



An  
Bord  
Pleanála

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

### Inspector's Report

**ABP-307605-20**

---

#### **Strategic Housing Development**

279 no. student bedspace  
accommodation and associated site  
works.

#### **Location**

92-96 North Main Street, Cork.  
([www.nmsstudent.ie](http://www.nmsstudent.ie))

#### **Planning Authority**

Cork City Council

#### **Applicant**

Bmor Developments Limited.

#### **Prescribed Bodies**

Irish Water.

#### **Observer(s)**

1. Carmel Corbett.
2. George Patterson and others.
3. Leo Linehan.

4. Linehan Construction.
5. Patrick Leader.

**Date of Site Inspection**

30<sup>th</sup> September 2020.

**Inspector**

Karen Kenny

# Contents

|  |    |
|--|----|
| 1.0 Introduction.....                                      | 5  |
| 2.0 Site Location and Description .....                    | 5  |
| 3.0 Proposed Strategic Housing Development .....           | 5  |
| 4.0 Planning History.....                                  | 7  |
| 5.0 Section 5 Pre-Application Consultation.....            | 7  |
| 5.2. Notification of Opinion .....                         | 8  |
| 5.3. Applicants Response .....                             | 9  |
| 6.0 Relevant Planning Policy .....                         | 10 |
| 6.1. National Policy .....                                 | 10 |
| 6.2. The National Student Accommodation Strategy 2017..... | 11 |
| 6.3. Section 28 Ministerial Guidelines .....               | 12 |
| 6.4. Cork City Development Plan 2015-2021 .....            | 12 |
| 7.0 Applicant’s Statement of Consistency.....              | 15 |
| 8.0 Planning Authority Submission .....                    | 17 |
| 9.0 Third Party Submissions.....                           | 20 |
| 10.0 Prescribed Bodies.....                                | 21 |
| 11.0 Assessment.....                                       | 21 |
| 11.2. Compliance with Policy .....                         | 22 |
| 11.3. Architectural and Archaeological Heritage .....      | 23 |
| 11.4. Height, Scale and Visual Impact.....                 | 26 |
| 11.5. Impact on Residential Amenity.....                   | 29 |
| 11.6. Quality of Development.....                          | 33 |
| 11.7. Water Services and Flood Risk.....                   | 33 |

|       |  |    |
|-------|--|----|
| 11.8. | Transportation.....                                | 37 |
| 11.9. | Other Matters.....                                 | 38 |
| 12.0  | Screening for Environmental Impact Assessment..... | 38 |
| 13.0  | Appropriate Assessment.....                        | 39 |
| 14.0  | Recommendation.....                                | 46 |
| 15.0  | Reasons and Considerations.....                    | 46 |
| 16.0  | Recommended Order.....                             | 47 |
| 17.0  | Conditions.....                                    | 51 |

## 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 site is located at 92 to 96 North Main Street in Cork. It is on the western side of North Main Street, east of Grattan Street and south of Adelaide Street.
- 2.2. North Main Street is part of the City Centre Retail area. It is a historic street that is characterised by terraced buildings of three to four storeys in height for the most part. The area is part of Corks medieval core and the present street and lane layout reflects the early medieval plots. The buildings along the street date from the 18<sup>th</sup> and 19<sup>th</sup> century. Land uses are mainly commercial at ground level with residential / storage uses apparent at upper floors.
- 2.3. The site, with a stated area of 0.243 hectares, comprises the plots of no. 92, 93, 94, 95 and 96 North Main Street. It is rectangular in shape with frontage of c. 30 metres onto North Main Street and a depth of c. 77 metres. There are two buildings remaining on the site at plots no. 92 and no. 95, while the remaining buildings on plots 93, 94 and 95 have been removed. The site comprises open ground to the rear. The northern boundary extends along the rear of No. 97 North Main Street and along the rear boundary of buildings that front onto Adelaide Street. The southern boundary faces onto the rear yards of buildings fronting North Main Street and onto a sheltered housing development that fronts onto Coleman's Lane. To the west the site fronts onto a surface level car park operated by Cork City Council and an apartment development, both accessed from Grattan Street to the west.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises 49 no. student apartments (279 no. student bedspaces), 2 no. retail units, 1 no. coffee shop / restaurant unit and ancillary uses on a site of 0.243 hectares. The proposed development involves the demolition of

the existing structures on the site and the construction of a single block of 4-7 no. storeys in height.

3.2. Key Details:

|                          |  |
|--------------------------|--|
| No. Apartments           | 49   |
| No. Bedrooms / Bedspaces | 279  |
| Commercial               | Retail 1 (85.1 sq.m); Retail 2 (67.7 sq.m); Café / Restaurant (47.4 sq.m)                                      |
| Internal Amenity         | 428.9 sq.m (inc. gym, laundry, study / meeting room, lounge, cinema, management office, post room, reception). |
| External Amenity         | 1001.6 sq.m  |
| Car Parking              | 0  |
| Cycle Parking            | 142  |
| Height                   | 4-7 storeys  |
| GFA                      | 8,395 sq.m   |

3.3. Unit Types:

| Unit Type    | No. Apartments | No. Bed Spaces |
|--------------|----------------|----------------|
| 1 bed studio | 11             | 11             |
| 3-bed        | 1              | 3              |
| 4-bed        | 2              | 8              |
| 5-bed        | 3              | 15             |
| 6-bed        | 6              | 36             |
| 7-bed        | 2              | 14             |
| 8-bed        | 24             | 192            |
| Total        | 49             | 279            |

- 3.4. Access to the student accommodation is to be provided via Coleman's Lane a historic pedestrian land that is to be reinstated along the southern boundary of the site. The commercial units will be accessed from North Main Street.
- 3.5. The application is accompanied by a Natura Impact Statement.

## 4.0 **Planning History**

### 4.1. **SHD site:**

PA Ref. TP 09/34130 / ABP Ref. PL.28.235649: Permission refused for 57 no. apartments on a site that included plots no. 93 to 97 North Main Street. The proposed development included the demolition of no. 97 a protected structure and no. 95. The reasons for refusal related to architectural heritage and the scale, design and massing of the proposed development.

PA Ref. 10/34503: Permission refused for a temporary car park on the site.

PA Ref. 04/28020: Permission refused to reconstruct and extend No. 96 North Main Street (4 storeys consisting of 7 apartments and a shop).

### 4.2. **Adjacent sites:**

PA Ref. 16/36779 / ABP 247455: Permission granted for substantial alteration and extension to an existing residential care building to the south of the site, including a new 4-storey extension that fronts onto Coleman's Lane.

PA Ref. 19/38572: Permission granted for 4-storey apartment building within the curtilage of no. 97 North Main Street (Protected Structure).

## 5.0 **Section 5 Pre-Application Consultation**

- 5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on the 7<sup>th</sup> February 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

- Development Strategy.

- Coleman's Lane.
- Impact on adjoining properties.
- Architectural and Archaeological Impact.
- Visual Impact.
- Mobility Management Plan.
- Flooding.
- AOB.

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting Ref. ABP-306210-19 is also available on the file.

## 5.2. Notification of Opinion

The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The issues raised in the opinion can be summarised as follows:

- Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of design, height, massing and siting of blocks; materials and treatment of elevations; interface with adjoining streets and lanes; connectivity; and interface with public realm and amenity spaces.
- Further consideration and/or justification of the documents as they relate to the development strategy in respect of Coleman's Lane, including the proposed route alignment, access through the adjoining car park, right of way and access and management arrangements.
- Further consideration and/or justification of the documents as they relate to the impact on residential amenity and the interface with adjoining properties.
- Further consideration and/or justification of the documents as they relate to the impact on protected views and prospects and the impact at street level.
- The following further details were also sought: Report on Residential Amenity, Student Accommodation Demand and Concentration Report, Public Realm Design Report, Detailed Quality Audit, Mobility Management Plan, Draft



### 5.3. Applicants Response

- The scheme has been amended. There has been a reduction in height in the western / central sections from 8 to 7 storeys and in the northern section to Adelaide Street from 7 to 6 storeys; greater modulation to the roofscape and changes in material. A single block now proposed (in place of two blocks at pre-application stage) to allow for alterations to heights without significant reduction in bedspaces.
- The proposal uses a simple palette of materials including zinc at roof level to reflect local slate roofs, and fenestration is simple and regular following the local pattern. Interface with adjoining streets and lanes aims to integrate with existing urban environment. CGI's and photomontages developed further from pre-consultation stage to illustrate the design approach.
- Further clarity provided in relation to redevelopment of Coleman's Lane. Following consultation with Cork City Council and adjacent landowner the extent of Coleman's lane within the site is to be redeveloped as part of the proposed scheme. Section via the Grattan Street public car park to be delivered as compliance with adjacent permitted Edel House development (ABP PL28.247455 – PA Ref. 16/36779). This will provide strong connectivity between Grattan Street and North Main Street. Applicant agreeable to a condition that requires details of the laneway to be agreed with the PA and the cost of works to be borne by the developer. Lane will remain accessible and provide for a public right of way during daytime hours. The route within the SHD site will be gated outside of daytime hours, as is common practice elsewhere in the city.
- In relation to residential amenity, all rooms have Average Daylight Factors above BRE targets; 45% of amenity spaces receive at least 2 hours sunlight on 21<sup>st</sup> March.
- There is a finding of minor adverse impacts on adjacent properties. Adequate daylight is expected to be maintained for all existing windows. Shadow

impacts are similar to what might be expected for an infill project in a compact high-density urban area. Reference to precedent cases in relation to inner urban sites where flexibility was adopted by the Board.

- Graphical outline of residential properties surrounding the development in the Architectural Response. It is argued that all existing properties will be protected with adequate separation distances and that the design and footprint of the scheme has sought to minimise any potential for overbearing impacts. The greatest impacts arise in the case of Edel House (ABP Ref. PL28.247455) a residential care building that offers temporary residential accommodation. The northern elevation of Edel House is designed with angled windows that face west. The southern elevation of the proposed development facing Edel House is largely without windows. The OMP document (p50-53) includes cross sections detailing the various interfaces and separation distances.
- The application includes an LVIA and photomontages that address impacts on protected views and localised impacts at street level. The LVIA concludes that the greatest visibility and potential impacts occur from North Main Street and Grattan Street, but that these impacts are moderate to significant positive in nature. On longer range views from higher ground the development is visible in a wider context of mixed urban architecture.
- In relation to specific additional information the application includes a Report on Residential Amenity and Daylight Sunlight and Overshadowing Analysis; a Student Accommodation Demand and Concentration Report; Public Realm Report; Quality Audits and Mobility Management Plan; and Student Accommodation Management Plan.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy**

Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs. Objective 13 is that, in urban areas, planning and related standards including in particular building height

and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height. The NPF recognises that, “Cork is emerging as an international centre of scale and is well placed to complement Dublin but requires significantly accelerated and urban focused growth to more fully achieve this role”. Objective 8 of the framework sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context. At Section 6.6, dealing with housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

## **6.2. The National Student Accommodation Strategy 2017**

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 3,788 spaces were available in Cork 2017 and projects that 6,463 would be required there in 2019 and 7,391 in 2024. A progress report issued in Q2 2019 reported that in Cork a total of 413 bedspaces had been completed by the beginning of 2019, 578 bed spaces were under construction and a further 2,039 bed spaces had permission.

### 6.3. Section 28 Ministerial Guidelines

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

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

The following national documents are also considered relevant:

‘Report on Student Accommodation: Demand and Supply’ published by the Higher Education Authority in 2015.

Dept. of Education and Science ‘Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999’ (1999).

Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students Section 50 Finance Act 1999.’ (July 2005).

### 6.4. Cork City Development Plan 2015-2021

The site is zoned ZO 1 City Centre Retail Area for the most part with an objective “to provide for the protection, upgrading and expansion of retailing, in particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre tail area”. The plan states that the City Centre Retail area boundary is drawn to reflect the existing and growing core area of retail activity in the city centre and that the City Council is committed to the reinforcement of the City Centres role in the retail hierarchy by supporting existing retailing and facilitating the development of new floorspace to meet projected future demand. Retailing is a priority land-use and

other uses such as residential, hotel, office and cultural and leisure uses that complement the retail function and promote vibrancy also permitted.

A small section of the site along the southern boundary that relates to Coleman's Lane is zoned ZO3 "Inner City Residential Neighbourhood".

The site lies within the Zone of Archaeological Potential for Cork City and in the medieval historic core, both of which are Recorded Monuments (C0074-122 and C0074-034001 respectively). The site is also located within the North Main Street Architectural Conservation Area. No. 95 North Main Street is listed on the NIAH and the adjoining building no. 97 is listed on the Record of Protected Structures. There are a number of other protected structures along North Main Street. Chapter 9 sets out objectives in relation to built heritage and archaeology including objectives relating to the preservation of archaeological remains in-situ (9.7), relating to development within the historic core (9.8), the protection of Cork's medieval street pattern and medieval plots (9.10 and 9.11), and in relation to demolition and development in ACA's (9.30 and 9.32).

The site is affected by protected views and prospects mapped in Volume 2 and described in Volume 3 of the Plan. Objective 10.6 of the Development Plan seeks "to protect and enhance views and prospects of special amenity value or special interest and contribute to the character of the City's landscape from inappropriate development, in particular these listed in the Development Plan".

Chapter 13 relates to the city centre and includes objectives to encourage residential development in the city centre, to address vacancy and dereliction and to upgrade and provide for strategic pedestrian linkages. The plan includes objectives relating to a Strategic Pedestrian link along North Main Street and public realm improvements.

**Variation 5.** To the Cork City Development Plan 2015-2021 inserted objective 6.5 into the plan as follows:

"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."

It also inserted **Section 16.68** into the Development Plan as follows:

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

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

Chapter 16 addresses Building Height: Section 16.29 states that the building height of any new development within the City Centre should generally respect the area's existing character and context and should be in accordance with the prevailing hierarchy / character of buildings, save in exceptional circumstances where an increase in building height can be justified on sound urban design and architectural grounds.

## 7.0 Applicant's Statement of Consistency

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

### National Guidance

- Consistent with the National Student Accommodation Strategy. Development will provide purpose built student accommodation in Cork. Update in Q3 2019 shows that there is still a shortfall in student bedspaces in Cork.
- Consistent with Rebuilding Ireland Action Plan for Housing and Homelessness – actions in relation to student accommodation.
- Consistent with NPF including policy relating to the provision of student accommodation, focusing housing into key urban centres, targets for brownfield redevelopment and regeneration in inner city areas, increased building height and density and quality design and performance based standards.
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments, 2018. Site is in a central / accessible urban location and meets criteria for higher density development.
- Consistent with Urban Development and Building Height Guidelines for Planning Authorities 2018. Guidelines promote heights of at least 6 storeys in city and town centres. In response to historic environs the application includes extensive analysis of existing character and sensitivities and this has informed a sympathetic architectural and public realm design. Proposed

development meets the development management criteria in Chapter 3 – assessment provided under each of the criteria.

- Consistent with Architectural Heritage Protection Guidelines 2011 provisions in relation to retention of archaeological deposits in situ and proposals for new buildings in an ACA.
- Consistent with RSES and the Cork MASP. Including consistency with policies in relation to population growth, compact growth, city centre development and adherence to environmental criteria (SFRA and NIS).
- Consistent with the Cork Metropolitan Area Transport Strategy including provisions in relation to the promotion of walking, cycling and public transport and improving permeability within the urban area.

#### Cork City Development Plan

- Consistent with the ZO1: City Centre Retail Area zoning objective. Proposal includes retail units and will strengthen retail viability in the area.
- Consistent with objectives to address vacancy and dereliction. (Objective 4.16 and Objective 13.12).
- Consistent with objectives in Chapter 9 in relation to the protection of architectural heritage and archaeology – including objectives in relation to the protection of archaeological heritage (Objective 9.4) protection of the historic medieval core (Objective 9.8), protection of the medieval street pattern (Objective 9.10), survey of medieval remains (Objective 9.12), preservation and enhancement of ACA's (Objective 9.29), demolition in ACAs (Objective 9.30) and development in ACA's (Objective 9.32).
- Consistent with policy in relation to the improvement of the City Centres public realm (Objective 11.18).
- Consistent with objectives and standards for Student Accommodation – Objective 6.5 and section 16.68.
- Consistent with policy in Chapter 16 in relation to infill housing in Section 16.59.



## 8.0 Planning Authority Submission

8.1. Cork City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 on 8<sup>th</sup> September 2020. It summarises observer comments as per section 8(5)(a)(i) and the views and opinions of the relevant elected members of Cork City Council, as expressed at a meeting on 5<sup>th</sup> August 2020. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

### 8.1.1. PA Comment on Principle of Development

- Principle of development acceptable.

### 8.1.2. PA Comment on Criteria for Student Accommodation (CDP Section 16.68)

- The site meets the criteria for student accommodation in terms of accessibility to third level institutions.
- The National Student Accommodation Strategy Q3 2019 update shows an outstanding demand for student accommodation in Cork.
- Management Plan has been submitted. This should be reinforced by way of condition.

### 8.1.3. PA Comment on Density

- Density of 200 units per hectare. Standard unit per hectare calculation does not readily apply to student apartment developments.
- The development plan (S16.42) states that densities in the city centre area will normally exceed 75 no. units per hectare. Section also states that density is likely to be controlled by plot ratios and other planning and design considerations.

### 8.1.4. PA Comment on Scale, Height and Visual Impact

- Proposal is higher than existing structures. Design of the scheme successfully breaks down the building into slender elements which will have a positive visual impact for users of the scheme and on the city skyline.
- The overall design approach and height is visually acceptable, particularly given its significant set back from Grattan Street.

- The Report from the City Architect and Conservation Officer express satisfaction with the proposal with particular reference to the vertical emphasis of the scheme, the selection and use of materials, window proportions. The City Architect considers the form and massing to be reasonable and in line with government policy regarding height and density.

#### 8.1.5. PA Comment on Urban Design and Heritage

- Site includes three historic routes – Coleman’s Lane, Angles Lane and Browne’s Lane. Proposal to retain Coleman’s Lane welcomed. CE Report notes that the location of Browne’s Lane is marked by a tall recess door into a retail unit. Considered that this should be marked more significantly, and the route of the laneway should be incorporated into the design.
- The Reports of the Conservation Officer note the historic character of the street and area. The Reports state that the proposed scheme has addressed architectural conservation concerns satisfactorily.
- The Report of the City Archaeologist indicates no objection to the proposal to retain archaeological material in situ or to the use of piled foundations. Recommendation that pre-development testing is undertaken to determine the location of archaeology and that the piling layout is agreed with the PA based on the findings.

#### 8.1.6. PA Comment on Residential Amenity

- Daylight, sunlight and overshadowing study envisages minor impacts for daylight.
- Additional shadowing is consistent with an infill scheme within an inner urban area.
- Prominence of windows noted – better than blank gables. Consideration could be given to redesigning the windows on northern elevation where proximate to properties on Adelaide Street in order to reduce the extent of overlooking to the rear of these properties.

#### 8.1.7. PA Comment on Amenity for Future Occupants

- Proposal adheres to minimum standards in Table 16.5a of the CDP for student accommodation.
- High quality of landscaping proposed. This could be reinforced by condition.

#### 8.1.8. PA Comment on Drainage / Flooding

- Further information needed in relation to drainage – including stormwater calculations (no appendices attached to report), confirmation of wayleaves, and details for oil interceptor. Issues raised in the report of the Drainage Section can be addressed by condition.
- Concerns in relation to flood mitigation measures. FFL should be set above the maximum 0.1% AEP (1 in 1000 year) flood level for the current scenario, plus freeboard of 300mm, plus climate change allowance (i.e. 3.84m OD). The proposed finished levels do not include the climate change allowance. Recommend that applicant investigate increasing the FFLS for highly vulnerable uses (residential) to take account of predicated climate change flood level.

#### 8.1.9. PA Comment on Traffic and Transportation Issues

- No objection in relation to proposed car free development. This will support a shift towards sustainable travel options.
- Outstanding matters from Road Safety Audit need to be addressed e.g. conflict between traffic and pedestrians.
- Recommend that cycle parking is provided in accordance with the standards set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018.
- Recommend that a bicycle ramp is provided on internal stairs.
- Details of lighting for external areas required.
- Details of route of Coleman's Lane (realignment of surface car park) to be provided.
- Details needed in relation to access and traffic management during the construction stage.

#### 8.1.10. PA Comment on Other Matters

- The application does not address the issue of future adaption. Could consider retrofitting balconettes on the southern and western elevations if the student accommodation use was to cease.

#### 8.1.11. PA Recommendation

- The proposed development would be consistent with the relevant objectives of the Cork City Development Plan as well as the objective set out in the National Student Accommodation Strategy, Rebuilding Ireland, the National Planning Framework and it is recommended that planning permission be granted.

#### 8.1.12. Comments of the Elected Members – summarised.

Derelict site so any proposal broadly welcome. Preference for residential rather than student accommodation. Question whether retail is viable given number of vacant units in the area. Saturation of student accommodation in process. Reservations about zig-zag lane due to concerns about antisocial behaviour.

### 9.0 **Third Party Submissions**

9.1. A total of 5 no. third party submissions have been received from local residents, trader / business groups and an adjoining landowner. The main points made in submissions can be summarised as follows:

- Student accommodation will not address dereliction and anti-social issues on North Main Street. A mixed-use development serving families and young professionals would be more fitting.
- Development would be over-bearing in contrast to existing buildings.
- Overshadowing of existing properties and an unattractive ambiance around neighbouring streets and lanes such as Adelaide and Grattan Street.
- Architectural design to North Main Street and Grattan Street.
- Development within the historic core of Cork City should not exceed 5 storeys in height.

- Concerns in relation to the impact of construction works on old buildings including St. Peters Church.
- Overdevelopment.
- Visual Impact.
- Impact on safety, integrity and use, enjoyment and residential amenities of the adjoining property to the north and failure to take account of approved development on the adjoining lands.
- Previous reasons for refusal of permission for redevelopment of the site under PA Ref. TP09/34130 not addressed.
- Site ownership.
- The level of amenity provided for future occupants.
- Failure to consider the impact of Covid 19 on third level education.

## 10.0 Prescribed Bodies

### Irish Water

IW has issued a design statement of acceptance. A standard condition is recommended in relation to connection agreement.

## 11.0 Assessment

11.1. Having considered all of the documentation on file, the PA's Chief Executive Report, the submission from a prescribed body and third party submissions, I consider that the planning issues arising from the proposed development can be addressed under the following headings:

- Compliance with Policy
- Architectural and Archaeological Heritage
- Height, Scale and Visual Impact
- Impact on Residential Amenity
- Quality of Development

- Water Services and Flood Risk
- Transportation
- Other Matters

11.1.1. These matters are considered under separate headings below. Furthermore, Environmental Impact Assessment and Appropriate Assessment are addressed in Sections 12.0 and 13.0 below.

## 11.2. **Compliance with Policy**

11.2.1. The Cork City Development Plan 2015-2021 is the relevant statutory plan for the area. The site is subject to two zoning objectives. Most of the site is zoned ZO 1 “City Centre Retail Area” with an objective “to provide for the protection, upgrading and expansion of retaining, in particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre retail area”. Retailing is prioritized in this area but not to the exclusion of other complimentary land uses (Section 15.7 refers). A small section of the site along the southern boundary relating to a historic public laneway is zoned ZO3 “Inner City Residential Neighbourhood”. The proposed development includes retail uses and a coffee shop at ground floor fronting onto North Main Street with student accommodation to the rear and at upper levels. It is proposed to reinstate the public laneway on the inner city residential zoned lands. I am satisfied that the proposed development is compatible with the zoning objectives pertaining to the site.

11.2.2. The National Planning Framework 2018 and the National Student Accommodation Strategy 2017 promote the provision of purpose-built student accommodation at suitable locations in urban areas. The National Student Accommodation Strategy (2017) identifies a need for 6,463 no. additional student bedspaces in Cork by 2024. The applicants Demand and Concentration Report highlights that if all extant permissions in Cork were to be constructed by 2024, in addition to schemes under construction, there would still be an outstanding demand for 573 no. bedspaces in Cork. There is, therefore, an established need for student accommodation in the area.

11.2.3. It is an objective of the Cork City Development Plan (as varied)<sup>1</sup> to support the provision of high quality and managed, purpose built student accommodation, on campus, in areas in close proximity to third level institutions and in locations within easy access of public transport corridors and cycle routes serving third level institutions (Objective 6.5). Section 16.68 of the plan sets out criteria to be considered when assessing proposals for student accommodation. In addition to location and accessibility criteria, there is a requirement to address the impact on residential amenity; adequacy of amenity areas and open spaces provided; the level and quality of onsite facilities; and the architectural quality of the development. The applicant has addressed the development plan criteria in the submitted documentation. The site is a c. 5-minute walk from the closest UCC campus and a c. 22-minute walk from the centre of the main campus. It is also within walking distance of other third level colleges in the city centre. The site is close to a range of amenities and facilities and to public transport links. Several third-party submissions raise concerns in relation to the scale of the proposed development and the impact on the social and economic character of the area. I would note that the applicants Demand and Concentration Report indicates that there is no other purpose built student accommodation developments in the immediate vicinity of the site. In addition, data from Census 2016 indicates that there is a low proportion of students residing in this area. The proposed development includes internal amenity areas and a range of on-site facilities.

11.2.4. Given the city centre location and proximity to a number of third level institutions, I consider that the site is well placed to accommodate a student accommodation development of the scale proposed. Matters relating to the management of the scheme, compliance with minimum space standards, architectural quality and impact on amenity are addressed in the proceeding sections of this assessment.

### 11.3. **Architectural and Archaeological Heritage**

11.3.1. I refer the Board to the Architectural Heritage Impact Statement and an Archaeological Assessment submitted with the application.

---

<sup>1</sup> Variation No. 5 to the Cork City Development Plan 2015-2021 related to Student Accommodation.

- 11.3.2. The site is within the zone of archaeological potential for Cork City and is in the medieval historic core both of which are Recorded Monuments (RMP C0074-122 and C074-034001). It is also within the North Main Street ACA. The adjoining building No. 97 North Main Street is listed on the Record of Protected Structures (PS1070) and no. 95 is listed on the National Inventory of Architectural Heritage (NIAH). Volume 3 of the Cork City Development Plan sets out a Statement of Character for the North Main Street ACA. The statement states that the area is of architectural, historic, and archaeological significance. The ACA is the site of the original medieval city with the present street and lane layout reflecting the early medieval plots. The buildings are mainly of Eighteenth and Nineteenth Century origin built after the narrow medieval main street was widened.
- 11.3.3. The proposal to demolish no. 92 and 95 North Main Street is addressed in the submitted Architectural Heritage Impact Statement. The assessment highlights the fact that although no. 95 is on the NIAH and has a 19<sup>th</sup> century appearance it is almost entirely of late 20<sup>th</sup> century construction and the façade has been significantly altered. It is also noted that the prior loss of structures on either side leads to an isolated appearance. In relation to no. 92 the assessment notes that the structure is not on the NIAH and appears to be of 20<sup>th</sup> century construction. The assessment concludes that the buildings do not make a significant contribution to the character of the North Main Street ACA and that the architectural heritage impact associated with the demolition of these structures will be slight to moderate. I would note that the City Plan allows for the demolition of structures within ACA's where the structure does not contribute to the special or distinct character, or where the replacement structure would significantly enhance the special character of the ACA (Objective 9.30). The CE's Report and the Report of the City Conservation Officer indicate no objection to the proposal to demolish these structures.
- 11.3.4. The proposed replacement structure comprises a single large block on plots no. 92 to 96 North Main Street. The site is an amalgamation of historic plots and the scale and footprint of the proposed block is larger than that of original buildings at this location. The Architectural Heritage Impact Statement acknowledges that the historic plot widths dating from the medieval period are an intrinsic part of the character of the North Main Street ACA. The proposed elevation to North Main Street is broken up into four separate contemporary facades of 4 to 5 storeys in



height reflecting the historic plot widths. The higher 6 and 7 storey elements of the block are setback within the site. Third party submissions question the impact of proposed development on the historic character of the area with specific reference to the height, scale and massing of the block and the elevational treatment to North Main Street. The PA's Conservation Officer is satisfied that the proposed development addresses the conservation requirements for this protected area. The Report notes that the façade onto North Main Street is designed to sit within the historic urban grain and that this, coupled with the set-back of the higher elements mitigates the impact on the historic character of the street and area. This view is reflected in the report of the City Architect. The proposal to use a high standard of contemporary architecture that respects the scale and character of the street is consistent with the guidance set out in the Architectural Heritage Project Guidelines (2011) for new development within an ACA. The proposed development represents a positive insertion within the ACA in my view. It will support the regeneration of the site and enhance the special character of the ACA overall. In addition, I consider that the proposed development would not detract from the character of the adjoining Protected Structure at No. 97 North Main Street. The wider issues of height, scale and visual impact are addressed separately in Section 11.4 below.

- 11.3.5. There are a number of historic lanes through the site that would have dated from the medieval period. It is an objective of the City Plan to protect the medieval street pattern and in particular to seek to conserve and enhance the laneways within the setting of the streetscape (Objective 9.10). It is proposed to reinstate and enhance Coleman's Lane along the southern site boundary. The applicant proposes to work with Cork City Council and an adjacent landowner to develop the full extent of the historic lane between North Main Street and Grattan Street. The PA welcome the proposal to retain the historic urban form of the lane and this is considered positive in architectural heritage terms. Angles Lane ran along the northern site boundary and part of this lane remains along the northern boundary of no. 97 North Main Street. The section of Angles Lane within the SHD site is retained free from development allowing for possible future reinstatement. The CE's Report notes that the historic Browne's Lane (a cul-de-sac) would have run centrally within the site. The location of Browne's Lane is marked by a tall, recessed door into a retail unit. While the CE's report suggests that the route of the laneway should be incorporated into the design,

I would note that the Reports of the Conservation Officer and the City Archaeologist do not seek its reinstatement. Overall, I consider that the proposed development is sympathetic to the historic medieval street pattern.

11.3.6. The site is within the zone of archaeological potential for Cork City (RMP C0074-122) and is also in the medieval historic core (RMP C074-034001). Archaeological investigations on the site in 2011 and 2019 have identified sub-surface archaeology. The remains identified are dated from medieval times to the 20<sup>th</sup> century. The applicant has consulted with the National Monuments Section of the Department of Arts, Heritage and the Gaeltacht and with the City Archaeologist. The application was referred to the Development Applications Unit of DAHG. While no response has been received at application stage the documentation on file indicates that the archaeological mitigation strategy has been informed by discussions with the DAHG. The Report of the City Archaeologist supports the principle of development on the site subject to mitigation to protect archaeological remains in situ. The applicant proposes to use piled foundations to limit the impact on sub-surface archaeology. The City Archaeologist indicates no objection to the proposed mitigation approach in principle. The Report recommends that further investigations are carried out, prior to the commencement of development, to determine the nature and extent of archaeological remains and that the final details of foundation design and excavation are agreed with the PA based on the outcome of the investigations. I am satisfied that the issues set out can be adequately addressed by way of condition.

#### **11.4. Height, Scale and Visual Impact**

11.4.1. The proposed development ranges in height from 4 to 7 storeys. The building would be four to five storeys along the North Main Street frontage and rise to 6 and 7 storeys in the centre and western sections. The block is c. 11 to 17 metres high along North Main Street, c. 23 metres high along the frontage to Grattan Street and up 25.86 metres in the central section (ex. lift cores and photovoltaic cells). The predominant building height along North Main Street and Coleman's Lane is 3 to 4 storeys, while the predominant building height to Adelaide Street and Grattan Street is 2 to 3 storeys. The area has a mixed character, and a number of structures exceed the predominant building heights. North Main Street carpark to the east has a large footprint and is 21 to 31 metres in height. St. Peter's Church visitor centre to

the south is 15 to 25 metres in height. Apartments along the quays to the north are 21 metres in height (4-5 storeys), while St. Francis's Church to the south is 24 to 32 metres in height. The graphic on p24 of the Architects Design Statement shows the massing of the scheme in its immediate context.

- 11.4.2. Government policy in the form of the National Planning Framework (Objective 35) and the Building Height Guidelines (SPPR1 and SPPR3) support increased densities and building heights in urban areas, particularly in city and town centres. A number of submissions received from third parties express concern in relation to the quantum of development proposed. The proposed development with a plot ratio of c. 3.45:1, is above the indicative plot ratio for city centre sites (1.5-2.5) set out in Table 16.1 of the City Plan. However, the plan states that plot ratio is a secondary consideration, and that other built form and planning considerations should take precedence within the city centre area. In relation to building height the development is in the medium rise category defined in Section 16.25 of the City Plan (<32 metres; 4-9 storeys). The Plan states that in the city centre building height should generally respect the area's character and context and should be in accordance with the prevailing hierarchy / character of buildings. In exceptional circumstances an increase in building height can be justified on sound urban design or architectural grounds (16.29 refers). The proposed building height is, therefore, open for consideration under the provisions of the development plan.
- 11.4.3. I have inspected the site and viewed the site from a variety of locations in the surrounding area. I have also considered the Landscape and Visual Impact Assessment and the verified images submitted with the application. I am satisfied that the 10 no. viewpoints considered in the LVIA are a representative sample of short-range and medium-range views. I am also satisfied that the viewpoints have regard to protected views and prospects in the City Plan (Volume 2 and 3 refer). The proposed development will be most visible at a local level along North Main Street and Grattan Street (Views 6, 7 and 9). The LVIA concludes that the visual impact would be moderate to significant but positive. The elimination of a view of St. Anne's Church (PS025) to the north from a section of Grattan Street is identified in the LVIA as a negative impact. The proposed development will not be readily visible within the wider city core. The development would be partially visible from higher ground to the north and west (Views 1, 2 and 10). However, from these locations it will be

viewed as part of the wider urban landscape. Important view corridors to key landmarks within the city are presented in views 1 (Shandon Street ACA), 2 (St. Anne's Church Shandon), 4 (Elizabeth Fort), 5 (Shandon Street at Browne's Square) and 10 (Sundays Well Road). The LVIA concludes that the proposed development, where visible, is not overwhelming.

11.4.4. The proposed development will exceed the prevailing building height along North Main Street and Grattan Street and represent a substantial insertion into the streetscape. A number of third party submissions express concern in relation to the increase in height and scale and the visual impact, arguing that the development will be overbearing and dominant. The transition in height and scale is supported by national policy and guidance in relation to building height and density. The mixed character of the area also helps to absorb the increased scale. The Report of the City Architect notes that the proposed scale is reasonable and that the proposal presents a well-reasoned concept. The Report of the Architectural Conservation Officer states that the development sits within the historic urban grain along North Main Street and that this coupled with the set-back of higher elements mitigates the impact on the historic character of the area. I concur with these conclusions. The proposed development provides for the redevelopment of an existing vacant and derelict site. The scheme is designed to a high architectural standard in my view and will contribute to and enhance the streetscapes along North Main Street and Grattan Street. The transition in scale and mass is well considered and I am satisfied that the development would not be unduly dominant when viewed from local streets or from adjacent properties. In addition, I am satisfied that any impacts on the wider urban landscape or on protected views and prospects would be negligible. The proposal is consistent with the provisions of the City Plan in relation to density and building height and with provisions in relation to the protection and enhancement of views and prospects (Objective 10.6 refers).

11.4.5. In terms of public realm, the proposed development includes direct and active frontage to North Main Street and to Coleman's Lane, with setback frontage to Grattan Street. The proposal to reinstate Coleman's Lane and to work with third parties to extend the laneway to Grattan Street will improve permeability within the area. The landscaping proposals include hard and soft landscaping along Coleman's Lane with two courtyards proposed on either side of the laneway. The

PA seek detail in relation to lighting in the external areas. I consider the approach to be of a high standard and am satisfied that detailed design matters (including landscaping and lighting details) can be adequately addressed by way of condition.

11.4.6. Having regard to the above assessment, it is considered that the proposed development is acceptable in terms of its height, scale and visual impact.

## 11.5. Impact on Residential Amenity

11.5.1. The proposed development extends from North Main Street to the west and borders numerous residential properties along North Main Street, Grattan Street, Adelaide Street and Coleman's Lane. A number of third-party submissions express concern in relation to the potential for overlooking; loss of sunlight and daylight; overshadowing and overbearing impacts. Submissions also comment on the potential for noise and disturbance once the development is occupied.

11.5.2. I refer the Board to the Chapter 6 of the Design Statement and to the Daylight, Sunlight and Overshadowing Study prepared by IES. The Design Statement includes a number of sections that illustrate the relationship between the proposed development and existing residential properties to the north, south and west of the site.

11.5.3. Page 60 of the Design Statement sets out details of residential windows facing the site. To the south the proposed development is close to an apartment block at the rear of no. 90 North Main Street and to Edel House a development of temporary accommodation that is accessed from Grattan Street. The southern gables of the proposed development to Coleman's Lane has limited fenestration at upper levels and windows that are proposed are offset from existing widows. The bedroom and kitchen windows in the southern elevation are set behind Courtyard B are maintain a setback of c. 21 metres from the properties to the south. The properties fronting North Main Street have west facing rear windows. The east facing windows orientated towards residential units on North Main Street maintain a setback of over 20 metres from the closest property. I am satisfied that undue overlooking of properties to the north would not arise due to the level of setback and the obscure nature of any potential views. There are 4 no. houses on Adelaide Street with windows looking south. The proposed development maintains a general separation

of c. 18.2 metres from these properties which I consider to be acceptable. I would recommend that a privacy screen is provided along the northern boundary of the proposed 1<sup>st</sup> floor roof terrace along the northern site boundary to protect the privacy of units to the north. The proposed development would maintain a separation of c. 12.5 metres from a rear elevation of an apartment block to the west of the site. There are 4 no. bedroom windows in the rear elevation of this block. Given the level of separation and the fact that fenestration in the opposing elevation is confined to a single bedroom window on each floor, I am satisfied that undue overlooking would not arise. Overall, I consider that the potential for overlooking of existing properties has been addressed to an acceptable degree.

11.5.4. In relation to the potential for overbearing impacts on existing properties I consider that given the orientation of houses on adjacent sites, and the modulated nature of the proposed block, that the proposed development would not overbear existing properties to an extent that would seriously injure their residential amenity.

11.5.5. The potential impact on daylight received by neighbouring buildings is measured using Vertical Sky Component (VSC) to sample windows. The neighbouring properties to the north, south, east and west of the site are almost completely unobstructed at present due to the vacant nature of the SHD site and have high Vertical Sky Component. This is unusual for an city centre context. The applicants study considers the potential impact on 170 no. windows in total. Of the windows tested 68% (116 no. windows) would have a VSC value of greater than 27% or not less than 0.8 times their former value meeting the BRE standard. A further 25% of the windows would have a VSC value of between 17.53% and 26.8% showing adequate daylight by BRE standards. The greatest impacts occur in respect of the most proximate units to the south and west where windows show VSC results below 15%. In the case of the standard apartment units the rooms are dual aspect, and the second windows are not impacted. In the case of Edel House (temporary accommodation) there would be a significant impact on 5 no. windows. I would note that the operators of Edel House have not objected to the proposed development. Overall, I consider that the level of impact is to be expected with any redevelopment of the subject site for high density development and that this would not constitute reasonable grounds for refusing planning permission.

- 11.5.6. A shadow analysis is submitted with the application which indicates that the proposed development would not unduly overshadow the neighbouring residential properties.
- 11.5.7. A detailed submission has been made by the owner of no. 97 North Main Street outlining, inter alia, the impact of the proposed development on the existing residential units in the upper floors of no. 97 North Main Street (PS) and on a permitted 4 storey apartment development to the rear of this property. The impact on existing units is considered above. In relation to the permitted scheme, I would note that Cork City Council granted planning permission in 2019 for a detached 4 no. storey apartment block to the rear of no. 97 (PA Ref. TP19/38572). The permitted block contains 2 no. 1-bed apartments at ground and first floor levels and 1 no. 2-bed duplex unit at second and third floor levels. The development would be accessed from North Main Street via a pedestrian lane that runs along the northern edge of this property. A bank wall is proposed along the southern boundary of no. 97 where the development interfaces with the SHD site. There are windows in the western elevation which interfaces with the SHD site, serving kitchen and living areas at ground, first and third floor levels and a bedroom at second floor. There are also terraces and balconies on the western elevation. The block is set off the shared property boundary by 1.5 metres (approx.). The submission received from the owner of no. 97 North Main Street highlights the fact that the submitted documentation does not show or consider the permitted development. The submission argues that the proposed development would impact on the viability and amenity of the permitted development. The relationship between the SHD development and the rear section of No. 97 North Main Street is illustrated on OMP Drawing No. 1845-OMP-OO-SS-DR-2901 (North). The drawing shows that the SHD scheme is single storey with roof terrace over immediately south of the permitted development. I am satisfied that significant overbearing, overshadowing or overlooking impacts would not arise at this location, subject to a suitable privacy screen being provided to the 1<sup>st</sup> floor roof terrace. The drawing shows that along the western boundary the SHD development is 6 storeys in height with a setback off the boundary of c. 1.1 metres off the shared boundary. The block projects out by c. 4.6 metres along this boundary and presents a blank elevation to the permitted development at no. 97 North Main Street. Given the tight urban context and the backland nature of the permitted apartment block

some level of interface is to be expected. However, I consider that the development to the west of No. 97 North Main Street would be unduly overbearing when viewed from the permitted apartment units and that it would obstruct sunlight to the main habitable spaces and private amenity areas associated with these units. I am of the view that a substantial alteration is warranted to protect the privacy and amenity of the permitted development. I recommend that the 6-storey element along the shared boundary is setback by a minimum of 7 metres off the boundary. This will necessitate the omission of 2 no. bedspaces at ground to fifth floor levels (12 no. bedspaces in total). I consider that the issues raised can be adequately addressed by way of condition in the event that the Board is minded to grant permission.

- 11.5.8. Concerns have been raised by third parties in relation to the potential for noise and disturbance during the occupation phase of the development. The proposed development is residential in nature and would be managed in accordance with a management plan. Other matters raised in relation to anti-social behaviour in public areas are not matters for the Boards considerations under the subject application.
- 11.5.9. During the constructure phase impacts relating to noise and disturbance will be short-term in nature and I am satisfied that the impact on surrounding properties can be managed to an acceptable degree through good site management and through suitable planning conditions. In this regard, I recommend a condition to limit hours of construction. I also recommend that the developer be required to submit a construction and environmental management plan to the PA for agreement prior to the commencement of works.
- 11.5.10. I am satisfied that the proposed development would not impact unduly on the amenities of existing residential properties. I consider that the development as proposed would have the potential to impact on the amenity of a permitted development to the north / west of the site. There is also potential for construction phase impacts. I am satisfied that subject to the implementation of the measures set out above that the level of impact would be reduced to an acceptable degree and that undue impacts would not arise.



## 11.6. Quality of Development

- 11.6.1. The proposed development comprises 49 no. student apartments containing a total of 279 no. student bed spaces. That accommodation includes 11 no. studio units, 1 no. 3 bed cluster, 2 no. 4-bed clusters, 3 no. 5-bed clusters, 6 no. 6-bed clusters, 2 no. 7 bed clusters and 24 no. 8 bed clusters. The bedrooms are all ensuite and are generally over 13 sq.m in area. The development management standards for student accommodation set out in Table 16.5a address internal accommodation standards and open space. The proposed development meets and exceeds the standards and would provide a reasonable level of amenity to its occupants. The application includes a draft management plan which addresses the use and management of the scheme.
- 11.6.2. The submitted Sunlight, Daylight and Overshadowing Study indicates that all rooms considered would have an average daylight factor greater than the recommended minimum values under the BRE's 2011 guidance document Site Layout Planning for Daylight and Sunlight. The predicted results with respect to proposed amenity areas indicate that 45% of the amenity spaces would receive at least 2 hours of sunlight on 21<sup>st</sup> March. This is below the BRE standard of 50% but is considered reasonable having regard to the nature of use and given the site's tight urban context.
- 11.6.3. In relation not the adaptability of the scheme, should the student accommodation use cease, I consider that the overall form and layout of the proposed buildings would not preclude future conversion to dwellings. I would accept that some physical alternations may be required to facilitate this.

## 11.7. Water Services and Flood Risk

### Water Services

- 11.7.1. The applicant proposes to connect to the public foul sewer on Grattan Street and to the water main on North Main Street. The submission received from Irish Water indicated no objection to the proposed development and recommends that a standard condition in relation to connection agreements is attached in the event of a grant of permission.

11.7.2. In relation to surface water, the applicant proposes to connect to the storm water system on Grattan Street. The connection would traverse third party lands. Surface water within the site will be collected and attenuated before discharging to the public network. SUDS measures are proposed to reduce the rate of run off and ensure that there is adequate storage within the site to cater for a 1% AEP (100 year) flood event. A non-return valve is proposed at the point of connection to prevent backflow in a flood event. The Report of the PA's Water Services Section indicates no objection in principle, subject to the provision of an oil interceptor, confirmation of drainage calculations and confirmation of wayleaves for connects via third party lands. I would note that a connection can be made over lands that are in the control of Cork City Council. I am satisfied that the issues raised can be addressed by condition.

Flood Risk

11.7.3. CFRAM mapping shows that the site is in Flood Zone A for fluvial and tidal flooding. The site, therefore, has a high probability of flooding. The proposed Lower Lee Flood Relief Scheme includes plans for flood defences along the River Lee and changes to the operating procedures for reservoirs upstream for the purpose of flood risk management. The proposed flood relief scheme would, in theory, remove flood risk from the area in the current scenario and on future climate change scenarios and result in a low residual risk to the proposed development.

The Planning System and Flood Risk Management – Guidelines classify residential development as a highly vulnerable development class (Table 3.1) and indicates that such development can only be considered in Flood Zone A or B, where it meets the criteria of the Development Management Justification Test (in Chapter 5). Section 5 of the submitted FRA assesses the proposed development against the criteria. I set out the following assessment:

Development Management Justification Test

| Criteria  | Assessment   |
|---|--|
| <i>Lands zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been</i> | The lands are City Centre lands zoned for City Centre Retail which allows for other uses including residential. The site has passed the Development Plan Justification Test. |

|   |   |
|---|---|
| <p><i>adopted or varied taking account of these Guidelines.</i></p>   |   |
| <p><i>The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.</i></p>                                  | <p>The site has accommodated development since the mid-1700's. The development would not raise significant flooding issues, obstruct important flow paths or increase risk to any surrounding residents, property or infrastructure. The development will replace an area of hard standing with SUDs features that will improve the overall situation in terms of surface water drainage.</p> <p>In the longer term, I would note that the site will be within the defenced area of the Lower Lee Flood Relief Scheme and upon completion of this scheme the residual flood risk to the site will be extremely low.</p>   |
| <p><i>The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible.</i></p> | <p>Mitigation measures – as set out in Section 6.0 of the submitted FRA – have been integrated into the design of the scheme. It is proposed to set the FFL's of the proposed student apartments at 3.65m OD which is above the 200-year flood level for tidal (3.30mOD) and the 100year flood level for fluvial (3.34m OD) in the current scenario. I would note that the proposed FFL's are based on current predicted flood levels with a freeboard of 300mm as a safety margin for uncertainties in water level prediction and / or structural performance. The levels do not account for sea-level rise due to climate change. The electrical equipment is to be housed above the maximum 0.1% AEP flood level of 3.84m OD taking account of the climate change scenario. The FFL for the retail units is 3.10m OD. This takes account of the current street level of 2.90nOD on North Main Street. It is argued that retail is a "less vulnerable development". The surface water attenuation</p> |

|  |   |
|--|---|
|  | <p>within the site is designed to retain a 100-year rainfall event and a flap valve will be incorporated in the final manhole to restrict potential backflow into the system. Flood resistant and flood resilient construction will be employed. An Emergency Response / Flood Management Plan is to be developed to include provisions in relation to access and egress during flood events.</p> |
| <p><i>The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access.</i></p> | <p>Yes. See responses above.</p>  |
| <p><i>The development addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.</i></p>   | <p>I am satisfied that this is achieved.</p>  |

On the basis of the assessment above, I am satisfied that the proposed development passes the Development Management Justification Test and that in the longer term the level of residential risk to the proposed development from flooding will be low, having regard to the sites position within the defenced area of the proposed Lower Lee Flood Relief Scheme. I concur with the PA's view that the finished level of all apartments (including the 2 no. units at ground level) should be set above the maximum 0.1% AEP flood level of 3.84mOD. This issue can be addressed by way of condition.

## 11.8. Transportation

- 11.8.1. The development is proposed as a car free development. I consider this to be acceptable having regard to the nature of the proposed use and the sites city centre location. The student accommodation would be accessed from Coleman's Lane, while retail units and the coffee shop will be accessed directly from North Main Street. The section of Coleman's Lane within the site will be gated at night-time with controlled access for residents. Access for emergency vehicles is proposed from Grattan Street via the existing public car park and Coleman's Lane. The submitted details state that the City Council have agreed to realign the car park to allow for emergency access and that internal courtyards and pathways will be designed to accommodate loading from emergency vehicles. I recommend that final details for emergency access and service vehicle access are agreed with the PA prior to the commencement of development. A total of 142 no. cycle parking spaces are proposed in a secure bicycle storage room at ground level to cater for residents, staff and visitors. The level of provision at c. 0.5 spaces per bedspace meet the requirements of Table 16.9 of the City Plan. I note the suggestion of the PA's Transport Section that provision should be made in accordance with the standards set out in the Apartments Guidelines, 2018. However, the Apartment Guidelines do not address student accommodation and are not therefore applicable in this instance. Given the managed nature of the proposed development I am satisfied that cycle storage can be managed efficiently to meet the needs of future residents.
- 11.8.2. The Report of the PA's Transportation Section notes that the submitted Road Safety Audit sets out a number of road safety issues including the potential for conflict between pedestrian and vehicular traffic, obstruction and the need for surveillance at certain locations. The issues raised are detailed design matters that can be addressed by condition. The Report notes that no details have been provided in relation to construction access. Details of construction access can be agreed with the PA as part of the Construction and Environmental Management Plan. These issues can be adequately addressed by way of condition.

## 11.9. Other Matters

- 11.9.1. An adjoining landowner states that the boundary with no. 97 North Main Street is a straight line and that the site extends into the adjoining landholding. I would note that the proposed development follows a straight line and would not appear to extend into the area in question. I consider this to be legal matter between the parties.
- 11.9.2. A third-party submission refers to the need for caution in relation to the use of piling due to the proximity of the site to St. Peter's Church. However, the proposed development is at a remove from St. Peter's Church and that the construction processes involved are not particularly unusual or exceptional in nature.

## 12.0 Screening for Environmental Impact Assessment

- 12.1.1. The site (0.243 ha) is an urban brownfield site located in the historic and commercial core of Cork City. The site was previously occupied by commercial / residential uses. It has been partly cleared and contains artificial surfaces and buildings. The proposed development would involve the demolition of the remaining buildings and the construction of 49 no. student apartments (279 no. bed spaces), 2 no. retail units and a coffee shop / restaurant all in a single block of 4-7 storeys height.
- 12.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. In this class an environmental impact assessment is mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is zoned City Centre Retail for the most part, and the section which relates to Coleman's Lane is zoned Inner City Residential Neighbourhood. The predominant use in the area is commercial with some residential and community uses. Based on the zoning and predominant land uses the site can be considered to fall within a business district. The proposal for 49 no. residential units on a site of 0.243 ha is below the mandatory threshold for EIA within a business district.
- 12.1.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental

impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential and commercial uses proposed would be similar to predominant land uses in the area. The proposed development will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 13.0 concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

12.1.4. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application. Please refer also to the screening determination set out in Appendix A to this Report.

## **13.0 Appropriate Assessment**

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

13.1.2. Compliance with Article 6(3) of the Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The applicant has submitted a Natura Impact Statement as part of the planning application. The NIS is prepared by Kelleher Ecology Services Ltd. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The NIS (Section 3.2 Potential Impact – Receptor Pathways) concludes that there is potential for impacts on the Cork Harbour SPA and Greater Island Channel SAC during the construction and operational phases due to surface water discharges from the proposed development and potential for impacts on the Cork Harbour SPA during the operational phase due to waste-water discharges from the proposed development.

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

#### 13.1.3. Need for Stage 1 AA Screening

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.



#### 13.1.4. Brief Description of the Development

The applicant provides a description of the project in Section 2 of the NIS. The development is also summarised in Section 3.0 of this Report. In summary, permission is sought for the demolition of existing structures on the site and for the construction of a PBSA development containing 49 no. apartments (279 no. bed spaces), 2 no. retail units, a coffee shop and ancillary works. The site is a brownfield city centre site of 0.243 ha. The site is serviced by public water and drainage networks. Foul effluent will drain to a foul network. Surface water will drain to the stormwater network. The dominant habitat on site is buildings and artificial surfaces. There are no watercourses within or in the immediate vicinity of the site. The River Lee (north channel) is c. 110m to the north of the site. Stormwater networks in the area generally discharge to the River Lee. No flora or fauna species of conservation significance were recorded on the application site. No third schedule<sup>2</sup> non-native invasive plant species were encountered on site.

#### 13.1.5. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 7, 8 and 9 as well as in Appendix 2 of this Report. The CE's report accepts the conclusions of the submitted NIS that there would be no significant impacts on Natura 200 sites. Otherwise no issues are raised in relation to AA.

#### 13.1.6. Zone of Influence

Section 3 of the NIS sets out a summary of potential interactions with Natura 2000 Sites. The closest Natura 2000 sites are Cork Harbour SPA [Site Code 004030] located c. 3.45 km from the site and Great Island Channel SAC [Site Code 001058] located c. 9.28 km from the SHD site. There are no other European Sites within a 15km radius of the proposed development.

Section 3 of the applicant's NIS identifies potential impacts associated with the proposed development taking account of the characteristics of the proposed development, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on

---

<sup>2</sup> Third Schedule of the EC (Birds and Natural Habitats) Regulations 2011.

any European sites, either alone or in combination with other plans or projects. The issues examined are the potential for hydrological impacts due to surface water and wastewater discharges from the development, the potential for disturbance / displacement of faunal species and the potential for impacts associated with the spread of invasive species or from flooding. A potential hydrological link between the proposed development and the Cork Harbour SPA and Great Island Channel SAC via the River Lee and associated Lee Estuary transitional waterbody is identified due to surface water run-off from the site during the construction and operational phases. A potential hydrological link between the proposed development and the Cork Harbour SPA is identified due to a wastewater connection via the public sewer network and the Cork City WWTP which discharges into Lough Mahon upstream of the SPA. I would note that the Cork Harbour SPA is c. 4 km downstream of the discharge point. The potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance is excluded due to the lack of suitable habitat and the intervening distances between the site and European sites.

I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage, applying the 'source-pathway-receptor' model based on a combination of factors including the nature and scale of the proposed development, the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections.

#### 13.1.7. Screening Assessment

The Conservation Objectives (CO) and Qualifying Interests of the Cork Harbour SPA and Great Island Channel SAC as follows:

|   |
|---|
| Cork Harbour SPA (004030) - c. 3.45 km from the proposed development. c. 5.5km from the surface water discharge point to the River Lee. C. 4 km from the wastewater discharge point to Lough Mahon. |
|---|

|  |
|--|
| Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e.>20,000). Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive. The site provides both feeding and roosting sites for the various bird species that use it. |
|--|

Conservation objectives relate to maintaining the favourable conservation condition of the following qualifying interests (after NPWS 2014a):

Little Grebe *Tachybaptus ruficollis*, Grey Plover *Pluvialis squatarola*, Great Crested Grebe *Podiceps cristatus*, Lapwing *Vanellus vanellus*, Cormorant *Phalacrocorax carbo*, Dunlin *Calidris alpina*, Grey Heron *Ardea cinerea*, Black-tailed Godwit *Limosa limosa*, Shelduck *Tadorna tadorna*, Bar-tailed Godwit *Limosa lapponica*, Wigeon *Anas penelope*, Curlew *Numenius arquata*, Teal *Anas crecca*, Redshank *Tringa tetanus*, Pintail *Anas acuta*, Black-headed Gull *Chroicocephalus ridibundus*, Shoveler *Anas clypeata*, Common Gull *Larus canus*, Red-breasted Merganser *Mergus serrator*, Lesser Black-backed Gull *Larus fuscus*, Oystercatcher *Haematopus ostralegus*, Golden Plover *Pluvialis apricaria*.

Great Island Channel SAC (001058) – c. 9.28 km from the proposed development. c. 10.3 km from the surface water discharge point to the River Lee.

The Great Island Channel stretches from Little Island to Middleton, with its southern boundary being formed by Great Island. The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. This SAC overlaps with part of the Cork Harbour SPA, with its estuarine habitats providing foraging and roosting resources for wintering waders and wildfowl for which the SPA is designated.

Its conservation objectives relate to maintaining the favourable conservation condition of the following qualifying interests (after NPWS 2014b):

Tidal Mudflats and Sandflats (1140), Atlantic Salt Meadows (1330).

#### 13.1.8. Consideration of Impacts on the Cork Harbour SPA and Great Island Channel SAC:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within or adjoining the site. During the operational stage surface water from the proposed development will drain to a public stormwater on Grattan Street to the west of the site. The stormwater network drains to the River Lee, which in turn drains to the Lee (Cork) Estuary

Upper transitional waterbody. The Cork Harbour SPA and Great Island Channel SAC are located c. 5.5km and 10.3km respectively, downstream of the outfall discharge point. There is a potential connection between the proposed development and the Cork Harbour SPA and Great Island Channel SAC due to the surface water pathway. The submitted NIS refers to standard environmental controls that will be implemented during the construction and operational phases of the development to ensure the appropriate management and control of construction stage surface water runoff arising from the development. The NIS states that the controls will be specific to the site, works near the River Lee and associated Lee (Cork) Estuary Upper transitional waterbody. In acknowledgement of the downstream locations of Cork Harbour SPA and Great Island Channel SAC, the NIS states that 'a precautionary approach is considered appropriate regarding the potential relevance of construction related run-off controls to both Natural sites' and goes on to list the construction phase surface water environmental controls as mitigation measures within the NIS. I do not accept the conclusion that the standard surface water environmental controls listed in the submitted NIS are mitigations measures for the purposes of NIS. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will discharge to the River Lee in small and controlled volumes. (See Civil Engineering Report). The pollution control measures set out for the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. There is nothing specific or non-standard about the measures described in Section 2.3.2.1 and again in Section 4.2.1 of the NIS in my view. Given the circumstances of the site and the characteristics of the proposed development described above, it is highly unlikely that contaminated surface water runoff from the construction or occupation of the proposed development would reach the Cork Harbour SPA or the Great Island Channel SAC given the level of separation and the volume of water separating the sites. If such an unlikely

event were to occur, the volume of the runoff from the site means that there is no realistic prospect that it could have a significant effect that would hinder the achievement of the conservation objectives of any of the Natura 2000 sites. I remain satisfied that the potential for likely significant effects on the qualifying interests of the Cork Harbour SPA and Great Island Channel SAC due to surface water discharges from the proposed development can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from these Natura 2000 sites (dilution factor).

- The foul discharge from the proposed development would drain, via the public network to the Cork City WWTP for treatment. Treated waters from the WWTP discharges to Lough Mahon. There is potential for a connection between the site and the Cork Harbour SPA due to the wastewater pathway. The outfall point from the WWTP is c. 4 km upstream of the SPA. Given the circumstances of the site and the characteristics of the proposed development described above, it is highly unlikely that foul water discharges from the proposed development would reach the Cork Harbour SPA given the interrupted and distant nature of the potential connection. In any case the foul discharge from the site is negligible in the context of the overall licenced discharge at Cork City WWTP, and thus its impact on the overall discharge would be negligible. The NIS highlights the fact that although the WWTP is currently non-compliant in relation to total nitrogen and phosphorus emissions ambient monitoring of transitional and coastal receiving waters indicates that discharge from the WWTP does not have an observable negative impact on water quality or the WFD status of the receiving waters (IW 2019). The treatment plan has the capacity to accept the additional organic loading of 301PE from the proposed development. On the basis of the foregoing, I conclude that wastewater discharge from the proposed development will not impact the overall water quality status of the Cork Harbour SPA and that there is no possibility of the proposed development undermining the conservation objectives of this site.
- In relation to in-combination impacts, given the negligible contribution of the proposed development to the surface water and wastewater discharges, I

consider that any potential for in-combination effects on water quality can be excluded.

It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the Cork Harbour SPA and Great Island Channel SAC and that Stage II AA is not required.

#### 13.1.9. AA Screening Conclusion:

It is reasonable to conclude that on the basis of the information on 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) and the Great Island Channel SAC (001058), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### 14.0 Recommendation

14.1. Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

### 15.0 Reasons and Considerations

Having regard to the following:

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

- (a) the central location of the site and the zoning of the site in the Cork City Development Plan 2015-2021,
- (b) to the provisions of the National Planning Framework 2018 and the National Student Accommodation Strategy 2017,
- (c) to the provisions of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated 'Urban Design Manual – A Best Practice Guide', issued by the Department of the

Environment, Heritage and Local Government in May, 2009, the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (2013 – 2020), the Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') 2009, the Architectural Heritage Protection Guidelines For Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht (2011), and the Urban Development and Building Height, Guidelines for Planning Authorities, 2018.

- (d) to the nature, scale and design of the proposed development and the planning history relating to the site,
- (a) the proximity of the site to a third level institutions, a wide range of social infrastructure and to public transport services,
- (b) to the pattern of existing and permitted development in the area, and
- (c) to the provisions of the Cork City Development Plan 2015-2021 including variation no. 5 to that plan,
- (d) to the submissions received by An Bord Pleanála in relation to this application,
- (e) to the report of the Chief Executive of Cork City Council,
- (f) to the report of the planning inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 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 16<sup>th</sup> day of July 2020 by HW Planning, on behalf of BMOR Developments Limited.

**Proposed Development:** The development will consist of the construction of a mixed use development consisting of 49 no. student apartments containing 279 no. bed spaces, 2 no. retail units, coffee shop / restaurant and all ancillary site works. The proposed development will consist of the demolition of the existing structures at no's 92 and 95 North Main Street and the construction of an apartment block varying in height from 4 to 7 storeys and comprising 11 no. 1-bedroom studio apartments, 1 no. 3-bedroom apartments, 2 no. 4-bedroom apartments, 3 no. 5-bedroom apartments, 6 no. 6-bedroom apartments, 2 no. 7-bedroom apartments and 24 no. 8-bedroom apartments. The proposed development makes provision for shared amenity/building management areas including gym, laundry, library, cinema, reception, management office, lounge areas, linked gardens at ground floor level and rooftop terraces at first, fourth, fifth and sixth floor levels. Access to the student accommodation is to be provided via Coleman's Lane which will be reinstated along the southern boundary of the site as part of the proposed development with access to the proposed retail units and coffee shop / restaurant to be provided from North Main Street.

Ancillary site works to include provision of a plant room, generator room, break tank room, ESB substation, switch room, rooftop solar panels, bin store and bicycle store.

A Natura Impact Statement has been prepared in respect of the proposed development.

**Decision:**

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

**Matters Considered**

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

**Reasons and Considerations**

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



- (a) the central location of the site and the zoning of the site in the Cork City Development Plan 2015-2021,
- (b) to the provisions of the National Planning Framework 2018 and the National Student Accommodation Strategy 2017,
- (c) to the provisions of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated 'Urban Design Manual – A Best Practice Guide', issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (2013 – 2020), the Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') 2009, the Architectural Heritage Protection Guidelines For Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht (2011), and the Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- (d) to the nature, scale and design of the proposed development and the planning history relating to the site,
- (e) the proximity of the site to a third level institutions, a wide range of social infrastructure and to public transport services,
- (f) to the pattern of existing and permitted development in the area, and
- (g) to the provisions of the Cork City Development Plan 2015-2021 including variation no. 5 to that plan,
- (h) to the submissions received by An Bord Pleanála in relation to this application,
- (i) to the report of the Chief Executive of Cork City Council,
- (j) to the report of the planning inspector.

### **Appropriate Assessment**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking

into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information contained in the Natura Impact Statement submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

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

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that the proposed development would be compliant with the current Cork City Development Plan 2015-2021 and would therefore be in accordance with the proper planning and sustainable development of the area. Furthermore, the

Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 17.0 Conditions

|    |   |
|----|---|
| 1. | <p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>The following details shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development:</p> <p>(a) The 6 storey block west of no. 97 North Main Street shall be set back by 7 metres from the shared property boundary with no. 97 North Main Street. This shall involve the refiguration of apartment units along the northern boundary of the site at ground to fifth floor levels.</p> <p>(b) A privacy screen shall be provided along the northern boundary of the proposed communal roof terrace at 1<sup>st</sup> floor level.</p>   |

|    |   |
|----|---|
|    | <p>Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>  |
| 3. | <p>(a) The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use.</p> <p>(b) Full details of the hours of operation of the proposed coffee shop / restaurant unit shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The unit shall not be used for the sale of hot fast food or intoxicating liquor for consumption off the premises.</p> <p><b>Reason:</b> In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.</p> |
| 4. | <p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>  |
| 5. | <p>The proposed development shall be implemented as follows:</p> <p>(a) The student accommodation and complex shall be operated and managed in accordance with the measures identified in a finalised Student Accommodation Management Plan which shall be</p>  |

|    |   |
|----|---|
|    | <p>submitted to and agreed in writing with the planning authority prior to first occupation of the development.</p> <p>(b) Student Housing Units shall not be amalgamated or combined.</p> <p><b>Reason:</b> In the interests of the amenities of occupiers of the units and surrounding properties.</p>  |
| 6. | <p>Details of shopfronts shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to protect the historic character of the area.</p>   |
| 7. | <p>No external security shutters shall be erected on any of the commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>                                    |
| 8. | <p>No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p> |
| 9. | <p>The developer shall facilitate the protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p>         |

|     |   |
|-----|---|
|     | <p>(b) submit to and agree in writing with the planning authority revised proposals for the foundation plan, which shall ensure that the development will not cause avoidable disturbance to archaeological material and will limit any unavoidable disturbance,</p> <p>(c) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p> |
| 10. | <p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>   |
| 11. | <p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>  |
| 12. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to</p>  |

|     |  |
|-----|--|
|     | <p>facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>   |
| 13. | <p>Details of all lighting to external areas shall be as submitted to and agreed in writing with, the planning authority prior to occupation of the development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>  |
| 14. | <p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interests of clarity and public health.</p>  |
| 15. | <p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development:</p> <p>(a) Revised surface water drainage calculations, conveyance and attenuation details (where required) to meet the surface water storage requirements of the development.</p> <p>(b) Details for the provision of oil interceptors for any areas to be used for parking or otherwise trafficked.</p> <p>(c) Confirmation of necessary wayleaves to accommodate the proposed connections to the surface water and foul water drainage networks on Grattan Street.</p> <p>(d) Proposals to increase the Finished Floor Level of the proposed apartment units above the maximum 0.1% AEP flood level to include provision for sea-level rise due to climate change.</p> <p>(e) A Flood Emergency Response Plan.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p> |

|     |  |
|-----|--|
| 16. | <p>A total of 142 no. secure bicycle parking spaces shall be provided within the development. Design details for the cycle spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>   |
| 17. | <p>Provisions for emergency / services vehicle access and for pedestrian and cycle circulation within the site shall comply with the requirements of the planning authority. The following details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development:</p> <p>(a) Details of vehicular access for emergency and service vehicles to the site.</p> <p>(b) Details for the reinstatement of Coleman’s Lane from North Main Street to the western site boundary along the original line of Coleman’s Lane.</p> <p>(c) Proposal to address the safety issues raised in the Stage 1/2 Road Safety Audit submitted with the application.</p> <p>(d) Details of any road signage and markings in accordance with the Traffic Signs Manual.</p> <p>(e) The proposed development shall not be occupied until such time as the full extent of Coleman’s Lane from North Main Street to Grattan Street has been completed and is operational and until such time as the agreed emergency and service vehicle access route is completed and operational, unless otherwise agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety, and to ensure an appropriate standard of development.</p> |
| 18. | <p>Prior to the occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel</p>  |



|     |  |
|-----|--|
|     | <p>patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, and walking by residents/occupants/staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>   |
| 19. | <p>The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential and visual amenity.</p>  |
| 20. | <p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>          |
| 21. | <p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and</p> |

|     |   |
|-----|---|
|     | <p>locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>   |
| 22. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse,</li> <li>(b) Location of areas for construction site offices and staff facilities,</li> <li>(c) Details of site security fencing and hoardings,</li> <li>(d) Details of off-street car parking facilities for site workers during the course of construction,</li> <li>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,</li> <li>(f) Measures to obviate queuing of construction traffic on the adjoining road network,</li> <li>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,</li> <li>(h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road, cycleway or footpath during the course of site development works,</li> <li>(i) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels,</li> </ul> |

|     |   |
|-----|---|
|     | <p>(j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1 hertz to 80 hertz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels,</p> <p>(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,</p> <p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains,</p> <p>(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p><b>Reason:</b> In the interests of amenities, public health and safety.</p> |
| 23. | <p>Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>  |
| 24. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the</p>  |

|  |   |
|--|---|
|  | <p>Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
|--|---|

---

Karen Kenny

Senior Planning Inspector

16<sup>th</sup> October 2020