will address each of the views but of paramount consideration I would suggest is the impact of the proposal on views of County Hall which is a protected structure and there are a number of protected views of the structure which I will address in turn. I would also note the concerns of the PA and in particular their concern at the proposals impact on close up views of the proposal. They refer specifically the photomontages/views 12, 10, 6, 4, 3 & 2 which I address below. Following the consideration of protected views I will address other views of relevance both within the VIA and others.

Protected Views

10.3.2. Map 18 of the City Plan outlines the protected views and prospects. These are divided into 5 categories which I will address in turn. Firstly, Linear Views of Landmark Buildings which are defined as those that occur where a particular landmark/ building is the main point of focus and where the views of landmark buildings are considered to be of particular importance and special amenity value. In terms of Panoramic Views, panoramas are described as wide views of the city and suburbs (often from elevated sites) featuring a varying number of city's landmarks. These panoramic views from specified locations or 'Panoramic Assessment Points' are considered to be of particular importance and are important reference points from which large development proposals can be assessed in terms of visual impact. The County Hall structure is designated as a panoramic assessment point.

- 10.3.3. In this instance, County Hall is a landmark building and a panoramic assessment point with designated view CH1 of County Hall from the Western Road one of the primary linear views to be considered given the proposed site is directly in front of the view of the landmark. This protected view is examined in View 6 of the VIA where the applicant considers that the proposal is lower in scale to County Hall which retains its dominance in the view. The impact is assessed as moderate and neutral. While the PA express concern at the impact of the proposal in this view, I would concur with the applicant's assessment. The blocks of the proposed structure rise away from County Hall rather than towards, such that the tallest element of the proposal in the view is furthest from the protected structure. I do not consider there is any doubting, when looking at this view, which is the most prominent and dominant element in the view and I consider that the visual impact is acceptable. I would also note that View 7 in the VIA is taken from the Western Road at the entrance to the UCC Western Gate building which is closer to the application site than that in View 6. The impact is described as moderate and neutral. While I note that the proposed building is clearly visible in the view and is prominent, County Hall given its greater height is the dominant element in the view.
- 10.3.4. Designated linear view CH2 is of County Hall from College Road (down Orchard Road). This view is examined in View 12 of the VIA with no visual impact predicted. The upper floors of City Hall are visible in the view but the proposal is not visible. While the PA express concern at the impact of the proposal in this view, I would concur with the applicant's assessment as it is clear that there is no impact on this linear view. There is another linear view of note, which is included in Map 14 of the Water Tower from the Wilton Road – WT1 which is addressed in View 13 of the VIA and assessed as slight and neutral. I would suggest that in view 13 the focal point of the view is the water tower on the ridge and while the development is visible the difference in levels provides that it is well below the skyline and the water tower and therefore there is no impact.
- 10.3.5. In terms of the views referred to as River Prospects, such views are views of landmark buildings from bridges but also riverbanks and quaysides. In this instance there are three relevant protected river prospects. Protected River Prospect RP10 is of County Hall from Thomas Davis Bridge. The view is considered in View 3 of the VIA as slight and neutral. While it is screened behind existing vegetation, if this

vegetation were removed from the view, the proposal while visible would not detract from the prominence of County Hall in the view. While the PA express concern at the impact of the proposal in this view, I consider that the proposed design with blocks increasing in height away from the proposal assists in creating a buffer between the proposal and County Hall, however Block D as I discuss elsewhere in this section seems to contradict this approach of increasing height and creates a more bulky structure than is necessary from a visual and design perspective. RP11 is of Daly's Shaky Bridge of County Hall and assessed as being slight and neutral in View 2 of the VIA. I would note that the proposal is visible over the Mardyke Sports Pavilion which is red brick. While the PA express concern at the impact of the proposal in this view, I would suggest that the proposal reads as an addition to the urban environment contrasting as it does with the material in the Pavilion building. RP12 is taken from the Mardyke Bridge looking towards County Hall and is addressed in View 1 of the VIA (I would note that on Map 18 RP12 is annotated as RP2). While County Hall is visible in the view, the subject site is screened by vegetation. Without the vegetation I would consider that the distance from the viewpoint and the lower height of the proposal relative to City Hall would provide that the proposal would not adversely affect the view.

- 10.3.6. Townscape and Landscape Features are views of areas that have distinctive/ outstanding townscape or landscape features within the city including views of the city ridges. In this instance there is a landscape/townscape view of the Shanakiel Ridge from the Wilton Road within which the site is located. I note that the VIA includes two views taken from two separate points on the Wilton Road, one close to Dennehy's Cross (View 14) and the other further up the Wilton Road taken of the protected linear view of the Water Tower View WT1 (View 13) addressed above. In terms of the view of the Shanakiel Ridge from the Wilton Road with the Model Farm Road junction, addressed in View 14 and considered to be slight and neutral, the proposal, I consider, is visible in the view but as noted in the VIA does not break the skyline of the Ridge and reads I would suggest as an acceptable element of the urban environment. View 15 is taken from a location closer to the site on Wilton Road close to the junction with Farranlea Road. Given the proximity of the site to this location Block C of the proposal is a prominent presence in the view with the other blocks screened by existing trees. However, while creating a prominent presence in

the view, I consider that the design of the building, both the massing of the blocks and the design of the fenestration, provide a quality development within this vista.

10.3.7. The fifth type of view is the Approach Road Views which are considered from the approach roads into Cork City to offer visitors the vital 'first impression' of the city and glimpse of the unique topography and character of Cork. In this instance, view AR2 comprises a view along the Carrigrohane Road of County Hall. The VIA considers this view at View 11 and considers the impact to be slight and neutral with the proposed development not impacting on the linear view. It is stated that the proposal will create a more defined 'gateway' to the historical urban area of the City. I would agree with the assessment that the proposal would not impact on the view. While visible the proposal would not adversely impact on the dominance of County Hall in the view. Similarly View 10 is taken from a location along the Carrigrohane Road closer to the application site and County Hall. While visible in the view, similar to View 11 the proposal does not dominate the view with County Hall remaining the most dominant element in the view. The PA express concern at the impact of the proposal in this view and while I consider that proposal is acceptable I do consider that the proposed height of Block D, at 10 storeys, detracts from the rhythm created by the increasing height on the Carrigrohane Road facing blocks which increase in height away from County Hall and I would suggest Block D creates inappropriate bulk in the proposal at this level particularly from this approach road. I address this matter separately in the concluding paragraphs of this section.

Other Views in VIA

10.3.8. View 4 in the VIA is taken from the northern bank of the River Lee with the Kingsley Hotel in the foreground on the southern bank of the river. The predicted impact is slight and neutral and I would agree with this given that County Hall remains the prominent element of the view and the proposal comprises an extension to the urban context. This is one of the six views which the PA have a concern at the impact of the proposal. While I consider Blocks A-C are appropriate in the context of visual amenity, as I outline elsewhere I have concerns at the height of Block D and its uncomfortable juxtaposition with the street fronting blocks. View 5 is used to assess the visual impact of the proposal from the Shanakiel Ridge given the difficulty at getting possible viewpoints from the public realm from the ridge as outlined in pages 4 & 5 of the VIA. View 5 is taken from the 'Lee Vista' apartment development to the

north of the site on the northern side of the riverbank. The impact is assessed as moderate and positive and I note that the view is framed such that the chimney of the waterworks is visible to the left of the view and County Hall to the right. The proposal does create an impact and is clearly visible within the view. Again I have concerns about the height of Block D in the context of the design of the proposal as I have outlined elsewhere. However in terms of impact the proposal while visible it does not dominate the view.

10.3.9. View 8 is taken from the junction of the Western road with the Carrigrohane Road looking towards County Hall. The impact is assessed as moderate and neutral. I would note that the view is dominated by the dense foliage located along the boundary. Given the proximity of the viewpoint to the site it is clear that the proposal will be prominent particularly in the absence of the vegetation. However, I consider that the impact is acceptable particularly having regard to the quality of the proposed design. View 9 is from Victoria Cross looking directly at the site. The proposal dominates this view with County Hall obscured from this view. I agree with the applicant's that this is not unexpected given the proximity of the view. I consider that the design rationale for the breaking of the mass of the building into blocks and the fenestration design provide that the proposal is of high quality. This is highlighted in the VIA by the view provided of the outline of the extant permission shown in the same view. The difference in massing between the extant and proposed highlights I would suggest the more successful design approach in the current proposal before the Board. I would note for the Board's information that in this view Block D reads as a lower structure than the focal Block C however this is down to perspective with Block D proposed at 10 storeys.

Other Views and Matters related to Visual Impact

10.3.10. I would note that some concern has been expressed in the observations received as to the impact the proposed development will have on the visual amenity of the area. A number of observations mention the impact on views of Lehenaghmore Ridge to the south from Lee Road which it is considered will be severely interrupted and obscured. While I acknowledge the concern expressed, I would note that this view is not protected in the Cork City Development Plan. Concern has also been expressed that views in VIA are taken at road level rather than at the elevation of houses which have an ascending exposure of the line of

sight to the south of the road and are different to that presented at road level. While I acknowledge the concerns expressed I would note that there is a defined methodology to the preparation of the photomontages presented for the assessment of visual impact. This is outlined on page 2 of the VIA under the section 'methodology' and within the photomontage report (pages 1 & 2) included with the application documentation. I consider that this is satisfactory.

10.3.11. It is considered by an observer that additional montages from Rose Hill and Hyde Park Lane are required. While the concern expressed by the observer is noted, the areas specifically mentioned are not the location of protected views as included in the Cork City Development Plan and therefore it is reasonable that views from these locations would not be included. It is also noted that a number of viewpoints have been included from the northern bank of the River Lee (Views 3, 4 & 5 in the VIA). The purpose of the VIA is to consider viewpoints from views protected by the City Plan in this instance or other specific locations of concern. It is also stated that trees on the North Channel of River Lee, have been relied upon in some views and that these trees are due to be removed to facilitate the Lower Lee Flood Defence Scheme. While I note that trees are indeed included in some of the views, as outlined in the preceding sections, my consideration of the visual impact also considers that impact which might arise if the trees were not in place. The concern expressed that other agencies such as the IFI may fell trees and vegetation along river channel relied upon by applicant to address visual amenity concerns is not a matter that can be addressed in this planning application.

Conclusion on Visual Impact and Height

10.3.12. As I note in a number of paragraphs above that while I consider that the proposal is acceptable in terms of visual impact, in the main, I consider that the height proposed for Block D is inappropriate within the site context and design concept. In terms of the applicant's design rationale for the building height on the site, I would refer the Board to page 15 of the Architects Design Statement. They state that they propose a 'serrated outline for the taller elements of the scheme with a varied height for each of the four taller elements'. I would however note that rather than varying from the other heights, Block D to the rear of the site, is proposed at the same height as Block C, the focal corner. They further state at page 16 that the design depends on the heights of the taller elements varying and it would be

detrimental to flatten out the 'designed irregularity of the scheme and destroy the varied skyline which is central to it'. While the three street facing blocks rising from 8 to 10 storeys successfully, in my opinion, create a varied skyline, I consider that Block D creates visual confusion from a number of views particularly from the north, northwest and west including the approach to the City along the Carrigrohane Road. As I have outlined above, rather than the 'designed irregularity' proposed to be created, Block D mirrors the height of the highest block which appears to contradict the design rationale.

10.3.13. I would note that there is a rhythm created by the change in height along the Carrigrohane frontage from 8 storeys (Block A) increasing to 9-storeys (Block B) and culminating in 10-storeys (Block C), the focal block at the junction of Victoria Cross and Carrigrohane Road. This rhythm is interrupted by Block D which rather than being subservient to the street facing blocks, which I would suggest would be expected given it has no street presence, seeks to compete with the focal block on the site, Block C. The height of Block D also creates an awkward bulk within a number of views, including the approach to the City along the Carrigrohane Road, which the design rationale apparently seeks to avoid by breaking up the mass of development into blocks. I consider that the 'designed irregularity of the scheme' would be equally achieved by a block which is less than the 8 storeys in Block A, i.e. that Block D is not more than 7 storeys.

10.3.14. I note the report of the Planning Authority particularly in the context of the proposal to remove a floor each from blocks A, B & C. However I would suggest that the qualitative rationale provided with the opinion provided in respect of concerns regarding the scale of the proposal from certain viewpoints, which are largely close up views, would seem to contradict somewhat the considerations outlined in the terms of the high quality of the design and the landmark/gateway location of the site. It would also appear that the principle consideration for the reduction of the floor on each of Blocks A, B & C would appear to be to take the height below 32m and thereby comply with the policy relating to tall buildings as I discuss in section 10.2.1 above. I consider that the Board can consider the provision of a tall building on this site given the ambiguity in the City Plan in that regard as outlined in Section 10.2.1 above. Furthermore, I do not consider that a metre or two will make any practical difference at this height. Therefore, if the Board are minded to grant permission for

the proposal, I would recommend that three floors are removed from Block D and that it should not exceed 7-storeys in total (including ground floor). For the Board's information, each of the proposed floors in Block D above 1st floor level contain two 4-bed apartments with 8 bedspaces on each.

Design and Amenity Spaces

10.3.15. Notwithstanding my concerns, as outlined above, in relation to Block D, and subject to the amendments to same, I consider that the design of the building is well considered and creates a high quality edition to the urban environment. The asymmetrical punctuated fenestration proposed adds visual interest and creates a unique visual presence within this area. Therefore, I consider that subject to the amendments proposed to the height of block D that the development will be a positive addition to the urban landscape in Cork.

10.3.16. The private open space within the development comprises two courtyards at groundfloor level which I consider gives relief to the layout within the development and facilitate natural light penetrating the internal spaces within the ground floor. The podium level at first floor is a significant area of private amenity space for residents which is of a high quality. Residential amenity in terms of both existing residents in adjoining properties and future occupants is discussed separately in the next section. However from a design perspective I consider that the space is appropriate.

10.4. Residential Amenity

10.4.1. The potential impact of the proposed development on the residential amenity of adjoining properties has been raised in a number of submissions. I would also note that residential amenity was a matter which the Board considered in their opinion should be addressed by way of a report that would address issues of residential amenity of both existing residents and future occupants. I would note that the applicant has submitted a report entitled residential amenity, a daylight, sunlight and overshadowing study and a pedestrian level wind assessment in addition to the architectural drawings included with the application. I would suggest there are a number of issues arising in respect of residential amenity which I consider as follows:

- Impact on Properties to the South
- Impact on The Village to the West

- Impact on Other Properties
- Construction phase impacts,
- Amenity of future occupants of the proposed development.

I will address each in turn.

10.4.2. Firstly, I would note that I would agree with the statement at page 14 of the applicant's report entitled 'Residential Amenity' that some degree of overlooking occurs in most contexts particularly within an urban setting. They state that what the document seeks to arrive at is what degree of overlooking is considered reasonable in an urban environment. I would agree with this approach. The test in terms of residential amenity as it relates to overlooking is to seek to limit overlooking to what is considered reasonable in an urban environment, suggesting or requiring that overlooking is completely avoided is not, I would suggest reasonable or sustainable. I would also note that notwithstanding having pre-arranged access to the observer's properties to the west and south of the site that on the day of my site visit direct access to the properties was not made possible.

Impact on Properties to the South

10.4.3. In terms of the existing residential units located to the south of the site at Victoria Cross, these properties front Victoria Cross and therefore it is the rear gardens of the two properties directly adjoining the site to the southeast and those whose rear gardens directly adjoin the rear of the site to the south west whose residential amenity has the potential to be impacted. I would note that the corner block of the proposal, Block C, which is 10 storeys is separated from the adjoining properties to the south by a two-storey 'gateway block' which acts, successfully I consider, in providing a transition between the 10-storey block and the existing two-storey residential properties. Overlooking is also potentially possible from both the podium open space at first floor level and from windows within the proposed blocks but most especially Block D given its location on the application site. I would also refer the Board to my recommendations in terms of Block D above in respect of the removal of three floors from the proposed block for reason of visual amenity. Furthermore, the extant permission on the site provides that a 4-storey block of development is permitted to the rear of the site however it is located further from the boundary with the adjoining residential properties.

- 10.4.4. While I note the concern expressed in the report of the Planning Officer (Appendix B) in relation to the impact on the properties on Victoria Villas, the Chief Executive's report states that the proposal will have negative impact on gardens to the south of the site but that it is not unacceptable as there is no overshadowing and mitigation measures are proposed including orientation of bedrooms, shutters and layout of building. I would concur with same. I would also refer to the extant permission on the site which provides for a 7 storey structure at the junction of Victoria Cross and Carrigrohane Road. The existing properties to the east of Block D (2 properties on Victoria Cross Road adjoining the site close to road) have the potential to be overlooked by the windows in the units along the south-eastern end of the eastern elevation of Block D. These include a bedroom and a window from the Comms Room. The applicant in their residential amenity report note that the distance between directly opposing first floor windows is in excess of 21m and consider that the most private area of the private amenity space is the 4 metres directly adjoining the rear elevation of the existing property. In this regard they refer to PPS7, Annex A, a document prepared by the Department of Infrastructure in the UK. While I would agree that the area most proximate to the rear elevation of the property is the most private this does not equate to the remainder of the garden not having any privacy value. I would note that the majority of the separation distance is provided for by the adjoining property with the proposed Block D c.1m from the boundary.
- 10.4.5. While screening is proposed along the southern elevation of Block D, as will be addressed in the next paragraph, it would not appear that such screening is proposed on the eastern elevation at its southern end where it adjoins the properties to the east and in this regard I would suggest that if the Board are minded to permit the proposal that additional screening is conditioned along this area of the eastern elevation of Block D (east facing windows in the following rooms – First floor 01.022, 01.023, Second Floor 02.031, 02.032, Third Floor 03.031, 03.032, Fourth Floor – 04.031, 04.032, Fifth Floor - 05.031, 05.032, Sixth Floor - 06.031, 06.032, Seventh Floor - 07.031, 07.032, Eighth Floor - 08.021, 08.022, Ninth Floor - 09.011, 09.012)
- 10.4.6. The existing properties whose rear gardens are to the south of the site (3 properties at Victoria Villas set back from Victoria Cross road) have the potential to be overlooked by the Comms Room and a bedroom which are to the south of Block D and which have windows on the southern elevation of Block D. Screening is

proposed on these window openings as detailed on page 20 of the residential amenity report. I consider that this is appropriate.

10.4.7. In terms of potential overlooking of the properties on Victoria Cross Road from other blocks within the development, given the location and orientation of the other Blocks vis-à-vis the existing properties to the south, Block B is the only other Block where there may be potential for overlooking. Block B is proposed as a 9 storey structure with windows on the southern elevation of Block B c. 9 metres from the boundary to the south. In this regard I would suggest that in the interest of residential amenity that screening should be provided on windows along the southern elevation of Block B and if the Board are minded to permit the proposed development that this should be conditioned. I would also note that in respect of daylight/skylight which is addressed in section 5 of the report entitled daylight, sunlight and overshadowing study that the impact on the two most proximate properties at Victoria Cross is minor adverse. Given the urban location of the site and the extant permission on the application site I consider that this is reasonable. The assessment of sunlight provides that the spaces will maintain adequate sunlight.

10.4.8. In relation to the potential impact from podium level, I would note that a landscaped screen wall is proposed to be constructed to a minimum height of 1.8m. I consider that this is reasonable and would prevent overlooking of the private open spaces to the south of the site from the proposed podium garden area. In terms of overshadowing, the proposed development is located north of the properties on Victoria Cross/Victoria Villas and therefore overshadowing would not arise.

Impact of 'The Village' Student Accommodation

10.4.9. 'The Village' student accommodation is located directly west of the proposed development site. The eastern block of same (4-storeys) is located c.5.7 metres from the western boundary of the application site and has bedroom window openings on each of the floor levels for the length of the application site. The eastern elevation of the northern block of The Village is located c.10 metres from the application site and has one bedroom window opening on each level. In this regard, the western elevations of proposed Block A and Block D would address the existing student accommodation. Proposed Block A, at 8 storeys, is located further north of the northern building line of the existing accommodation to the west and there are no

windows on the western elevation of Block A that directly oppose the existing development. The window to the Comms room within the western elevation of Block A is stepped forward of the existing building line of the eastern elevation of the northern block of the Village. Therefore I do not consider that Block A will have any detrimental impact on The Village.

10.4.10. I note that in the opinion of Cork City Council the impact on the student accommodation to west (the Village) is a key concern with issues of overshadowing and overbearance from Block D and while mitigation is proposed the impact is unacceptable and Block D should be omitted and revised proposals submitted. I do not agree although as I note above, I consider that three floors should be removed from the Block for visual amenity reasons. In this regard I would refer the Board to the extant permission on site which provides that part of the 4-storey block of development (permitted by condition No. 2) is located adjoining the boundary to the west with other elements of the elevation set further back. I would however acknowledge that they did not include windows.

10.4.11. While I acknowledge the concern expressed in relation to the impact of Block D on the Village Student accommodation, I would equally and of particular note, that the eastern block of the Village development was permitted within 5.7 metres of the party boundary with bedroom windows on all 4 floors addressing the application site for c.27 metres of the application site. Block D whose western elevation is c.21 metres in length is located c.8 metres from the adjoining boundary to the west with 5 windows on each floor. As I outline above, I consider that Block D should be reduced to 7 storeys for visual amenity reasons as outlined above. Notwithstanding, I do not consider it is sustainable or reasonable to require that a building on the applicants site should provide a greater distance to the party boundary than that proposed, given the proximity of the existing building, in order to protect the amenity of the existing property. In this regard I consider that it is reasonable that the elevations overlook each other for the extent that they address each other. I would refer the Board to page 24 of the Residential Amenity report which provides an overlay of the opposing windows with most windows not directly overlapping thereby creating oblique views. Should the Board consider that mitigation screening is necessary a condition could be included to require screening of the windows from first to third floors.

10.4.12. In terms of overshadowing of the Village and in particular the eastern block which adjoins the subject site, as noted in the daylight, sunlight and overshadowing Study apart from some additional shading at 10.00 am this development is generally unaffected. In terms of impact on daylight/skylight the impact on the Village is address by comparing vertical sky component (VSC) (page 19). I would note that all points have a VSC values which are in line with the BRE Guidelines which given the urban location is to be expected. The windows in the Village are bedroom windows are bedroom units which the BRE Guidelines consider are less important. I consider that the impacts arising from overshadowing are not significant.

Impact on Other Properties

10.4.13. There are a number of properties to the northeast of the site on the northern side of the Carrigrohane Road. These two-storey properties are c.20 metres from the corner of Block C and are forward of the corner of Block C and therefore they do not directly oppose. While there is additional overshadowing predicted in the afternoon of 21st March I would also note that the extant permission on site includes a 7-storey building on the corner of the site which I would suggest would have a similar impact. I would also note that in terms of the amenity of garden spaces that the spaces remain adequately sunlit throughout the year.

Construction phase impacts

10.4.14. Concern has been expressed by adjoining property owners at the potential impact on their properties during the construction process including the over sailing of their properties by cranes. The application documentation includes an 'Outline Construction Methodology' for the proposed development. While I acknowledge the concerns expressed, these are matters which arise in the development of urban sites and are matters which can be addressed during the construction process. I would refer the Board to page 7 of the aforementioned report which shows the crane height which oversail part of the adjoining properties but at such a height as will have no bearing on the amenity of the properties.

Amenity of future occupants of the proposed development

There are a number of matters arising in terms of the amenity of the future occupants of the proposed development. I would note that the reports submitted with the application documentation in terms of residential amenity and daylight/sunlight

and overshadowing address the matter of the proposed development and the potential impact on future occupants. I will address each in turn.

In relation to overlooking, it is stated that the orientation and configuration of internal spaces have been positioned to minimise overlooking such as the placement of common rooms at corners and not having directly opposing window openings resulting in oblique views. I consider that the design has successfully achieved this but would note that some overlooking is likely to arise and is considered acceptable given the urban location. In terms of overshadowing given the orientation of the site and the design of the proposal, I do not consider that the amenity of the proposed development would be compromised by reason of overshadowing. I note the statement that the amenity and quality of natural daylight within the proposal is sufficient and consider this appropriate.

The opinion issued by the Board requested that the applicant submit landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of the public realm at podium and ground level. In response the applicant has submitted a report entitled 'Pedestrian Level Wind Assessment' which seeks, to assess the likely wind microclimate in and around the proposed development. It notes that the assessment has shown that wind conditions are generally expected to remain suitable for strolling or calmer but it identifies localised areas such as sitting areas, thoroughfares and entrances where there is potential to create windier than desired conditions with strong winds expected around building corners and at areas where the flow can channel in narrow gaps such as the long west facing façade of Block A. Mitigation measures are addressed specifically at section 7 of the report with Figure 6 outlining where mitigation is required. This equates to the northern and western edges of the site. The mitigation proposed include 5-8m high trees, fins along facades, recessed entrances and localised tall shrubbery in planters. I would also note for the Board's reference that the relationship of the wind mitigation measures proposed in the Pedestrian Level Wind Assessment in relation to the proposed public realm design at ground level is detailed in Drawing CN-P-050 'Ground Floor Landscaping Plan'. I consider that these measures are satisfactory. It is stated that wind condition at podium and terrace levels are expected to be suitable for the recreational use proposed and Drawing CN-P-051 'First Floor Landscaping Plan' details the landscaping

incorporated for these purposes. I consider that the mitigation proposed both within the design and within the landscape strategy for the site is appropriate.

Finally in terms of amenity, I would note that Section 16.68 of the City Plan requires the consideration of student accommodation on the level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities (including shop/café uses), car parking and amenity. While I have addressed other ancillary facilities above and I address parking and bicycle facilities in the next section, I consider that the proposal for storage facilities and waste management are appropriate. I also visited some of the other student accommodation facilities including some operated and managed by the applicant and noted in particular the proper waste management facilities provided.

10.5. Mobility Management and Access

- 10.5.1. The proposed development does not include any car parking. Some concern has been expressed in the observations regarding the lack of parking with reference to 20% of students being car owners/drivers. I would suggest that the purpose of the proposed accommodation located within close proximity of the University is to facilitate sustainable modes of transport, such as walking and cycling, to the Campus. This is a sustainable means of providing accommodation off-site rather than encouraging use of cars thereby adding to traffic using the existing local road network. I consider that it is appropriate in this instance to omit car parking from the proposal. A preliminary target modal split for students is included at Table 2 of the Mobility Management Plan and is as follows: Walking – 80%, Bicycle - 15%, Public Transport - 5% and Car - 0%. I would also note that there are a number of public transport links from the site via bus services. There is a bus stop located c.150 metres from the site and the site is served by Cork City Services 208 and 220. Bus eireann also operate a service between Kent Railway station (Mainline Rail services to Dublin, Limerick and Kerry) and the UCC Campus. UCC also offer a number of bus services including a park and ride shuttle bus service. I note that the Cork City Council transportation department consider that the MMP is draft in nature and have proposed a condition requiring a mobility management plan is submitted for their agreement which addresses all uses proposed on the site. I consider that this is reasonable.

- 10.5.2. While on-site parking to facilitate the students during term is not proposed, justifiably in my opinion, it is clear that there is a demand for drop off and pick up facilities at the start and end of terms. It is proposed that this short term requirement can be facilitated by the use of public and private parking spaces in the vicinity of the site and by the use of a time slot system for each student arriving and leaving the development. It is stated in the MMP that this system is in place in other UCC managed student accommodation and is operating well. In addition to the parking spaces opposite the site which are c.50 metres from the site, UCC also manage c. 200 spaces within the adjacent University Hall, Victoria Mill and Victoria Lodge facilities with these parking spaces c.200m from the proposal. I consider that the proposed booking system which is already in operation elsewhere in the applicants residences is appropriate. I would also note that there is provision for a secure drop off area within the site with sufficient turning area for vehicles.
- 10.5.3. Cork City Council in their submission, while in support of the zero parking proposal for the site, consider that given the proposed medical centre use on the site that a disabled parking space should be provided within the development. I would agree in principle with this opinion and I consider that if the Board are minded to grant permission for the proposal that the design of the proposed set down area should be revised to include a disabled parking space.
- 10.5.4. The Board in their opinion requested that the applicant submit a layout plan that details the location and appropriate quantity of bicycle parking spaces. Drawing CN-P-055 'Proposed Public Realm and Bicycle Parking' outlines that there are 125 no. dedicated bicycle spaces proposed, 25 no. at the entrance to the healthcare/wellness centre off the Carrigrohane Road and 100 no. secure spaces located off the service/drop-off area to the west of the development. The Statement of Consistency states that the provision of cycle spaces falls slightly short of the requirement of 135 no. spaces as per the Cork City Development Plan 2015 with the provision to be reviewed on a regular basis during the operation of the scheme and further spaces will be provided if the need is identified. I would suggest that given the dependence of the scheme on sustainable transport modes that the provision of bicycle spaces should be generous on the site. I also note the submission from the Transportation section which seeks additional bicycle parking spaces to meet the 135 requirement (I would note the PA state 7 additional spaces are required however

this was based on their belief that 128 are proposed whereas 125 spaces are proposed). I would suggest that a condition could be attached, if the Board are minded to grant permission, requiring that 135 bicycle parking spaces are provided.

10.5.5. Concern has been expressed at the capacity of pedestrian paths in the vicinity of the site to cater for the volume of students using the pathways during term time. I have walked along the paths between the site and the University Campus and I would acknowledge that it is a busy thoroughfare. I note that the City Council state that the pedestrian crossings at Victoria Cross have been recently improved and I consider that while this is a busy vehicular junction with 4 lanes of traffic it is convenient to cross the roads at the pedestrian crossings. I would also note that the Board in their opinion requested appropriately scaled drawings that show how the development integrates with the existing footpath and road infrastructure. It requested detailed public realm proposals that extend to and include the public footpath and incorporate an appropriately located and dimensioned set down area. It was also stated that the documentation relating to the interface between the development and public roads should be designed in accordance with the Design Manual for Urban Roads and Streets. Drawing CN-P-055 'Proposed Public Realm and Bicycle Parking' referenced above outlines the proposed public realm in the vicinity of the site. The area proposed between the building edge and the public road provides wide areas of paving, with average path width 3.5m and a variety of materials to differentiate areas within the public realm and the vehicular entrance. I would also note the comments from the Roads Design Section of the City Council who refer particularly to the treatment of the vehicular entrance and to the need, in compliance with DMURS, to ensure that the material used across the vehicular entrance continues the footpath so as to clearly indicate pedestrian priority. I consider that this can be conditioned if the Board are minded to permit the proposal.

10.5.6. Finally in relation to the matter of parking, concern has also been expressed in the observations at the use of free on-street parking on the Lee Road and surrounding streets by persons associated with the University including students who in some cases, it is stated, leave cars parked for the entire week. While I acknowledge that residents may feel aggrieved by the use of spaces for purposes not associated with the most proximate residential uses, in this instance, the on-street parking is for the

purpose of public use and it is not reasonable or feasible to control the use of public parking spaces.

10.6. Flood Risk

- 10.6.1. In its opinion the Board requested that the applicant submit additional documentation relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') with specific reference to a Justification Test (if necessary) and should take account of any highly vulnerable development proposed. I would note that the proposed development is classed as a highly vulnerable development in the Flood Risk Guidelines.
- 10.6.2. The site is located close to the confluence of the River Lee, located to the north of the site and the Curragheen River located to the south of the site and it is noted in the FRA that there is a history of flooding in the area with floodmaps revealing a number of flood events within 2.5km of the site the most significant of which was in November 2009 when there was widespread flooding in Cork City including the subject site. Reference is made in the FRA to the Lee Catchment Flood Risk Assessment and Management Study (Lee CFRAMS) undertaken by the OPW and Cork City and County Councils which has resulted in the prediction of water levels arising from a series of scenarios of both fluvial (riverine) and tidal flood events. The drawings accompanying the CFRAMS include predicted flood levels for a number of node points.
- 10.6.3. The FRA considers 2 node points each on the Lee River (8SOU_3659 & 8SOU_3472) and Curragheen River (8CUR_581 and 8CUR_327) to be the most relevant and Table 6 of the FRA includes the levels and AEP for each of the nodes. In determining the most appropriate ground floor level node point 8CUR_581 on the Curragheen River is considered the most appropriate. This provides that the ground floor level has been determined based on the 1% AEP for the mid-range future scenario of 5.63m OD for the Curragheen River with a 0.3m freeboard giving a final level of 5.93m OD which is in excess of the proposed flood defence level of 5.8m OD for the Lower Lee (Cork City) Drainage Scheme. It is noted that part of the proposed

retail unit has a floor level of 4.62m but will incorporate flood resilient building techniques and materials. It is noted that all the accommodation units are on the first floor and above.

10.6.4. In terms of tidal flooding it is noted that the site is within flood zone A with the Lee CFRAMS study indicating that predicted flood events for the 0.5% AEP and the 0.1% AEP includes the development site. It is stated that the predicted flood levels from the 0.1% AEP tidal flood event is less than the mid-range future scenario level for the 1% AEP fluvial flood event on which the ground level is based with the measures outlined in section 5.1 of the report (i.e. building uses and materials proposed at ground level). The FRA states at section 5.3 that data on pluvial flooding included on myplan.ie shows no indication of pluvial flooding. It is also noted that the levels of the proposed development are c.1m higher than existing road level (Carrigrohane Road) with no additional mitigation required for pluvial flooding. Additionally, given the proposed ground levels that no mitigation is required for flood risk represented by existing or proposed drainage and groundwater flooding. The subject site is predominately hardstanding and it is concluded that the proposal will not increase flood risk elsewhere with no further mitigation proposed. I consider that is reasonable.

10.6.5. Given the highly vulnerable nature of the residential use as classified by the Guidelines and the conclusion that the site is within Flood Zone A, a justification test is required. The justification test is presented in two parts. Firstly the justification test for development plans and secondly the justification test for development management. I would note that the guidelines state at section 3.8 that the plan making justification test is required at plan preparation and adoption stage where it is intended to zone the land. Notwithstanding, that it would not appear to be relevant to this stage of the proposal, the conclusion for both development plan and management stages is that the site passes the justification test. In respect particularly of the test for development management I would note that reference is made to the mitigation measures outlined in the report and which are outlined in the preceding paragraphs in this section. Therefore, I consider that the conclusion is reasonable on the basis. I would note that the Drainage Division of Cork City Council includes a proposed condition which requires that mitigation measures against the risk of flooding shall be agreed with the PA and that such measures shall address

egress of occupants from the building in the case of flooding of surrounding land. While I consider that the flood risk assessment is robust I would suggest that the condition proposed from the City Council is reasonable and if the Board are minded to grant permission that it should be included.

10.7. **AA Screening**

A Habitats Directive screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to or connected with any Natura 2000 sites.

There are two Natura 2000 sites within 15km of the proposed development:

- Cork Harbour SPA (site code 004030) c.4.8km
- Great Island Channel SAC (site code 001058) 11.5km

As outlined in the screening report there is no hydrological link between the proposed site and the Cork Harbour SPA and given the distance between both sites the potential for any impact by way of noise or disturbance to birds is negligible. A construction management plan has been prepared for the site. The screening report concludes that the development either on its own or in-combination with other developments will have no impact on designated sites.

Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

10.8. **Other Matters**

Foul and Water Supply

In response to the application Irish Water responded to state that they confirm that subject to a valid connection agreement being put in place the proposed connections to the Irish Water networks can be facilitated. I note that the applicant has submitted an Engineering Services Report. Water supply is proposed from the existing 200mm

diameter watermain located outside the site. Separate to the storm system the foul drainage from the development is proposed to connect into the proposed 225mm diameter foul sewer which is proposed to be brought under the Carrigrohane Road before discharging into the local authority sewer to the north of the site. In terms of storm drainage, two 225mm diameter sewer are proposed to the perimeter of the site to serve all areas which will be combined into a single 300mm diameter sewer to be provided under the Carrigrohane Road before discharging into the local authority storm sewer. The runoff from the road providing access for deliveries/drop offs is proposed to be passed through a petrol interceptor.

Airport Public Safety Zone

The site is located approximately 750 metres east of the Airport Public Safety Zone associated with Cork Airport, Map 19 - Cork Public Safety Zone (Outer). The DAA on behalf of Cork Airport responded to say they have no comment on the proposal.

Archaeology

I note that the archaeology report submitted includes a proposed condition which states that given the proposal is large-scale that monitoring of all ground works is undertaken. It is stated that the site is not within the zone of archaeological potential and is not close to any RMP's. I would question the rationale for the inclusion of such a condition on the basis of the proposal being large-scale and I note that it is not one of the 26 recommended conditions included in Appendix C. Furthermore, the site is a brownfield site and is almost entirely disturbed. Therefore I do not consider that it is reasonable to require such monitoring.

Conditions from Cork City Council

Appendix C includes 26 recommended conditions which are considered in the sections above where relevant.

11.0 Recommendation

11.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the:

- a) site's location at Victoria Cross in close proximity to University College Cork;
- b) the policies and objectives in the Cork City Development Plan 2015-2021;
- c) Rebuilding Ireland Action Plan for Housing and Homelessness;
- d) National Student Accommodation Strategy
- e) nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
- f) pattern of existing and permitted development in the area, and
- g) submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would 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.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanala for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) Block D shall be revised such that three floors shall be omitted from the block providing it has no more than 7 levels of development. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Subject to compliance with part (a) above, screening shall be provided on the east facing windows on the eastern elevation of Block D as they correspond to the revised plans – First floor 01.022, 01.023, Second Floor 02.031, 02.032, Third Floor 03.031, 03.032, Fourth Floor – 04.031, 04.032, Fifth Floor - 05.031, 05.032, Sixth Floor - 06.031, 06.032, Seventh Floor - 07.031, 07.032, Eighth Floor - 08.021, 08.022, Ninth Floor - 09.011, 09.012.

(c) Block B shall be revised such that screening shall be provided on the windows of bedrooms and common rooms on the southern elevation from first floor and above. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. The development hereby permitted shall only be occupied as student accommodation, including use as visitor or tourist accommodation outside academic term times, and for no other purpose, without a prior grant of planning permission for change of use.

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

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

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

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

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

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

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

7. 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. In addition, prior to commencement of development mitigation measures against the risk of

flooding shall be agreed with the Planning Authority including measures to address egress of occupants from the building in the case of flooding of surrounding land.

Reason: In the interest of public health.

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

9. The following requirements of the planning authority in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings/reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(a) The design vehicular entrance shall be amended so that the materials proposed in the footpaths shall be continued across the vehicular access to clearly indicate pedestrian priority.

(b) A Mobility Management Plan which addresses all of the uses within the proposal and the term-time and out-of-term use of the accommodation shall be submitted to and agreed with the Planning Authority

(c) 135 bicycle parking spaces shall be provided within the development;

(d) one disabled car parking space shall be provided within the proposed development.

(e) findings of the Stage 1/2 Road Safety Audit and the undertaking of a Stage 3/4 Road Safety Audit shall be agreed and discharged with the Planning Authority.

(f) public lighting and all external lighting shall be agreed with the Planning Authority.

Reason: In the interests of traffic, cyclist and pedestrian safety.

10. 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.

Reason: In the interest of sustainable waste management.

11. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. 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.

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

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

Reason: In the interests of public safety and residential amenity.

14. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as

the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Una Crosse
Senior Planning Inspector

February 2018