



An  
Bord  
Pleanála

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

## Inspector's Report ABP-307441-20

---

### Strategic Housing Development

Demolition of structures on site,  
construction of 216 no. bedspace  
student accommodation.

### Location

San Paula, Orchard Road, Cork.  
([www.orchardroadshd.ie](http://www.orchardroadshd.ie))

### Planning Authority

Cork City Council

### Applicant

Denis O'Brien Developments (Cork)  
Ltd.

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland

### Observers

Sean and Megan O'Conaill  
Adel Moloney

Joseph Deasy  
Lil O'Connell  
Louise O'Mullane  
Lucy Hyland  
M. and Patricia Scanlon  
Margaret Moran  
Mary Christie  
Mary English  
Nabel A. Riza and Amanda Bokhari -  
Riza  
Natalie McDonnell-O'Halloran  
Nessa Dineen  
Aileen Moriarty  
Alan Marley  
Ann and Raymond O'Halloran  
Anne Roche  
Barbara Deasy  
Breda Buckley  
Brendan and Mary Counihan  
Brian Barry  
Brian Healy Bird  
Brian Roche  
Bridget Hyland  
Bridget P Hyland  
Carmen Nesdale  
Catherine and Denis O'Mullane  
Cathy Murray  
Ciaran Brady and Lesley-Ann Murphy  
Clare Kennelly and Dr Steven Lang

David Kidney  
Deirdre and Killian O'Callaghan  
Edel and Peter Lee  
Eleanor Lynch  
Emily Roche  
Geraldine McAuliffe  
Gillian McSweeney  
Graham Murray  
Helen O'Mullane and Pat McKelvey  
Jacinta Coughlan  
Janice Healey  
Jayne English  
Jim Murphy  
Margaret Wixted  
Nicola Roche  
Norbet Eames  
Orla Joyce and Michael McBride  
Patricia Moloney  
Patricia Murray  
Patrick Kieran  
Rachel Hyland  
Sean and Megan O Conaill  
Sheila Hyland  
Sylvie Roche  
The Orchard Road and Grove  
Planning and Environmental  
Protection Group  
Thomas C. Kenefick  
Tom English

Victor and Fiona Donnelly  
William and Nora Murray Drawing  
William and Nora Murray

**Date of Site Inspection**

14/09/2020

**Inspector**

Conor McGrath

## Contents

1.0	Introduction .....	6
2.0	Site Location and Description .....	6
3.0	Proposed Strategic Housing Development .....	7
4.0	Planning History.....	10
5.0	Section 5 Pre-Application Consultation.....	11
6.0	Relevant Planning Policy .....	14
7.0	Observations.....	23
8.0	Planning Authority Submission .....	33
9.0	Prescribed Bodies.....	36
10.0	Oral Hearing Request .....	37
11.0	Screening .....	37
12.0	Assessment .....	43
13.0	Conclusion and Recommendation .....	60
14.0	Recommended Order .....	61

Appendix A: EIA Screening

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The application site comprises a stated area of 0.41ha, located off Orchard Road, which runs between College Road to the east and Victoria Cross Road / Wilton Road to the west, approx. 200m south of Victoria Cross. The site is currently occupied by a large, detached dwelling, San Paula, located centrally on a site which is bounded by mature hedgerow and trees. The lands fall southeast to northwest by approx. 3m across the site. Lands to the north of the site continue to fall toward the Curragheen River.
- 2.2. Development to the south and west of the site, along Orchard Road, is characterised by large detached and semi-detached houses. Five such properties directly bound the site to the south and southeast. The closest dwelling is Robinscourt to the southeast, whose gable wall lies within approx. 2.5m of the site boundary. The southern boundary comprises a block wall of between approx. 1.2 and 2m with a mature coniferous hedgerow inside. An existing single-storey garden house is located along this boundary. The northern boundary of the site comprises a steep, overgrown slope to the north of the existing hedgerow. To the northwest of the site, The Grove comprises a development of detached two-storey houses, located below the level of the application site. The application site directly bounds an area of open space to the west associated with that development. To the east and north of the site is Brookfield Village, a student accommodation complex mainly comprised of 3-storey blocks set within mature grounds. A more recent two-storey accommodation block to the north is at a lower level than the subject site. There are mature deciduous trees along the eastern boundary with the application site.

### 3.0 Proposed Strategic Housing Development

The proposed development is described as follows:

1. The demolition of the existing dwelling and ancillary structures on site.
2. Construction of a purpose-built student accommodation development comprising 30 no. apartments with a total of 216 no. bed spaces, provided in 3 no. blocks generally ranging from three to five storeys in height.
3. The development includes ancillary student support facilities comprising study/meeting room, lounge, cinema, a reception area, management offices and storage.
4. The provision of 120 no. bicycle parking spaces, 4 no. car parking spaces, plant/tank room, condenser enclosure, recycling/refuse storage; and
5. All ancillary works including landscaped areas, vehicular and pedestrian access, footpath upgrades at Orchard Road, site infrastructure, provision of PV panels at roof level, and site development works.

Block 1 runs parallel to the western site boundary and rises to 4-storeys in height, with a single-storey element on the western elevation facing Orchard Road. This block includes ground floor reception and ancillary student support facilities. The mainly five-storey Block 2 runs parallel to the northern site boundary with a southern leg reducing four and three-storeys. Block 3 is located parallel to the eastern site boundary lies and rises from three-storeys on its southern side to 5-storeys to the north.

Access is proposed from Orchard Road from the southwestern corner of the site. Two courtyard areas are provided between the blocks. The combined internal and external amenity shared area is stated to be 1,645.8m<sup>2</sup> (7.6m<sup>2</sup> per bedspace), comprising open space of 1,456.7m<sup>2</sup>, or 6.7m<sup>2</sup> per bedspace and internal amenity space totalling 189.1m<sup>2</sup>, or 0.9m<sup>2</sup> per bedspace.

It is stated that the proposed development will be managed by an established operator of guest accommodation in the student and tourist sector in the city.

The main development parameters are described follows:

Site Area	0.41Ha
Development Footprint	1723m <sup>2</sup>
Site Coverage	42%
Plot Ratio	1:1.5
Communal Open Space	1456.7m <sup>2</sup> or 6.7-sq.m. per bedspace
Communal Open Space ratio	35.5%
Internal amenity space	189.1-sq.m. or 0.9-sq.m. per bedspace
Density (Bedspaces)	525.2 / ha
Density (Units)	73.1 Units/Ha
Parking	4 car 120 bike / 0.55 per bedspace

<b>Student Accommodation</b>			
<b>Unit Types</b>	<b>No. of Units</b>	<b>No. of Bedspaces</b>	<b>Gross floor space in m<sup>2</sup></b>
4-bed	1	4	104.4-sq.m.
6-bed	10	60	1430.2-sq.m.
8-bed	19	152	3416.6-sq.m.
<b>Total</b>	30	216	4,951.2-sq.m.

The application is accompanied by the following documents:

- Cover Letter.
- Completed SHD Application Form and application fee.
- Newspaper and site notices.
- Letter of Consent from Cork City Council.
- Copy of Notification Letters sent to Prescribed Bodies and Cork City Council.
- Response to An Bord Pleanála's Opinion.
- Statement of Consistency.
- Planning and Design Statement.
- Student Accommodation Management Plan
- Report on Supply and Demand of Student Accommodation.



- Waste Management Plan.
- Housing Quality Assessment.
- Mobility Management Plan.
- Schedule of Accommodation.
- Schedule of Drawings.
- Site Location Maps at 1:2,500 (2 sheets) and 1:10,560.
- Site Layout Plans at 1:500 in addition to the Site Context Plan at 1:1,000.
- Plans, Section and Elevations at various scales.
- Site Section Drawings at 1:1000.
- Engineering Drawings.
- Services Infrastructure Report, including Confirmation of Feasibility and Statement of Design Acceptance from Irish Water and Statement of Compliance with Irish Water's Standard Details and Codes of Practice Design.
- DMURS Statement of Compliance.
- Road Safety Audit.
- Pedestrian and Cycling Audit.
- Demolition & Construction Environmental and Traffic Management Plan.
- Landscape Drawings.
- Landscape and Visual Assessment.
- Tree Survey and Drawings.
- EIA Screening Report.
- Information to Inform a Stage 1 AA Screening.
- Public Lighting Report & Lighting Layouts.
- Daylight Sunlight Report.
- Photomontages.

## 4.0 Planning History

### 4.1. Subject Site

PA ref. 18/37749. ABP ref. ABP-302331-18: Permission granted on appeal in January 2019 for demolition of the existing dwelling house and the construction of 9 no. dwelling houses on the site. Conditions include the following:

2. The windows in the southern elevation that serve the first-floor landing and the second-floor stairs shall be fitted with obscure or patterned glazing.
3. An arborist shall establish whether roots from two walnut trees adjacent to the south-east corner of the site lie within the site and identify measures for their protection.

### 4.2. Adjoining lands

PA ref. 15/36530 ABP ref. PL 28.245912: Permission granted on lands to the north of the subject site for a student accommodation development comprising change of use from hotel and leisure centre to provide student accommodation apartments and construction of 8 no. student apartments.

Condition no. 2 required the relocation of windows to protect adjoining residential amenity.

PA ref. 16/37078 ABP ref. PL28.247698: Permission refused on appeal for modifications to the development permitted under PL28.245912 comprising an additional storey to the permitted two-storey block to the north of the application site, for two reasons:

- Having regard to the existing and permitted density of development on the site, and the character and pattern of development in the vicinity, the proposed development would seriously injure the residential amenities of property in the vicinity, by reason of noise and general disturbance likely to arise from the increase in density on the site, and would be injurious to the amenities of future occupants of the permitted development.

- The development would represent a poor quality of design, which would be inconsistent with the existing pattern of development on the overall site and out of character with the pattern of development in the vicinity and would be visually unacceptable.

## 5.0 Section 5 Pre-Application Consultation

### 5.1. ABP-306442-20

A pre-application consultation meeting was held in respect of this application on 06/05/2020. An Bord Pleanála was of the opinion that the documents submitted at that stage constituted a reasonable basis for an application for strategic housing development. The following items were identified in the opinion for submission with any application for permission:

1. An up-to-date Student Demand and Concentration Report.
2. Additional CGIs/visualisations/3D modelling showing the proposed development relative to existing development.
3. A report specifically addressing the materials and finishes of buildings, landscaped areas and any screening/boundary treatment.
4. A report addressing residential amenity (of both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overshadowing, potential overlooking and noise.

The report shall include full and complete drawings including levels and cross-sections showing the relationship with nearby residential development.

5. A detailed layout plan and report outlining existing and proposed pedestrian / cycle connectivity to the surrounding third level institutions, to surrounding services and to the City Centre, including details of any infrastructural improvement works proposed as part of the application. In addition the information requested in relation to traffic and transport as detailed in the planning authority's opinion should be provided, namely details in relation to the design of the entrance, materials/finishes for the proposed shared surfaces, a road safety

audit, a Mobility Management Plan, lighting proposals and a Demolition and Construction Traffic Management Plan.

6. A schedule of accommodation demonstrating compliance with relevant standards, including the standards as set out in Table 16.5a of Variation No. 5 of the Cork City Development Plan 2015-2021.
7. A site specific Student Management Plan which includes details on management outside of term-time.
8. A site plan indicating what areas are to be taken in charge.
9. Construction and Demolition Waste Management Plan.

The following authorities were to be notified in the event of the making of an application:

1. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. Irish Water
5. Transport Infrastructure Ireland

## 5.2. Applicant's Response

5.2.1. In response to the Board opinion above, the applicants statement makes the following points:

1. It is stated that a review of Student Demand and Concentration provides an evidential basis and justification for the proposed purpose-built student accommodation scheme.
2. The application includes additional visual analysis, including 4 no. additional viewpoints to demonstrate the visual impact from Brookfield and College Road. 16 verified views are included in the photomontage booklet and a Landscape and Visual Impact Assessment (LVIA) assesses the impact on the surrounding area.

3. It is stated that the Design Statement details the proposed materials and finishes, which offer suitable durability and ease of maintenance, create a distinct character and provide a high quality and sustainable finish. The landscape strategy aims to provide screening to neighbouring properties and create a series of high-quality external spaces for the residents and public.

The Landscape Design Rationale Report addresses the material and finishes for landscaped areas and the screening/boundary treatment.

4. It is stated that the application is accompanied by a daylight/sunlight report which concludes that minimal to negligible impacts will be perceived by surrounding open spaces. The only properties likely to receive a sunlight impact are the Brookfield Student Apartments Site 1 and 2, however, their open spaces are in line with BRE Guidelines.

The Design Statement addresses the interface with neighbouring properties. The privacy of adjacent properties is protected through blank southern gables and by limiting windows on the northern boundary. Additional screen planting will be provided along boundaries. Cross sections have been provided

A Student Management plan highlights professional 24-hour security. The Engineering Report addresses the acoustic treatment of the plant room on the southern boundary.

5. It is stated that a Pedestrian and Cycle Audit Report and Layout Plan and an assessment of the expected preferred walking and cycling routes are provided. In addition, a Road Safety Audit, Public Lighting Report, Public Lighting Drawings and a Demolition and Construction Traffic Management Plan have been prepared. A Mobility Management Plan forms part of the application.
6. A detailed schedule of accommodation is stated to be provided.
7. The Student Management Plan is stated to include a Summer Accommodation section specifically addressing management of the development outside of term times.
8. It is confirmed that no areas are to be taken in charge as part of this proposed development.

9. A Demolition and Construction Environmental and Traffic Management Plan is provided.

The applicants state that the following authorities were notified of the making of the application:

1. The Minister for Culture, Heritage and the Gaeltacht,
2. The Heritage Council
3. An Taisce
4. Irish Water
5. Transport Infrastructure Ireland

## **6.0 Relevant Planning Policy**

### **6.1. National and Regional Policy**

#### **6.1.1. National Planning Framework 2018-2040**

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objectives 3A and 3B direct new housing development to existing built up areas.

Chapter 6 notes that student accommodation pressures are anticipated to increase in the years ahead. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

#### **6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

Pillar 4: Improve the Rental Sector Key objective:

Key objective: Addressing the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

Key actions include supporting greater provision of student accommodation. The plan notes the importance of providing well designed and located student accommodation in order to avoid additional pressures in the private rental sector.

### 6.1.3. **Southern Region - Regional Spatial and Economic Strategy 2020**

The strategy is to build a strong, resilient, sustainable region. Measures include strengthening and growing cities and metropolitan areas. Key principles in developing the strategy include the need to provide an adequate supply of quality housing to meet existing and future demand, regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

RPO 10: Compact Growth in Metropolitan Areas

To achieve compact growth, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.

Cork MASP

Policy Objective 8; Key Transport Objectives (subject to the recommendations of Cork Metropolitan Area Transport Strategy)

East-West Light Rail Public Transport Corridor: A strategic public transport corridor from Mahon to Ballincollig via the City Centre, serving CIT, CUH, UCC, Kent Station, Docklands, Mahon Point.

### 6.1.4. **Cork Metropolitan Area Transport Strategy**

CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at

appropriate densities with high capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.

The strategy proposes the provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point. This meets the long-term objective for the CMA for the development of an east-west mass transit, rapid transport corridor.

## 6.2. 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 relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Sustainable Urban Housing: design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (2019).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- The Planning System and Flood Risk Management - (including Technical Appendices).

The following documents are also relevant:

- Dept. of Education and Skills - National Student Accommodation Strategy (2020)
- Dept. of Education and Science - Guidelines on Residential Developments for 3rd Level Students, and Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999. (July 2005).'

## 6.3. Local Policy

### 6.3.1. Cork City Development Plan 2015 – 2021



Chapter 2 Core Strategy, indicates that the vision for Cork City will be achieved seven interconnected strategic goals including:

Goal 1: Increase population and households to create a compact sustainable city

Goal 2: Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live, work, visit and invest in.

The application site is zoned ZO4: To protect and provide for residential uses, local services, institutional uses and civic uses having regard to employment policies outlines in Chapter 3.

Paragraph 15.10 notes that the provision and protection of residential uses and residential amenity is a central objective of this zoning. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Schools, third level education institutes, and major established health facilities are located within this zone and appropriate expansion of these facilities will be acceptable in principle.

Objective 5.1 Strategic Transport Objectives: (include)

- a. Provide for greater consolidation of development within the City Centre, ..... through the integration of landuse and transport planning, investment and service provision.
- f. To develop a Bus Rapid Transit system from Ballincollig to Mahon via the City Centre and Docklands.
- l. To encourage innovative measures to reduce the requirement for car parking.

Objective 6.1 Residential Strategic Objectives (includes)

- a. To encourage the development of sustainable residential neighbourhoods.
- b. To provide a variety of sites for housing to meet the various needs of different sections of the population.
- g. To protect and, where necessary, enhance the amenities and the environment of existing residential areas.

The Joint Housing Strategy in Chapter 6 sets out the housing needs of categories requiring special attention. Objective 6.5, *Student Accommodation*, resists any change of use from student to any other type of accommodation unless it can be adequately demonstrated that an over provision of student accommodation exists in the city. Objective 6.9, *Housing Density*, seeks to promote suitable densities to meet the needs outlined in the Core Strategy.

Lands to the east and north of the site are identified as part of the *University College Cork (UCC), College Road and Magazine Road Proposed Architectural Conservation Area*. This area does not include the application site, Orchard Road or houses thereon. The proposed ACA is described as institutional in nature, incorporating UCC's main campus and ancillary buildings and the Bon Secour hospital. The Statement of Character notes that the area contains a cluster of institutional uses and the university dictates the primary activities of the area. Ancillary to institutional uses, the area is primarily made up of medium density short terraced two and three-storey housing, and some retail and commercial uses. The external condition of many dwellings in the area, commonly student accommodation, is substandard and the continued maintenance of these buildings is required.

Objective 9.29 To seek to preserve and enhance the designated Architectural Conservation Areas in the City.

Objective 9.32 Development in Architectural Conservation Areas, should take account of the following:

- Works that impact negatively upon features within the public realm such as paving, railings, street furniture, kerbing etc. shall not be generally permitted;
- Acceptable design, scale, materials and finishes for new developments;
- Original materials and methods of construction should be retained;
- Features of historic or architectural value should not be removed.

Views and prospects identified for protection include CH2, the view to County Hall from College Road.

Paragraph 16.25 identifies Medium-rise buildings as less than 32 metres in height, 4-9 stories approximately. Paragraph 16.26 notes that building height should be in proportion to the space between buildings and, where appropriate, be set back from the road edge or the existing building line to allow wider footpaths and space for landscaping, reduce overlooking or overshadowing of adjoining buildings and to avoid creating a canyon effect.

Table 10.4 indicates that there is a Tree Preservation Order in respect of Brookfield House(Village), College Road.

### **Student Accommodation (Variation no. 5)**

Section 6.15a notes that purpose-built student accommodation should become a larger supply source in lieu of the private rental sector which has become over-concentrated in certain areas.

Objective 6.5 Student Accommodation: In accordance with the National Student Accommodation Strategy, the City Council will support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes.

16.68 identifies criteria to be taken into account when assessing planning applications for such developments, including.

- The location and accessibility to Third Level Educational facilities and the proximity to existing or planned public transport corridors and cycle routes.
- The scale of development (capacity) and the potential impact on local residential amenities.
- The provision of amenity areas and open space, (quality and quantity),

- The provision of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, (retail /café uses), car parking and amenity, (quality and quantity).
- The architectural quality of the design having regard to its context, including scale, height, massing, on-site layout and materials. The internal design and layout should be robust and capable of future adaptation and change of use.
- Include a Management Plan demonstrating how the scheme will be professionally managed and operated 'year round' (term-time and out -of-term periods).
- Demonstrate how the scheme positively integrates with receiving environmental and the local community and creates a positive and safe living environment for students.
- Demonstrate adherence to the Minimum Standards for Purpose Built Student Accommodation as outlined in Table 16.5a.

Student accommodation development shall only be used for accommodation for students of a tertiary / higher education institute, including residential accommodation used as tourist or visitor accommodation outside of academic term times. Such developments shall not be used as permanent residential accommodation or as a hotel, hostel, apart-hotel or similar.

#### 6.4. **Statement of Consistency**

In accordance with Section 8(1)(iv) of the Act, the applicants have provided a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan.

The statement assesses consistency with the following policy documents:

- Project Ireland 2040: National Planning Framework (2018);
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016);
- National Student Accommodation Strategy (2017);
- Quarter 3 (Q3) 2019 Progress Report on the National Student Accommodation Strategy;
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018), Department of Housing, Planning and Local Government;

- Urban Design Manual – A Best Practice Guide (UDM) 2009, Department of Environment, Heritage and Local Government;
- Design Manual for Urban Roads and Streets (DMURS) 2013, Department of Transport, Tourism and Sport;
- Southern Regional Assembly: Draft Regional Spatial and Economic Strategy, (2019)
- Cork City Development Plan 2015;
- Cork Metropolitan Area Strategic Plan (MASP);
- Cork Metropolitan Area Transport Strategy (CMATS) 2020

The statement notes the following points:

- **Density:** An overall net residential density of 73.1 units per hectare is in accordance with Section 5.8 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) May 2009. This is also in line with Variation No. 5 (Student Accommodation) of the Cork City Development Plan 2015.  
The proposed plot ratio of 1.5 is consistent with the Section 16.13 of the Cork City Development Plan 2015.
- **Layout:** The layout and design of the proposed development is stated to be based on the principles and 12 design criteria of the Urban Design Manual, A detailed Design Statement is submitted in accordance with Objective 16.1 of the Cork City Development Plan. The proposed apartments have been designed having regard to and are consistent with Section 16.68 in Variation No. 5 (Student Accommodation) of the Cork City Development Plan 2015. A high-quality layout and design is achieved, based on the provision of a mix of high-quality apartments in a quality neighbourhood area and through the creation of a sustainable development of the docklands area which prioritises pedestrians and cyclists.
- **Landscape and Amenity:** The landscape and amenity provisions of the proposed development are based on the principles and criteria of the Urban Design Manual. A detailed Design Statement is submitted in accordance with Objective 16.1 of the City Development Plan. The proposed apartments are

designed having regard to Section 16.68 in Variation No. 5 (Student Accommodation) of the Development Plan. Overall high-quality landscaping and amenity areas have been provided which will help create an attractive development for residents to reside.

- **Sustainability:** Sustainability is based on the principal criteria of the Urban Design Manual. A detailed Design Statement is submitted in accordance with Objective 16.1 of the Cork City Development Plan. The proposed apartments have been designed having regard to and are consistent with Section 16.68 in Variation No. 5 (Student Accommodation) of the Cork City Development Plan 2015. A high-quality design has been achieved making efficient use of land and providing dwellings which can be adapted to meet the future needs of residents.

The development is stated to be consistent with:

- The objectives of the NPF in respect of location, urban consolidation, building height, density, residential development, sustainability, connectivity and design.
- The provisions of Rebuilding Ireland: Action Plan for Housing and Homelessness, with regard to student accommodation.
- The provisions of the National Student Accommodation Strategy in terms of the provision of managed, purpose-built student accommodation, addressing an identified shortfall in the City.
- The criteria set out in the Urban Development and Building Height Guidelines at the scale of the City, the neighbourhood and the street. Adverse impacts on protected views will not arise.
- The criteria set out in the Urban Design manual – Best Practice Guide.
- The provisions of DMURS in terms of location, connectivity, safe and permeable routes for pedestrians and cyclists, and streetscape.
- The objectives of the Regional Spatial and Economic Strategy and the Metropolitan Area Strategic Plan, in terms of location, connectivity and urban consolidation.

The following provisions of the City Development Plan 2015 are stated to be met:

- Transportation Objectives 5.1 and 5.3 in terms of location and layout. A Transport Assessment is not required given the nature and scale of development. A mobility Management Plan is submitted.
- Objective 6.5 relation to Student Accommodation.
- Objective 6.9 in relation to Housing density and Objective 7.18 in relation to a sustainable and safe city.
- Objective 10.6 in terms of protected views and prospects.
- Objectives in Chapter 12.3 and 12.17 relating to drainage and flood risk, as well as other Environment Management objectives set out in Chapter 12.
- The provision of student accommodation supports objective 14.12 with regard to the development and expansion of UCC.
- The zoning objectives and specific development management objectives 16.5a and 16.68 relating to student accommodation.
- The provisions of Cork Metropolitan Area Strategic Plan relating to the achievement of higher densities.
- The provisions of the Cork Metropolitan Area Transport Strategy in terms of walking and appropriate densities to support of future public transport investments.

## 7.0 Observations

7.1. Observations were received from the following parties:

- Sean and Megan O’Conaill
- Adel Moloney
- Joseph Deasy
- Lil O’Connell
- Louise O’Mullane
- Lucy Hyland
- M. and Patricia Scanlon
- Margaret Moran
- Mary Christie
- Mary English

- Nabel A. Riza and Amanda Bokhari - Riza
- Natalie McDonnell-O'Halloran
- Nessa Dineen
- Aileen Moriarty
- Alan Marley
- Ann and Raymond O'Halloran
- Anne Roche
- Barbara Deasy
- Breda Buckley
- Brendan and Mary Counihan
- Brian Barry
- Brian Healy Bird
- Brian Roche
- Bridget Hyland
- Bridget P Hyland
- Carmen Nesdale
- Catherine and Denis O'Mullane
- Cathy Murray
- Ciaran Brady and Lesley-Ann Murphy
- Clare Kennelly and Dr Steven Lang
- David Kidney
- Deirdre and Killian O'Callaghan
- Edel and Peter Lee
- Eleanor Lynch
- Emily Roche
- Geraldine McAuliffe
- Gillian McSweeney
- Graham Murray
- Helen O'Mullane and Pat McKelvey
- Jacinta Coughlan
- Janice Healey
- Jayne English



- Jim Murphy
- Margaret Wixted
- Nicola Roche
- Norbet Eames
- Orla Joyce and Michael McBride
- Patricia Moloney
- Patricia Murray
- Patrick Kieran
- Rachel Hyland
- Sean and Megan O’Conaill
- Sheila Hyland
- Sylvie Roche
- The Orchard Road and Grove Planning and Environmental Protection Group
- Thomas C. Kenefick
- Tom English
- Victor and Fiona Donnelly
- William and Nora Murray Drawing
- William and Nora Murray

7.2. There is significant overlap in the issues raised in the submissions received from the above parties and the issues are therefore summarised under broad themes below.

#### Procedural

- The site area is incorrectly identified as 0.41ha rather than 0.40ha.
- Information presented at pre-application stage was inaccurate.
- The applicant is the beneficial owner of adjoining student accommodation at Brookfield Village, which was not disclosed.
- The application form does not refer to the ACA or High Value Landscape designation in the vicinity of the site.
- The Landscape and Visual Assessment referenced in the document was not submitted as required under item A2 of the An Bord Pleanála opinion.
- Regard should be had to cumulative noise impacts requiring sub-threshold EIA.

- Provision of pedestrian connections to Brookfield Village should have been identified in public notices and site notices were not erected on those lands.
- The EIA Screening report refers to incorrect legal provisions. The required information has not been submitted.
- The statement required under S299B(1)(b)(ii)(l)(c) has not been provided and the Board should refuse to deal with the application.
- The AA screening statement fails to consider the mitigation measures to protect surface water included in the CDEMP and identified in the EIA screening report, having particular regard to proximity of watercourses to the north.
- The AA screening conclusion is invalid, given that mitigation measures are envisaged. A Stage II assessment is required and permission should therefore be refused.

#### Character of the area

- The proposed development will negatively impact on the character of this established residential area, predominantly in family occupation.
- The central aim of the Z04 zoning objective to protect residential amenity.
- Strategic Residential Objective 6.1 of the development plan is to protect and enhance the amenities of existing residential areas, by reason of its physical impacts and the activities it will generate.
- The statement of consistency does not address these objectives.
- The development would be incongruous adjoining this ACA and contrary to the protection of the city's heritage. The opinion as to whether the development materially contravenes the development plan is subjective.
- The site adjoins an Area of High Landscape Value.
- The development fails to meet the criteria set out in 16.68 of Variation no. 5, including integration with the receiving environment.
- All other student accommodation development proposals occur on commercial sites in the city and this development will set a precedent for further development in this residential area.
- These lands should be used for permanent residential development, such as the permitted development of 9 no. houses, to address housing shortage in the city.

- There are inadequate green spaces for local residents.

#### Design and layout

- The bulk, scale and density of the proposed development would be out of character with and impact on the surrounding pattern of family homes.
- The proposal constitutes over-development of the site which fails to integrate with its surroundings.
- The proposed density is inappropriate in the context of ABP-302331-18, wherein the Board considered the proposed low density of development to be appropriate having regard to the surrounding pattern of development.
- The development would have overbearing impacts on adjoining houses.
- The development will impact on historic building heights and scale contrary to development plan objective 9.1.d.
- The Board previously refused permission for development over two-storeys on an adjoining site (former Orchard Lodge hotel), which position should be reaffirmed.
- Increased densities in the area are reducing the extent of greenery rapidly.
- 5-storey development will impact on the landscape of the area, identified as an area of High Landscape Value.
- Block 1 will have a high, adverse impact on views east along Orchard Road, increasing with proximity to the site, due to its proximity to the road and absence of an intervening boundary.
- Photomontages do not adequately illustrate the overbearing impacts of the development on houses in The Grove, which have views of the existing house.
- While Viewpoint 5 does not adequately reflect the impact on adjoining properties to the south, the application still concludes that the impact will be adverse.
- The conclusions of the Visual Impact Assessment rely upon hedgerows and screen planting on third party lands, which should not be taken into consideration.

#### Residential Amenity

- Development to the north permitted under PL28.245912 required movement of windows to protect residential amenity.

- The Board previously refused permission for an additional floor to a student accommodation block to the north of the site (PL28.247698) on the basis of noise, disturbance, and the character and density of the area.
- The subject development gives rise to similar noise and disturbance impacts but on a greater scale.
- The development will result in overlooking and loss of privacy to adjoining residential properties and amenity spaces.
- The shadow analysis undertaken does not appear to be accurate and understates the impact of the development.
- There will be daylight and sunlight impacts on adjoining houses and gardens
- Increased noise and traffic will impact on the quality of life of adjoining residents.
- Light pollution from 24hr external lighting will impact on residential amenities.
- The Landscape Design Report did not consider light impacts on wildlife.
- There is no mitigation planting proposed on the eastern site boundary and existing mature trees on the southern boundary will be removed. Initial high adverse visual impacts will not therefore reduce with time.
- Bin store and services / plant rooms on the southern boundary will impact on adjoining residential amenities in terms of noise and odour and should be relocated.
- A noise assessment of plant on this boundary is required.
- The plant room is not identified in contiguous elevations and no information on the nature or function of condensers is provided
- These stores and plant rooms require excavations along the southern boundary which will impact on the viability of screen planting on the boundary.
- Restrictions on construction hours should be imposed.
- There should be no access by residents to any roof terraces.
- In the event of a decision to grant permission, building height should be reduced to 3-storeys / no higher than Brookfield with screening to prevent overlooking.
- The proposed links to Brookfield Village are unclear, and creation of a new through-way creates security concerns for adjoining properties to the south.
- Vehicular linkages through to Brookfield development should not be permitted.
- It should be demonstrated that subsidence and flooding impacts to the area will not arise.

- Solar panels have the potential to give rise to glint and glare impacts. Other unidentified roof top plant shown on the plans raise potential noise emissions.
- Use of the courtyard amenity spaces by residents could result in noise and disturbance of properties to the south.

#### Student Accommodation Use

- The development should be considered in the context of the combined effect of the significant concentration of student accommodation in this area.
- Such concentration already gives rise to anti-social behaviour which impacts on adjoining residential amenities, including noise and vandalism impacts.
- These impacts will be exacerbated by the proposed development.
- There are alternative locations around the city suitable for such accommodation
- Proximity to UCC should not solely justify this proposal and additional student accommodation in this mature residential area is not justified.
- UCC operations are migrating toward the city centre and away from this site.
- The planning authority have previously advised that student accommodation was not suitable for this site, on the basis of the character and amenities of the area.
- Purpose built student accommodation does not address the problems associated with such uses and is inappropriate for this residential area.
- The nature of on-site supervision and management is unclear and a 24hr on-site presence is required.
- Management and security are not able to adequately control student behaviour.
- The student management plan does not address the issues raised in the Board opinion and details of the experience of the management company are unclear.
- Other properties managed by the management company are not comparable in scale or located in such residential areas.
- No assessment of noise impacts has been undertaken as requested and the management plan does not detail how emissions will be controlled.
- This is not an infill, underutilised site and connections to the Brookfield complex would intensify movements through this site.

- Variation no. 5 of the development plan is out of date due in the context of Covid-19 but notes that student accommodation should not be overconcentrated in certain areas.
- Public health issues are relevant to the consideration of proposals. In the light of current restrictions such high-density co-living development is not justified.
- The development is premature in the light of reduced demand for student accommodation particularly from international students and would be at risk of future vacancy.
- The student accommodation demand report is out of date and does not list all student accommodation schemes permitted or built in the surrounding area.
- The National Student Accommodation Plan and Rebuilding Ireland are out of date having regard to reduced demand arising from the pandemic. The Balz judgement indicates that they should not therefore be strictly followed.
- The documents submitted fail to address the issues raised by the Board and permission should be refused in accordance with *Southwood Residents Association v ABP*.
- In *O'Neill v ABP*, it was held that development which impacts on private dwellings cannot be said to make a positive contribution to the locality.

#### Internal residential amenity

- Regard should be had to public health advice for co-living developments and the HSE should be consulted on the application.
- It is unclear how social distancing or self-isolation could operate in a facility with shared kitchen and living areas. Permission should be refused on public health grounds.
- The level of amenity areas and open space falls below required standards.
- Deficiencies in balconies and open space are particularly important post-covid.
- The amenity value of courtyards is limited as they act as circulation spaces and include parking for 120 no. bicycles.
- This perimeter amenity space raises issue of privacy for ground floor units.

- The perimeter garden area (793-sq.m.) is a buffer strip rather than an amenity space having regard to its width, sunlighting / daylighting, and proximity to boundaries and buildings.
- Daylighting standards for open plan kitchen, dining, living spaces are deficient and use the lower living room standard rather than higher kitchen standard.
- The daylighting analysis is based on an unacceptably reduced standard for bedroom accommodation, given their dual usage.
- The daylighting compliance rate is overstated. Application of the appropriate standards demonstrate that the development is substandard.
- The daylighting assessment does not appear to account for existing mature boundary vegetation.
- Internal sun lighting is deficient. No north facing windows in Block 2 have access to any sunlight, while other rooms are impacted negatively by the internal configuration of blocks.
- Overall standard of development is deficient.
- There will be internal noise impacts due to inadequate separation

#### Traffic and access

- Orchard Road is deficient in width and alignment.
- It is unsuitable for existing or future pedestrian, cycle or vehicular traffic volumes, particularly during construction.
- Footpath widths on Orchard Road range from 0.8 to 1.45m, significantly below DMURS standards, and do not allow passing movements.
- There are no cycle facilities on Orchard Road and no scope or plans to upgrade or retrofit facilities pedestrian or cycle facilities.
- Any development should be subject to footpath and cycleway upgrades on Orchard Road and additional set-down facilities and disabled car parking.
- The submitted transport audits and assessments are inconsistent in describing existing the environment on Orchard Road and the entrance to the subject site.
- No pre-Covid surveys of traffic patterns were undertaken.
- The application does not address entrance design as required in the ABP opinion.
- Sightlines are deficient and the additional traffic would create a traffic hazard.

- Proposed sightlines at the entrance are based on an incorrect classification of Orchard Road and cannot achieve compliance with DMURS.
- Parking is deficient for staff and residents, comprising 4 no. on-site spaces and a loss of three on-street spaces. No drop-off or pick-up area is provided
- There is no provision for the movements associated with residents arriving or departing at the end of their stay / term.
- The application underestimates traffic generation. The development will generate increased traffic movements, including collection / drop-off and deliveries.
- There will be an increase in out of hours traffic, particularly taxis collecting and dropping off at the development and other increased traffic movements, as occurs in surrounding student accommodation.
- These movements are greater than the movements generated by the 4 no parking spaces.
- The road network is already congested, and the development would exacerbate existing on-street car parking issues.
- Construction traffic impacts have not been addressed in the application.

#### Trees

- The development will result in the unnecessary loss of mature trees in good condition and habitats for wildlife, including red squirrel.
- These trees contribute to biodiversity, air quality and flood alleviation.
- The development will potentially impact on mature trees on adjoining lands which overhang the site boundary. The application does not adequately identify trees affected by the proposed development.
- These trees are not assessed in the arborist report and appear to be covered by the Brookfield Village TPO.
- Block 3 should be removed or reduced to protect adjoining trees.
- The development plan recognises the need to protect and maintain trees in the city and the biodiversity value of private gardens.
- Protection of existing trees was a requirement of the permission under ref. PL28.302331.



- Adjoining trees to the southeast, the subject of condition no. 3 of that permission have not been considered in the application.
- The landscape will be significantly altered by this 5-storey development.
- Landscaping details are vague and do not provide for adequate screening.
- The assessment of the impact on views from properties to the south is inadequate.
- The photomontages include existing trees which are not identified as being either retained or removed.

#### Other matters

- References to future public infrastructure provision should not be used to assess the merits of the application (Navratil v. ABP).
- There is a history of drainage problems in the area.
- This area is prone to subsidence and the construction works may impact on surrounding properties including impacts on adjoining protected structures.
- Drainage works will result in substantial disruption of road users.
- There will be devaluation of adjoining properties.
- Ownership of the area of land to the northwest of the site and adjoining The Grove is questioned.

## 8.0 Planning Authority Submission

8.1. Section 8(5)(a) of the Act requires the planning authority or authorities in whose area or areas the proposed strategic housing development is situated to submit to ABP a report of its Chief Executive. A submission from the planning authority in accordance with S.8(5) was received by An Bord Pleanála on 25th August 2020.

8.2. Appendix A

The report summarises the issues raised in submissions to An Board Pleanála. The views of the elected members summarised in the report are noted to include the following issues:

- Deficiencies in car parking leading to over-spill parking on adjoining roads.

- Availability of public transport.
- Concentration of student accommodation in this residential area.
- Impacts on residential amenity in terms of overlooking and noise.
- Need for proper management and security in the scheme.
- Viability of this residential model in post-pandemic times.
- Loss of trees, including one covered by a protection order.
- Likely demand for the development.

The planning authority assessment notes the following points:

- Student accommodation is an acceptable land use in principle, subject to the criteria for student accommodation set out in 16.68 of the development plan.
- The site is within walking distance of UCC and the City Centre and proximate to bus routes.
- While this is a suburban location, given its proximity to UCC / Brookfield Student campus, it has potential and capacity for medium-rise building.
- Buildings have been designed to avoid undue overlooking. Separation from houses in The Grove is satisfactory.
- No private amenity space is provided for individual units, restricting potential future adaption.
- Identified external amenity areas should exclude bicycle parking and the area along the northern boundary.
- Variation no. 5 of the development plan requires 5-7-sq.m. of communal amenity space per bedspace, equating to a requirement for 1000-1500-sq.m.
- The level of provision is half this requirement and further amenity areas are required.
- Internal accommodation design is considered acceptable.
- The design approach to Orchard Road is satisfactory.
- The visual assessments show that protected view CH2 is unaffected.
- The City Architect notes that the scheme is satisfactory in mass, scale and finishes.
- Connectivity can be improved via the Brookfield Village site to the east.

- While the minimal car parking provision is welcome, additional bicycle parking provision is required.
- Conditions regarding the protection of trees to be retained are appropriate.
- 24-hr supervision and management of the site should be subject to condition.
- Final design details of surface water drainage area required.
- The development accords with the zoning objectives and strategic objectives of the Cork City Development Plan 2015-2021 and Variation no. 5 thereof.
- The development will make a significant contribution to the supply of student bedspaces in the city.
- Recommended conditions include reducing the height of Block 2 and 3 by one storey to address impacts on Brookfield Complex and potential overbearing impacts on adjoining two-storey houses.
- It is recommended that safeguarding conditions be attached in relation to landscape / trees protection, management of the student complex and relevant engineering matters.

**Recommendation:**

That permission be granted subject to conditions.

Appendix B

The planning authority submission includes reports from the following departments:

- Drainage
- Architects
- Fire Dept.,
- Environment
- Transportation.

Appendix C

The planning authority recommend the attachment of 41 no. conditions, which include in particular the following:

3. The third floor of Block 2 and 3 shall be omitted. Revised drawings to be submitted for agreement.
23. Operational noise shall not exceed background levels by more than 5dB(A) in the period 0800-2200 and by no more than 3dB(A) at other times when measured at any external position at a noise sensitive premises.
34. The number of bicycle parking spaces is to conform with the standards set out in the Design Standards for Apartments Guidelines for Planning Authorities.

## 9.0 Prescribed Bodies

9.1. In accordance with the Opinion issued under Section 6(7), the following bodies were notified of the application by the applicant.

- The Minister for Culture, Heritage and the Gaeltacht.
- The Heritage Council.
- An Taisce.
- Irish Water.
- Transport Infrastructure Ireland.

The following submissions have been received by the Board:

9.2. Irish Water: Confirmation of feasibility to connect to the existing Irish Water networks was issued to the applicant. Water connections are subject to upgrades in respect of which there are two options are identified. The applicant has engaged with IW in respect of these upgrades and submitted designs for which Irish Water has issued a Statement of Design Acceptance.

Any grant of permission should be subject to a condition requiring that the applicant enter into a connection agreement with Irish Water and adhere to the standards and conditions set out in that agreement.

9.3. Transport Infrastructure Ireland: No observations

## 10.0 Oral Hearing Request

The submission received from The Orchard Road and Grove Planning and Environmental Protection Group has requested that an oral hearing be held in respect of this application. I note that Section 18 of the 2016 Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Having regard to the circumstances of this case, to the issues raised in the observations received by the Board, and the assessment set out in section 11.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

## 11.0 Screening

### 11.1. EIA Screening

I note that observers refer to deficiencies in the EIA Screening Report submitted by the applicant. Specific reference is made to failure to meet requirement under Article 299B(1)(b)(ii)(II)(C) to submit a statement indicating how the results of other relevant assessments of the effects on the environment pursuant to European legislation have been taken into account.

I note that no Screening Determination was made in respect of this application under Section 7 of the 2016 Act. Information accompanying with the subject application included an EIA Screening Report in accordance with Schedule 7A and an Appropriate Assessment Screening Report.

Article 299B(1)(b)(ii)(II) requires that where there is doubt regarding the likelihood of significant effects on the environment, certain specified information must accompany the application. Under Article 299B(2)(b), the Board must undertake a screening determination where the information specified under Article 299B(1)(b)(ii)(II) was provided. If this information was not provided, then the Board must refuse to deal with the application under Article 299B(2)(a).

Having regard to the information provided with the application I consider that the requirements of 299B(1)(b)(ii)(II) have been satisfied. In respect of item (C) I note in particular, the AA screening report submitted with the application to which the EIA Screening report has regard.

I note that the Board is the competent authority for the purposes of EIA screening and while the applicant's EIA screening report contains references to incorrect legislative provisions, I do not consider that this is a fundamental flaw or prevents the Board from carrying out a screening determination. I have therefore completed a screening assessment as set out in Appendix A, and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

The conclusion of this is assessment is as follows:

Having regard to

- a. the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b. the location of the site on lands zoned to protect and provide for residential uses, local services, institutional uses and civic uses ha in the Cork City Development Plan 2015, and the results of the Strategic Environmental Assessment of the plan,
- c. The existing use on the site and pattern of development in surrounding area;
- d. The planning history relating to the site,
- e. The availability of mains water and wastewater services to serve the proposed development,

- f. the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g. The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- h. The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Demolition and Construction Environmental and Traffic Management Plan and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

## **11.2. Appropriate Assessment Screening**

- 11.2.1. The application site is located within the existing built-up area of Cork City and is served by mains water and sewerage services. The proposed development is described in section 3.0 and also in subsequent sections of this report. It broadly comprises the replacement of a single dwelling with three blocks of student accommodation and associated works. The development will connect to mains water and sewerage services. The application is accompanied by a Screening Report for Appropriate Assessment.
- 11.2.2. There are no European sites within or in the immediate vicinity of the application site. The closest sites and those within the zone of influence of the proposed development are:
  - Cork Harbour SPA (004030), approx. 5.5km east / downstream (4.5km as the crow flies).

- Great Island Channel SAC (001058), approx. 12km east / downstream (11.5km as the crow flies).

**Cork Harbour SPA:**

Objectives: To maintain the favourable conservation condition of species of conservation interest in Cork Harbour SPA, as defined by identified attributes and targets, in terms of population trend and distribution. More detailed attributes and targets in respect of Common Tern are identified.

To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for regularly occurring migratory waterbirds that utilise it, as defined by attributes and targets in relation to habitat area.

Qualifying Interests: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Common Tern, Wetland and Waterbirds.

**Great Island Channel SAC:**

Objectives: To maintain the favourable conservation condition of habitats of conservation interest in the SAC, as defined by identified attributes and targets.

Qualifying Interests: Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows.

11.2.3. The proposed development is not directly connected with or necessary to the management of any European Site. The development will not result in the direct loss of any habitat identified above or the loss of any ex-situ foraging or roosting site for species of conservation interest. Having regard to separation distances arising, disturbance impacts during construction or operation of the development are not likely. Any emissions during construction to air or water will be short-term in nature



and having regard to separation from European sites, no effects on the integrity of the sites are considered likely. Significant direct effects on these European sites are not therefore considered likely.

- 11.2.4. There are no drains or watercourses on the site and no direct connections between the application site and these European sites. The site is not at risk of flooding and the proposal is not considered likely to increase flood risk elsewhere. The Curragheen River flows east approx. 120m north of the site, joining the south channel of the river Lee at Jennings Pool. With regard to construction phase activities, having regard to separation from European sites and lack of direct hydrological connections thereto, significant impacts are not considered likely. The measures identified in the Demolition and Construction Environmental Management Plan are not designed to avoid or reduce potential effects of the development on European Sites.
- 11.2.5. The development will connect to mains water and sewerage services and it is therefore considered that the proposed development is not likely to give rise to indirect impacts on these European Sites. With regard to the application of SUDS methodologies, I note that this is a requirement of the City Development Plan for all developments regardless of their location and are not a mitigation measure required to be incorporated by reason of the potential effect on any European site.
- 11.2.6. I note observer's submissions which argue that the applicants AA screening statement is deficient. In this regard, I conclude that the measures identified in the Demolition and Construction Environmental and Traffic Management Plan and the EIA Screening Report with respect to water quality, including the application of SUDS methodologies, are not required to reach a conclusion of no likely significant effect on any European site in this case, having regard to the location, nature and scale of development relative to downstream European sites.
- 11.2.7. The discharge of wastewater to the municipal wastewater treatment plant at Carrigrennan / Little Island, which discharges treated effluent at Lough Mahon, provides a pathway for potential cumulative impacts on these European sites. This treatment plant (with a pe capacity of 413,200) is subject to licensing from the EPA, which process is itself subject to AA. I note that Irish Water have indicated that capacity for the proposed development to connect to mains services is available.

The scale of development is not considered to be significant in the context of such capacity. The 2019 AER for this treatment plant indicated that there was overall compliance with the licence ELV's with the exception of ELV's for total phosphorus and nitrogen, however, measures to address phosphorus levels were to be completed by August 2020. It is further reported that discharge from the WWTP did not have an observable impact on water quality or on Water Framework Directive status. Water quality is not identified as a conservation objective for these sites.

11.2.8. Having regard to the negligible contribution of the proposed development to wastewater discharge within the wider city area, I consider that any potential for in-combination effects on water quality in Cork Harbour can be excluded. The Conservation Objectives Supporting Documents identify other activities that may impact on habitats or species of conservation interest within the sites. Having regard to such activities, the nature of the proposed development and the separation distance arising, it is not considered likely that the development will act in combination with other projects to give rise to significant effects on these European Sites.

#### 11.2.9. Conclusion

It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Cork Harbour SPA (004030), Great Island Channel SAC (001058), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

In reaching this conclusion, no mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites were taken into account.

## 12.0 Assessment

It is proposed to consider the development under the following broad headings

- Land use and development principle.
- Design and layout.
- Boundaries and Trees
- Student Housing Demand
- Adjoining residential amenity.
- Daylighting and Sun lighting
- Access and transport.
- Drainage and services.

### 12.1. Land use and development principle

12.1.1. The subject lands are currently in residential use and are zoned ZO4, to protect and provide for residential uses, local services, institutional uses and civic uses. This objective provides for a range of uses, while the provision and protection of residential uses and residential amenity is a central objective for this zone. An extensive area of the suburbs of the city, including adjoining lands to the east and north in student accommodation uses is covered by this zoning objective. Student accommodation would be acceptable in principle as a residential use within this zoning objective.

12.1.2. The application site occupies a relatively central location within the city and is currently underutilised having regard to such location and the services and amenities in the area. The issue of demand for student accommodation is considered in more detail below. Having regard to currently policy and the location of the site in close proximity to UCC and with high levels of accessibility to other third level institutions in the wider city area, as well as the city centre, the principle of student accommodation use on the lands is considered to be acceptable in principle.

### 12.2. Design and Layout

- 12.2.1. Third part submissions raise concerns in relation to the impact of the development on the character of the surrounding area, including the proposed ACA and area of High Landscape Value. Concerns are expressed regarding the bulk, height and scale of the development and failure to integrate with its surroundings. Submissions identify issues with regard to the standard of residential amenity within the development, particularly in regard to open space provision and daylighting. Public health aspects of such development are also raised in submissions.
- 12.2.2. The existing dwelling on the site is not regarded as being of sufficient design merit to warrant retention on the site. Existing ground levels fall to the north and northeast across the site, however, these are not clearly represented on the site layout plans.
- 12.2.3. The proposed development comprises three blocks ranging from three to five-storeys in height. The height of development proposed would exceed that of adjoining properties, however, there is such variety in the wider area that this would not be regarded as unacceptable in principle. I note that the subject lands are located at a level below Orchard Road and that the higher elements of development are sited closer to the northern site boundary and further away from the residential properties to the south. I do not consider that there would be adverse impacts on longer views in the area or that the development would impact on the area of High Landscape Value identified in the development plan.
- 12.2.4. Views from Orchard Road to the south would be relatively limited and significant impacts in this regard are not anticipated. Similarly, it is not anticipated that the development would interfere with protected view CH2 toward County Hall. Block 1 is located on the western edge of the site with frontage to Orchard Road. Notwithstanding the single-storey element of this frontage, having regard to the context of the site, the scale of the block and nature of uses proposed, I consider that greater set-back from this boundary would assist in integrating the development into its surroundings.
- 12.2.5. The development provides for 30 no. units on the site, equating to a density of 73 units per ha. Student accommodation is not comparable to standard residential dwelling units in this regard, however, and a density of 526 no. bedspaces per ha would constitute a high density in the context of the surrounding pattern of development. I note that the internal layout and design of apartments and individual

bedrooms accords with the standards set to in Table 16.5a of the City Development Plan (Variation no. 5) and the Dept. Of Education, Recommendations for Guidelines on Residential Developments for 3rd Level Students.

12.2.6. Total communal amenity space within the development is described as 1645.8-sq.m. Application documentation describes the internal communal amenity uses provided at ground floor level in block 1, as comprising

- Lounge 97.5-sq.m.
- Cinema 30.8-sq.m.
- Study / meeting room 27-sq.m.
- Laundry 17.3-sq.m.

This equate to 172.6-sq.m. or 0.8-sq.m. per bedspace, which does not exactly reflect the cited area of 189.1-sq.m..

12.2.7. Variation no. 5 of the City Development plan requires total communal private open space of 5-7sq.m.per bedspace, which equates to a requirement for between 1,080-sq.m. and 1,512-sq.m. for 216 no. bedspaces. External open space provision is described as 1,456.7m<sup>2</sup>, or 6.7m<sup>2</sup> per bedspace, comprising two courtyard spaces of 303-sq.m. and 360-sq.m. respectively along with perimeter landscaped space of 793.9-sq.m. I note that the courtyard spaces function as circulation spaces and also accommodate all of the on-site external bicycle parking provision for the development, which reduces the extent of usable space. Any expansion of bicycle parking provision on the site would further reduce this space. Furthermore, not all areas of this courtyard space are regarded as comprising quality usable space, in particular the narrow spaces between Block 1 & 2 and Block 2 & 3.

12.2.8. Shared garden space is identified around the northern and eastern perimeter of site, comprising a stated area of 793-sq.m. I do not consider that this would meet the amenity and open space requirements of the development. That space to the north of block 2 lies on a relatively steep slope with a northerly aspect and would not provide a high level of amenity. The site sections indicated on the landscape plans do not reflect existing ground levels or those identified on the architectural sections drawings. Similarly, space on the eastern site boundary is restricted in width, 3.7m at its narrowest, and directly adjacent to ground floor bedroom windows. I consider therefore that the development fails to achieve an appropriate quantity and quality of

communal open space for development of the scale proposed. In this regard I note that no justification for a departure from the standards set out in Variation no. 5 has been presented, particularly having regard to the pattern of development in the surrounding area.

- 12.2.9. The development provides scope for pedestrian linkages to Brookfield via the north-eastern and southeastern corners of the site, which linkages would potentially be beneficial in terms of connectivity. The southeastern link would necessitate additional works on the adjoining lands to provide such connection, whilst the north-eastern linkage could be more easily provided. Notwithstanding third-party comments with regard to the common ownership of the application site and Brookfield Village, it is not clear that these linkages can be provided as part of this development. These connections are described in the application as potential future connections to Brookfield and I do not consider that they comprise part of the development works proposed as part of this application.
- 12.2.10. Third-party submissions have indicated that the Landscape and Visual Impact Assessment document referenced in the application was not submitted. I can confirm that this document, along with the document “Verified Photomontages” was submitted to An Bord Pleanála as part of this application and that both documents are available on the application website, *orchardroadshd.ie*.

### 12.3. **Boundaries and Trees**

- 12.3.1. A number of third-party submissions have raised concerns with the loss of trees of the site and potential impacts on wildlife and loss of screening to adjoining residential properties. Particular issues are raised with regard to potential impacts on trees on adjoining lands to the east and southeast of the site.
- 12.3.2. The subject site is comprised generally of a mature suburban garden bounded predominately by tall evergreen hedgerows and planting. Existing planting and trees are not regarded as being of high amenity or biodiversity value. While the tall boundaries do perform a screening function, they do not make a significant contribution to the landscape or visual amenities of the area. I note that the existing hedgerows lies inside the western, northern and eastern boundaries of the site. I

note that there is a lack of clarity in the application drawings generally with regard to treatment of site boundaries and impact on trees on adjoining lands.

- 12.3.3. The existing western roadside boundary to Orchard Road comprises a high wall with tall hedgerow behind, located to the rear of a grassed strip. The wall is to be removed and the single-storey element of Block 1 will open onto the space. The remainder of the western boundary partly bounds open space in The Grove to the northwest. Existing planting along this boundary includes a double row of tall coniferous trees which is not fully reflected in the *Tree Management Plan* drawing. The treatment of the second, outer line of trees and its relationship with adjoining lands is not clear. Works in this area require ground levels to be raised by 1.2m+ and the landscaping proposals indicate that a beech hedge will be provided along the boundary inside a new 2m high wire mesh fence. Proposed west facing ground floor bedroom windows will face onto this boundary.
- 12.3.4. The existing northern boundary hedge is located inside the red line application boundary. Ground levels beyond this treeline slope down steeply to the north and the precise line of the site boundary on the ground is not clear. Most of the existing mature tall hedgerow is to be removed and a new 2m high fence and beech hedge inside is to be provided along the application boundary. The section drawings are not clear in this regard but such fence and hedge would be approx. 2m lower than the adjoining structures. The landscape drawings and sections are not consistent with the architectural drawings in this regard.
- 12.3.5. The existing eastern boundary comprises a wall with palisade fencing over. A line tall mature coniferous hedgerow, with sections of laurel planting, is off-set from the boundary. A line of immature prunus / laurel has been provided alongside the boundary wall which is to be retained along with one ash tree. On the Brookfield Village side of this boundary there are a number of mature specimen trees which oversail the boundary. The Tree Management Plan identifies a roof protection zone within the eastern area of open space which appears to relate to the existing ash tree. No details in respect of the adjoining mature trees have been provided in the arborist or landscape reports. The development plan notes that lands at Brookfield Village are subject to a tree preservation order, although such objective is not mapped within the plan. These existing trees adjoining the site contribute to the landscape and visual amenities of the area and should not be prejudiced by any

development on the site. I note, however, that the footprint of Block 3 does not extend as far as the line of existing conifers and given such separation, impacts on the adjoining trees would therefore appear to be unlikely. Nonetheless, in the event of a decision to grant permission on the site, detailed surveys to determine the line of any such root protection zone should be identified on-site and agreed in writing with the planning authority prior to the commencement of development on the site.

12.3.6. The southern site boundary is also planted with mature coniferous hedgerow, although this more closely follows the site boundary than elsewhere on the site. These trees are to be retained along with a group of birch trees in the southeastern corner. The existing garden house, approx. 12.5m long, is to be removed and replaced with a new bin store and plant room located approx. 1.5m from the boundary wall. This is not identified in section C-C through the site, however, the new structure requires a reduction in ground levels at this location. The impact of such works on the viability of the retention of the existing mature hedgerow along this 22.7m section of the boundary is unclear.

12.3.7. Observers refer to existing mature walnut trees on adjoining lands to the southeast which may be impacted by the proposed development. I note that no root protection zones for such trees has been identified in the application, although the main structures on the site do not encroach upon this area. The proposed condenser enclosure in the southeastern corner of the site could encroach upon such zone, however. The nature, function and form of this structure is not clear from the application documentation and this matter could be subject to condition in the event of a decision to grant permission.

#### **12.4. Student Housing Demand**

12.4.1. A number of the third-party submissions raise the issues in relation to the concentration of student accommodation in this area and the impact of associated anti-social behaviour on adjoining residential amenities. Questions are raised regarding the future for this accommodation model in the light of the covid-19 pandemic.

12.4.2. The application is accompanied by a report on Supply and Demand of Student Accommodation. This report notes the 2019 Q3 Progress Report on the National



Student Accommodation Strategy, published in September 2019 and makes the following points:

- The strategy identified bedspace supply in the city of 4,352 no. spaces by the end of 2019, resulting in a short fall or excess demand for 2,262 bed spaces.
- Delivery of an additional 1,203 bed spaces by the end of 2020 would increase supply to a total of 5,555 purpose-built bed spaces.
- On the basis of a projected demand of 6,664 spaces, this results in an excess demand of 1,109 purpose-built student bed spaces by the end of 2020.
- The national strategy update projects that demand for such accommodation will grow further to 7,391 by 2024.
- The report concludes that even if all extant permissions were to be constructed there would still be an estimated shortfall of 1,441 of purpose-built student bed spaces in 2024.

12.4.3. Observers have queried the accommodation sites listed in Table 1 of the applicants demand report, however, I note that the this report is intended in this regard as an update to the figures set out in the Q3 National strategy update, rather than a comprehensive list of bedspaces in the city.

12.4.4. The application site is well located in respect of third level institutions, particularly UCC, with good accessibility to CIT and other city centre third level institutions. Such proximity is identified as one of the criteria in Variation no. 5 to the City Development Plan. With regard to the wider housing market, I would suggest that providing such PBSA efficiently meets the needs of this segment of the market reducing demand on other housing sectors, which are currently taken up by lucrative student rentals. In the context of current planning guidelines and patterns of demand in the market, I do not consider that it can be determined that there will not be demand for such purpose-built student accommodation in the future. The proposed development in such location is therefore regarded as acceptable in principle.

12.4.5. Observer's submissions query the future demand for Purpose Built Student Accommodation (PBSA) in the light of the Covid pandemic and trends in educational delivery. There has clearly been disruption to traditional patterns of activity during

the past year, however, it is not yet clear what the long-term impact of such changes will be. I note that recent research on behalf of Daft.ie, “Student Accommodation Report” (14/09/2020) is reported as finding that student accommodation rents outside of Dublin are on average up slightly compared to a year ago. This is stated to reflect a longer-term mismatch between supply and demand rather than short-term disruption due to Covid-19, and that further significant increases in demand are anticipated over the coming decade. Nationally, the report notes a continued requirement for housing of all different types, notwithstanding the current Covid-19 issues. Having regard to the long-term trends in student numbers it would appear that there will continue to be demand for such accommodation in the future.

12.4.6. I note that An Bord Pleanála is not a public health authority and will therefore have regard to guidance from the relevant bodies. In this regard, I refer to the publication from the Department of Further and Higher Education, Research, Innovation and Science “Practical Guidance for Further and Higher Education for Returning to On-site Activity in 2020”, supplemented by “Implementation Guidelines for Public Health Measures in Higher Education Institutions (HEIs)” which includes guidance for managing the risk of virus transmission in student accommodation settings. It is understood that these guidelines were developed by public health experts from within the HEI sector and were endorsed by the Health Service Executive. These guidelines note the characteristics of such environments and identify measures to manage such risk. There is no evidence at this time that such development models cannot be provided or operated satisfactorily in the future. In the case of private commercial, student accommodation settings, the responsibility is on the provider to ensure that appropriate measures are put into place in this regard. I note also that purpose-built accommodation will replace the private rented model of student accommodation elsewhere in the city which would raise similar issues in relation to shared households.

## 12.5. **Adjoining Residential Amenity**

12.5.1. Observers raise concerns in relation to the visual impact on adjoining properties, noise and disturbance and impacts on the character of the area. It has been submitted that the development would have overbearing and overlooking impacts on adjoining residential properties. Impacts on adjoining amenities from lighting within

the scheme, and from the southern plant room and bin store are also raised. The impacts of pedestrian linkages to Brookfield Village are identified as a concern.

- 12.5.2. The application site is bounded to the south and north west by established residential properties. Land uses to the north and east comprise part of the Brookfield Village student accommodation development. The finished floor levels of houses to the south of the site are higher than the proposed ground floor levels on the site. In the case of Robinscourt to the southwest this difference is approx. 2.5m, while other properties backing onto the southern site boundary are between approx. 2.3 – 3.6m higher than the proposed finished ground floor levels. These three dwellings have generous rear gardens of approx. 15 - 20m to the main rear elevations, reducing to the east. The proposed accommodation blocks rise from three-storeys on their southern side to five storeys to the north. Upper floor south facing windows in Block 2 are 32m from the southern site boundary. No windows are proposed on the south facing gables of the blocks which, combined with the separation distances, satisfactorily addresses potential for direct overlooking of adjoining properties.
- 12.5.3. The ground floor level of Blocks 1 and 2 will be approx. 3.8m higher than the nearest dwelling in The Grove, approx. 25m to the north. It is also not clear what effect the development would have on intervening mature trees and vegetation on the northern site boundary. Direct overlooking of those properties is not regarded as a significant issue having regard to their orientation. It is considered, however, that the height and elevated position of the development combined with the extent of the northern elevation would result in overbearing impact on properties in The Grove. I note the recommended conditions of the planning authority regarding the height of development in this regard.
- 12.5.4. Separation from existing accommodation in Brookfield Village to the east is approx. 17m+, which combined with the intervening mature trees on those lands is considered satisfactory to address concerns regarding loss of privacy to those units.
- 12.5.5. The proposed bin store and plant room located on the southern boundary and within approx. 13m of the rear of the nearest adjoining dwelling, Robinscourt. The submitted waste management plan recommends that the bin storage area be designed with capacity for 11 x 1,100 ltr bins for standard and recycling waste and

one 360-ltr food waste bin, based on twice weekly collection. The ability to accommodate this requirement satisfactorily within the proposed southern bin store requires some clarity. While the proposed store is enclosed, its positioning close to the adjoining site boundaries will require careful management in order to avoid potential odour or other impacts on adjoining properties. External storage of bins should be prohibited and in this regard the importance of the appropriate sizing of the storage area is clear. I consider that a location at greater remove from adjoining residential properties would be appropriate in the management of such impacts. The Engineering Report accompanying the application states that the plant room will be subject to acoustic treatment to ensure that all plant not exceed 45dB(A) night-time limits at the site boundary. The nature and function of the condenser enclosure is not identified in the application or the Planning Stage Engineering Report accompanying the application.

12.5.6. With regard to potential light spill and impact on adjoining amenities and wildlife, I note the urban location of the site. An *External Lighting Report* is submitted with the application. While the lighting design provides for 24-hour lighting of the development site, the design documents indicate that spillage to adjoining lands is minimal and that impacts on adjoining residential amenity will not be significant in this context. With regard to impacts on wildlife and biodiversity, I note the existing character and urban setting of the site and the surrounding pattern of development. In this context, it is not considered that the public lighting aspect would have significant impacts on flora or fauna.

Reference is made in observations to potential impacts from roof-top plant, including glare from solar panels. With regard to glare, having regard to the elevation of the proposed panels and adjoining properties, it is not considered that such impacts are likely or significant in nature. The only other plant is a water storage tank whose operation should not give rise to any external impacts.

A significant number of the third-party submissions have raised concerns with regard noise and disturbance arising from the concentration of student accommodation and its impact on adjoining residential amenity. I note the national objective to provide managed purpose-built accommodation and reduce reliance on the private rental market for student accommodation. The managed nature of such accommodation offers the potential for greater levels of protection of surrounding amenities than a

concentration of unmanaged private rental accommodation, which it will displace. I note the provisions of the Management Plan submitted in this regard, which identifies the provision of reception services and a 24-hour on-site management presence. The plan also indicates that out-of-hours mobile security patrols will act as a deterrent to anti-social behaviour and noise nuisance. These proposals would appear to be reasonable and a finalised management plan should be agreed in writing with the planning authority in the event of a decision to grant permission in this case.

## 12.6. Daylighting and Sun lighting

12.6.1. Observers raise concerns regarding the impact of the proposed development on daylight and sunlight to adjoining properties, as well as the internal standards of accommodation for future residents of the scheme.

12.6.2. The assessment accompanying the application is stated to have regard to BRE guidance on Site Layout and Daylight and Sunlight. The assessment considers the following aspects of the development:

- Daylighting within the proposed development.
- Sun lighting of amenity spaces.
- Sun lighting of the proposed development
- Impacts on surrounding properties, daylight and sunlight.

12.6.3. Daylighting within the proposed development:

The assessment adopts an Average Daylight Factor (ADF) standard of 1.5% for kitchen living spaces rather than the higher 2% standard for kitchen spaces. It is not clear that the rationale adopted reflects the student accommodation nature of the proposed development. While reference is made to generous floor to ceiling heights, I note that these are 2.4m across the development, while ground floor units are provided with heights of 2.7m.

In respect of the analysed shared living spaces, I note that the values achieved range from 1.5% to 2.4%. Lighting to the shared spaces at the lower end of the range could be improved by the introduction of additional high level windows and in

this regard satisfactory levels of residential amenity could be achieved. I note that a number of the assessed bedroom units fall marginally below the 1% ADF guideline value, however, the majority of units across the scheme would achieve compliance. Having regard to the nature of the uses proposed on the site and the flexibility provided for in the BRE Guidelines, the results are not considered to be unacceptable.

Note: Assessed Bedroom H is stated to achieve an ADF of 6.2%. Having regard to the ground floor, north-facing aspect of this bedroom unit, facing a high hedgerow within 5m, I would query the results presented. This value is higher than the south facing Bedroom F.

#### 12.6.4. Sun lighting of amenity spaces

The assessment of sun lighting to amenity spaces indicates that the majority of the courtyard space will achieve more than 2 hours of sunlight on March 21<sup>st</sup>, which would be expected having regard to their southerly aspect. I note, however, that the perimeter space on the northern side of Block 2 will not achieve this minimum standard and I would therefore query the amenity value of this open space. The analysis presented does not address the entire extent of garden space to the east of Block 3.

#### 12.6.5. Sun lighting of the proposed development

In terms of sun lighting to windows of occupied rooms, the analysis indicates that 62.5% of windows achieve compliance with the BRE standard of 25% of probable annual sunlight hours, and 74% exceed 5% of winter sunlight hours. The principle reason for failure to achieve this standard is the north facing aspect of windows. I note that shared living, kitchen areas are generally dual aspect and would achieve adequate levels of sunlight to windows. It is also the case that given the elevated nature of the development and the pattern of development to the north of the site, the majority of north facing windows would appear to be more than adequately lit, even without direct sun lighting.

#### 12.6.6. Impacts on adjoining properties.

Having regard to the orientation of the site and the pattern of surrounding development, residential properties to the south should not be adversely impacted in

terms of daylight or sunlight. The analysis indicates that five properties surrounding the site fail to meet the 25-degree test, comprising Robinscourt to the southwest, three blocks in Brookfield Village and No. 1 the Grove.

Having regard to the orientation of windows in Robinscourt and the Brookfield Village block to the northeast of the site, no significant impacts are predicted. This conclusion is reasonable. The remaining properties are subject to the Vertical Sky Component (VSC) test.

Ground floor windows in the Brookfield Village block to the east of the site are found to see reductions in VSC to 60 - 66% of the existing values, with resulting values of 22.8 – 27.1. This is generally described as a moderate impact. I note that these windows are already affected by mature trees and hedgerow on the site boundary and the effects of the development are therefore regarded as significant adverse. The recently constructed Brookfield Village block to the north of the application site will have post-development VSC values of 23.2 – 26.3%, which is a reduction to 63 – 70% of current values. This is described as a moderate impact. This block lies at a significantly lower level than the proposed development, although sunlight analysis indicates that these units and the adjoining open space will still achieve satisfactory levels of sunlight. Having regard to the nature of the uses on the site, their southerly aspect and separation distances, arising, I do not regard the impact on daylighting to these units to be unacceptable in this instance.

The analysis indicates that VSC at No 1 The Grove, will exceed the 27% reference value and will be in excess of 80% of current values. No significant impact is therefore anticipated in terms of daylighting.

12.6.7. Observations query the accuracy of the shadow analysis undertaken based on shadow plots contained in Fig 17 of the Daylight Sunlight Report. I note, however, that the conclusions in relation to sunlighting are based on more detailed analysis of cumulative hours of sunlighting of adjoining spaces, set out in Fig 18 and 19. Based on the information available, the information provided would appear to be robust and adjoining spaces would appear to remain adequately lit.

12.6.8. Having regard to the surrounding pattern of development and orientation and layout of the proposed development, significant impacts on adjoining properties are not considered likely. Within the development, however, there will be a significant

reduction in the quality and amenity value of perimeter open space due to its orientation and lighting.

## **12.7. Transportation – Access and roads**

- 12.7.1. Observer's submissions raise concerns with regard to the capacity of Orchard Road to accommodate such development and deficiencies in sightlines at the entrance. Deficiencies in the level of on-site car parking provision are also raised and the failure to provide for other traffic movements arising from the development.
- 12.7.2. This large site is currently occupied by a single detached dwelling with access from Orchard Road via electronic gates. The existing entrance is located between two tight bends on Orchard road which restrict sightlines, particularly in a southerly direction. Development along Orchard Road is residential in nature, with houses having individual vehicular entrances from the road. On-street disc parking at the eastern end of the road and to the south of the subject site entrance reduces road widths in these locations. Road widths are otherwise approx. 5.5m along the road. There are currently three on-street parking spaces to the south of the existing entrance. The road is provided with footpaths on both sides, although these are narrow in parts. I visited the site prior to the commencement of university term and traffic volumes on the road were low, with little on-street parking. Traffic speeds on the road are low, which I would attribute to the alignment and width of the road. The application correctly identifies a design speed of 30-50kph for this urban location road. Section 4.4.5 of DMURS indicates that for a design speed of 30-50kph, sightlines of 23-45m are appropriate.
- 12.7.3. The proposed development of 216 no. student bedspaces is provided with four no. on-site car parking spaces and 120 no. bicycle parking spaces. The site entrance will remain in the same location as the current entrance, although this is to be amended and provided with gated access, set-back from the road edge.
- 12.7.4. In order to demonstrate adequate sightlines at this location the application identifies a number of reductions to standard requirements. A reduced set-back from the road edge is proposed from 2.4m to 2m. This reduction is justified on the basis of the lower traffic speeds and the low traffic volumes which the proposed development will generate. This reduction may be considered reasonable and in accordance with



section 4.4.5 of DMURS, however, I note that no analysis of traffic volumes on the road during peak times has been submitted in this regard. Based on this reduction, the application states that sightlines of 40m to the northwest and 30m to the south are available.

- 12.7.5. Achievement of this reduced sightlines to the south of the entrance is based on the removal of three existing on-street car parking space and measurement of sightlines to the centreline of the road, rather than the near edge. This is provided for in DMURS where there is a constraint on overtaking. In this regard I note that the applicants propose the provision of a solid line on the road and that Cork City Council have not raised an objection to the removal of these spaces.
- 12.7.6. Based on the *Site Entrance Sight Distance* drawing (dwg. No. 20957-MWP-00-ST-DR-C-C5002-P01) submitted with the application, however, it is not clear that even these reduced 30m sightlines can be achieved to the centreline. Notwithstanding the notes on this drawing, it appears to show the sightline traversing the boundary wall of Robinscourt to the south. I note also that the sightline measurement is taken from an off-set location at the site access. While a Stage 1/2 Road Safety Audit was submitted with the application, this does not consider these proposed sightlines and the submitted drawings do not satisfactorily address this issue.
- 12.7.7. It is worth noting that in the previous 3<sup>rd</sup> party appeal under ABP-302331-18, the same consulting engineers acting on behalf of the appellants stated that reliance on a constraint on overtaking in order to achieve adequate sightlines was not appropriate at this location and would give rise to an increased risk of collision.
- 12.7.8. I conclude therefore that even allowing for the relaxations in terms of X and y-distances, the proposed entrance sightlines remain at or below the minimum standards identified in DMURS. The existing single-house entrance is currently deficient and would not provide a sufficient justification for the proposed entrance arrangement notwithstanding the low levels of on-site parking proposed. The location and layout of the entrance appears to be determined by the layout of Block 1, with frontage to Orchard Road, which limits the entrance to the southwestern corner of the site. Subject to redesign, however, the extent of road frontage available would facilitate an improved entrance arrangement with satisfactory sightlines and it is not clear that the layout proposed should be accepted in this

instance. In the case of PA ref. 18/37749 / ABP ref. ABP-302331-18, I note that the entrance was located more centrally along the site frontage and achieved adequate sightlines.

- 12.7.9. While limiting the amount of on-site parking will significantly reduce residents vehicular movements to and from the site, it is the case that a development of 216 no. bedspaces will still generate traffic movements in terms of third party servicing, deliveries and collections etc. Third parties have also identified taxi movements, drop-off and collection as a particular concern in this regard. The development does not provide any set-down or waiting area off Orchard Road. The gated nature of the development is such that all such movements will occur on an ad hoc basis and any more than one vehicle attending the site will lead to obstruction of the adjoining roadway. Having regard to the overall reduced level of parking provision, there will be a reliance on such alternative transport options and these should be adequately facilitated within such a development. The redesign of Block 1 to accommodate a suitable entrance and provide for third party vehicle movements would be appropriate.
- 12.7.10. The Design Statement (page 52) describes how waste will be moved from the bin storage area to a main waste collection point located on Orchard Road, north of the site entrance. Such arrangements are not referenced elsewhere in application documentation and the status of such proposals is not clear. In the absence of an appropriately designed set-down area, such arrangements would not be appropriate.
- 12.7.11. With regard to the movement of residents at the start and end-of-term, I feel that these less frequent, planned movements could be managed through the use of the on-site spaces and a booking system, via the site office.
- 12.7.12. The limited on-site car parking is predicated on residents using alternative modes to access third level institutions. In this regard I note the proximity of the site to UCC campus and connectivity to CIT and other third level colleges. There are no existing cycle facilities on Orchard Road. Having regard to its width and function, however, I consider that this route would be more appropriately treated as a shared streets where cyclists and vehicles share the carriageway, rather than requiring a dedicated cycleway.

- 12.7.13. As noted in observations, existing footpath widths are narrow on Orchard road and there are no identified proposals for improvements in this regard. There are particular pinch-points along the footpath where adjoining hedgerows have encroached upon the public footpath, notably on the bend to the south of the site entrance. Footpaths along the remainder of the road, approx. 300m, are otherwise regarded as satisfactory, albeit below the standard for new development set out in DMURS. There is scope for widening of footpaths along this road which would be within the power of the local authority, in accordance with its role as a local street.
- 12.7.14. The scheme provides 120 no. bicycle parking spaces. These are provided as external spaces within the courtyard areas and appear to comprise Sheffield-type stands. This parking option provides no protection from the weather and does not provide high levels of security. The Apartment Design Guidelines note the importance of accessibility and security of bicycle storage and indicates that such storage should be provided in a dedicated facility of permanent construction. This is not the case in this scheme. The level of provision is in line with the City Development Plan requirements of 0.5 spaces per bedroom, however, this would appear to be unduly low given the reliance of the development on alternative transport modes and it is not clear how additional demand could be appropriately accommodated on the site where it was to arise. I note the standard of one space per bedroom identified in the Apartment Design Guidelines. Any increase in bicycle parking provision would further erode the amenity value of the courtyard spaces.

## 12.8. Drainage and Services

- 12.8.1. The site is in residential use and is located within the built-up urban area. Mains water and drainage services pass the site, running west along Orchard Road toward Wilton Road / Victoria Cross Road. The site is not located in an area at risk of flooding.
- 12.8.2. I note Irish water requirements regarding the provision of a new connection to an existing watermain on College Road approx. 320m to the southeast, subject to which the development can be adequately serviced. Wastewater will connect to an existing combined sewer on Orchard Road and reports from Irish Water indicate that there is sufficient capacity to accommodate the proposed development. Surface water from

the development is to be separated out from foul drainage and will not connect to the existing combined sewer on Orchard Road. Instead this is to connect to an existing surface water sewer running north across Orchard Road approx. 65m northwest of the site, which discharges to the Curragheen River. SUDS measures are to be implemented on site, including the provision of underground storage and controlled release of waters from the site. In the event of a decision to grant permission in this case, the final design of such attenuation measures should be agreed in writing with the planning authority.

- 12.8.3. While observers refer to historic issues with drainage in the area, no detail is provided in this regard and I note the reports of the planning authority and Irish Water in relation to such services. Water and drainage works will result in some disruption to other road users and residents however, this impact would be temporary, short-term and is not regarded as a significant adverse impacts.

## 13.0 Conclusion and Recommendation

The proposed use is regarded as acceptable in principle on the subject lands having regard to the zoning objectives for the site, to the provisions of the development plan in relation to purpose-built student accommodation, and the location of the site relative to third level institutions. The overall scale and intensity of development proposed for the site, however, are considered to give rise to issues particularly in its relationship with adjoining lands. The extent and quality of recreational open space for future residents of the development falls below development plan standards and the design of the site entrance and access arrangements are regarded as unsatisfactory. I note also that the application documentation is unclear with regard to existing and proposed ground levels and the relationship with adjoining lands. Having regard to the height of the proposed development, overbearing impacts are considered to arise in respect of residential properties to the northwest located at a lower level than the application site.

Having regard to the foregoing, I recommend that section 9(4)(d) of the Act of 2016 be applied and that permission be refused for the proposed development for the reasons and considerations set out below.

## 14.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 30th Day of June 2020 by Denis O'Brien Developments (Cork) Ltd, IRE Real Estate Partners Fund II care of McCutcheon Halley Planning, 6 Joyce House, Barrack Square, Ballincollig, Co. Cork.

### Proposed Development

- 1.) The demolition of an existing dwelling and ancillary structures on site;
- 2.) The construction of a one to five storey student accommodation development including 30 no. student apartments in 3 no. blocks with a total of 216 no. bed spaces comprising 1 no. 4 bed apartment, 10 no. 6 bed apartments and 19 no. 8 bed apartments, and ancillary student support facilities including study/meeting room, lounge, cinema, a reception area, management offices and storage;
- 3.) The provision of 120 no. bicycle parking spaces, 4 no. car parking spaces, plant/tank room, condenser enclosure, and recycling/refuse storage; and
- 4.) All ancillary works including landscaped areas, vehicular and pedestrian access, footpath upgrades at Orchard Road, site infrastructure, provision of PV panels at roof level, and site development works,  
at San Paula, Orchard Road, Cork.

## **Decision**

Refuse permission for the above proposed development based on the reasons and considerations set out below

## **Reasons and Considerations**

1. The development fails to provide satisfactory levels of communal amenity space for future residents in accordance with Variation no. 5 of the Cork City Development Plan 2015-2021, having regard to the area and quality of the space in terms of its layout and orientation and fails to make adequate provision for secure and convenient bicycle parking, which does not erode the value of open space within the development. The proposed development would therefore fail to provide satisfactory standards of residential amenity for future occupants of the scheme and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the existing alignment of Orchard Road, the restricted sightlines available at the proposed site entrance and the absence of any set-down area serving this development of 216 no. student bedspaces, it is considered that the proposed development would give rise to congestion and obstruction of other road users and would endanger public safety by reason of a traffic hazard.
3. Having regard to the elevated position and height of the proposed development relative to adjoining houses in The Grove, it is considered that the proposed development would have an overbearing impact on those properties and would be detrimental to the residential and visual amenities of the area.

---

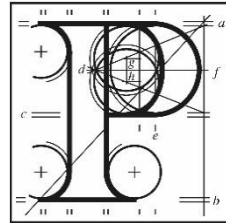
Conor McGrath

Senior Planning Inspector

29th day of September 2020

---

**Appendix A: EIA Screening**



**An  
Bord  
Pleanála**

**EIA - Screening Determination for Strategic Housing Development Applications**

**A. CASE DETAILS**

<b>An Bord Pleanála Case Reference</b>		ABP-307441-20
<b>Development Summary</b>		Demolition of structures on site, construction of 216 no. bedspace student accommodation. San Paula, Orchard Road, Cork. (www.orchardroadshd.ie)
	<b>Yes / No / N/A</b>	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Cork City Development Plan 2015-2021 and SEA screening was undertaken in respect of Variation no. 5 thereof (Student Accommodation).

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			



<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the demolition of an existing dwelling and construction of three blocks of student accommodation. There is variety in the nature and scale of development in the surrounding area and the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.</p>	<p>No</p>
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>

<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in an intensification of use and an increased in the student population at this location. The development will not increase overall student numbers in the city and will meet an identified accommodation demand.</p>	<p>No</p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Stand alone development, with minor developments in the immediately surrounding area.</p>	<p>No</p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<p>No</p>	<p>No conservation sites located in the vicinity of the site. The nearest Natura 2000 sites are Cork Harbour SPA approximately 5.5 km downstream-and Great Island SAC, approx. 12km downstream. Cork Lough pNHA is located approximately 1 km to the south-east, while the Lee Valley pNHA is located approximately 2 km west of the site. The proposed development will not result in significant impacts to any of these sites.</p>	<p>No</p>

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no features in the vicinity of the site likely to be affected by the proposed development. The development does not impact on protected views.</p>	<p>No</p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>		<p>No</p>

<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>Bedrock in the area is limestone. No evidence of landslide or erosion. Subsidence referenced in third party submission. Construction methodologies can adequately mitigate any risks arising in this regard.</p>	<p>No</p>
<p><b>2.7</b> Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>Bon Secours hospital located at a remove from the site. Significant operational impacts are not anticipated. Construction management should ensure that no emissions or traffic impacts arise.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
<b>3.3</b> Are there any other relevant considerations?	No		No

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	✓	<b>EIAR Not Required</b>	
<b>Real likelihood of significant effects on the environment.</b>		Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect and provide for residential uses, local services, institutional uses and civic uses in the Cork City Development Plan 2015, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Demolition and Construction Environmental Management Plan and the Operational Waste Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: \_\_\_\_\_ **Conor McGrath**

Date: \_\_\_\_\_ **29/09/2020**