



An
Bord
Pleanála

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

Inspector's Report ABP-314277-22

Strategic Housing Development

Demolish buildings and construct 206 student bedspaces in a 6 to 7-storey building and associated development

Location

Former Finbarr Galvin Motor Dealership, Victoria Cross Road, Bishopstown Cork

Planning Authority

Cork City Council

Applicant

Bellmount Developments Limited

Prescribed Bodies

Uisce Éireann

National Transport Authority

Observers

C & N Eames

Séan Ó Conaill

Date of Site Inspection

14th August 2024

Inspector

Colm McLoughlin

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	6
5.0 Section 5 Pre-application Consultation	8
6.0 Planning Policy	11
7.0 Statement of Consistency	15
8.0 Material Contravention Statement	15
9.0 Observers' Submissions	16
10.0 Planning Authority Submission.....	21
11.0 Prescribed Bodies Submissions.....	29
12.0 Assessment.....	30
13.0 Environmental Impact Assessment	93
14.0 Appropriate Assessment	98
15.0 Conclusion and Recommendation	98
16.0 Recommended Order.....	99
17.0 Conditions	105
Appendices	117

1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. The application site is situated at the junction of Victoria Cross Road (R641 regional road) and Orchard Road in the Bishopstown area of Cork city, approximately 2km west of the city centre. It is stated to measure 0.29 hectares and comprises a former commercial motor sales premises that was known as Finbarr Galvin Motor Dealership and an area to the rear of a car repair and maintenance premises known as Kelleher’s tyres. The single to two-storey buildings on site are set amongst hardsurfaced parking and service yards. The Glasheen river channel bounds the rear of the site and separates it from a housing area off Orchard Road to the east of the site. The boundaries of the site are enclosed by a mix of steel railings and dwarf walls along Victoria Cross Road and Orchard Road, with timber palisade fencing along the rear boundary with the river channel. The Kelleher’s tyres premises is currently not operational but is accessible from Victoria Cross Road, while the subject former motor sales premises is fully enclosed. Overhead electricity lines traverse the northwest corner of the site. Victoria Cross Road is referred to as Wilton Road by some parties to the application and in some maps of the area.
- 2.2. Based on the application details there is a 0.5m gradual fall from the southern boundary to the northern boundary of the site. The applicant’s landholding also includes the remaining part of the Kelleher’s tyres premises adjoining to the south of the site, which does not form part of the application site, but was subject of a separate permission under An Bord Pleanála (ABP) reference (ref.) 306714-20, providing for a student accommodation scheme.
- 2.3. The immediate area is characterised by low to medium density housing to the east, including detached housing on extensive grounds and low-rise apartment buildings. There are numerous student accommodation complexes in the immediate area,

including along the stretch of Victoria Cross Road opposite the site. The area also accommodates a range of commercial uses, including a health centre, a dental studio, a cycle shop, a restaurant / take-away, a convenience store and various offices.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- demolition of existing buildings on site;
- construction of 78 student accommodation apartments (ranging in size from single bedroom studio apartments to eight-bedroom apartments) comprising a total of 206 bed spaces in a single to seven-storey block;
- student amenity facilities, including a study area, games room, lounge space, laundry room and server / ICT room;
- provision of landscaping and amenity areas, including a courtyard space with modifications to the external amenity area of the student accommodation scheme permitted under ABP ref. 306714-20, a rooftop terrace and a riverfront amenity, incorporating a pedestrian and cycle path accessing onto Ashbrook Heights and Orchard Road;
- provision of a set down area, a vehicular access point for emergency vehicles only, footpaths and a repositioned pedestrian crossing and associated tactile paving on Orchard Road;
- provision of a new junction build-out at the junction of Orchard Road and Victoria Cross Road;
- provision of footpaths and landscaped areas along Victoria Cross Road; and
- all associated ancillary development, including pedestrian / cyclist facilities, lighting, drainage, boundary treatments, bin and bicycle storage and plant at ground and roof-top levels.

3.2. The following tables set out the key standards for the proposed strategic housing development:

Table 1. Stated Development Standards

Site Area (gross / net)	0.29 ha / 0.26 ha
No. of bed spaces	206
Demolition Gross Floor Area (GFA)	409sq.m
Residential GFA	4,741sq.m
Ancillary residential GFA (student amenity facilities, circulation, plant)	1,492sq.m
Total GFA	6,233sq.m
Residential Density (net – based on Sustainable Settlement Guidelines)	195 units per ha
Public Open Space (% of net site area)	0sq.m (0%)
Communal Open Space (% of net site area)	782sq.m (30%)
Plot Ratio	2.4:1
Building Height (maximum storeys / m)	6-7 / 23.5m

Table 2. Parking Spaces

Cars	0
Vehicular set down	1
Bicycles	104

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Response to An Bord Pleanála Opinion;
- Planning and Design Statement;
- Statement of Consistency;
- Material Contravention Statement;
- Natura Impact Statement;
- Building Heights Report;
- Photomontages;
- Housing Quality Assessment;
- Schedule of Areas;
- Ecological Impact Assessment;
- Landscape Design Strategy;
- Landscape and Visual Impact Assessment;
- Outdoor Lighting Report;
- Flood Risk Assessment;

- DMURS Statement of Consistency;
- Mobility Management Plan;
- Road Safety Audit;
- CMATS Statement;
- Vehicle Access Strategy;
- Construction Environmental Management Plan (CEMP);
- Construction and Demolition Waste Management Plan;
- Noise Impact Assessment & Acoustic Design Statement;
- Wind and Microclimate Modelling;
- Daylight, Sunlight and Overshadowing Report;
- Report on Supply, Demand and Concentration of Student Accommodation;
- Student Accommodation Management Plan;
- EIA Screening Report;
- Section 299B Statement;
- Building Life Cycle Report;
- Access Statement.

4.0 Planning History

4.1. Application Site

4.1.1. The Planning Authority and the applicant refer to the following planning applications as relating to the subject site:

- ABP ref. PL28.223713 / Cork City Council (CCC) ref. 06/31044 - in February 2008 the Board granted permission for the demolition of structures and the construction of a three to five-storey block containing 70 apartments over two basement levels;
- ABP ref. PL28.241120 / CCC ref. 12/35320 - in February 2013 the Board granted temporary permission for a period of 30 months to change the use of a car showroom to a temporary car park facility reserved solely for the neighbouring Bon Secours hospital;

- ABP ref. 306714-20 / CCC ref. 19/38385 - in June 2020 the Board granted permission to demolish the Kelleher's tyres premises and construct 21 student accommodation apartments (136 bed spaces) in a six-storey block. This development has not been commenced.

4.1.2. The applicant also refers to other developments permitted on the application site prior to 2008 relating to the development and amendment of the car showroom premises, including CCC refs. 04/28597, 01/25018 and 00/24767.

4.2. Surrounding Area

4.2.1. The following are the closest applications to the application site relating to major residential developments:

- ABP ref. 300325-17 – in March 2018 a strategic housing development was granted by the Board providing for the demolition of structures on the Former Crow's Nest Site at the junction of Carrigrohane Road and Victoria Cross Road, approximately 150m to the north of the application site, and the construction of 66 student accommodation apartments (255 bed spaces) in four blocks ranging from eight to ten storeys. This development has recently been completed and opened as the UCC Crow's Nest student accommodation complex;
- ABP ref. 307441-20 – a strategic housing development was granted by the Board in October 2020 providing for the construction of 30 student accommodation apartments in three blocks of three to five storeys approximately 100m to the east of the application site on Orchard Road. This development was not constructed, as the Ecklinville housing development consisting of 9 nine houses, nearing completion and permitted under ABP ref. 302331-18 was undertaken in its place;
- ABP ref. 310105-21 - in August 2021 a strategic housing development was granted by the Board providing for the demolition of commercial buildings and the construction of 40 student accommodation apartments in a block ranging in height from five to ten storeys at the Kelleher's Auto Centre on Wilton Road

and Victoria Cross Road, approximately 80m to the north of the application site. This development has not commenced;

- ABP ref. 319766-24 – in May 2024 a decision by the Planning Authority to refuse to grant permission was appealed to the Board for development comprising 30 apartments and an artisan food market at the former Dennehy's Cross Garage site on Model Farm Road, approximately 170m to the south of the application site. A decision on this appeal is due in late September 2024;
- ABP ref. 319190-24 – in June 2024 the Board decided to refuse to grant permission for a large-scale residential development comprising 42 student apartments at the Lee Garage site on Model Farm Road, approximately 350m to the southwest of the application site, due to concerns regarding the quantity and floor area of studio units, as well as the inadequate provision of communal space.

4.2.2. The following application relates to the house constructed on the neighbouring site at no.1 Orchard Road on the opposite side of the Glasheen river to the application site and known as Limekiln House:

- CCC ref. 16/37237 – in April 2017 the Planning Authority granted permission for the demolition of a house and the construction of a three-storey house.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 5th day of April, 2022, in respect of a development comprising 97 student accommodation apartments (222 bed spaces) in a six to eight-storey block and associated site works. Copies of the record of this consultation meeting and the Inspector's report arising from this consultation are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- land use and development strategy, including mass, scale and nature of the proposed development;
- landscape preservation zone and proposed amenity route, including open space and wayleaves;
- access and transport, including public transport proposals along Victoria Cross Road, cycle parking and servicing requirements;
- residential amenities and development standards, including impacts on neighbouring properties and the size of the studio apartments;
- attenuation areas relative to Uisce Éireann requirements and the new draft Cork City Development Plan.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 312211-21) dated the 27th day of April, 2022, An Bord Pleanála stated that it was of the opinion that the documents submitted require further consideration / amendment to constitute a reasonable basis for an application under section 4 of the Act of 2016, with the following matters needing to be considered and / or amended further:

- height and massing of the development;
- cycle parking;
- design and layout of the riverside walkway;
- servicing and operational requirements.

5.2.2. In addition to the standard strategic housing development application requirements, An Bord Pleanála advised that the following specific information should be submitted with any application for permission arising:

- statement regarding tie-ins with the adjoining permitted development;
- section drawings identifying residential properties to the east;
- response to transport matters relating to Victoria Cross Road;
- a CEMP and a construction traffic management plan;

- a student accommodation management plan;
- a report addressing drainage matters raised by the Planning Authority;
- a report addressing hard landscaping, materials and finishes;
- drawings addressing changes in level and public spaces;
- daylight and sunlight assessment;
- operations and service management plan;
- information in response to article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001, as revised.

5.2.3. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Uisce Éireann;
- Transport Infrastructure Ireland (TII);
- the National Transport Authority (NTA);
- Inland Fisheries Ireland.

5.3. **Applicant's Response to Opinion**

5.3.1. The application includes a standalone report titled 'Response to An Bord Pleanála Pre-Application Consultation Opinion', initially setting out how the application addresses the matters raised for further consideration / amendment, before outlining the specific information that has been submitted with the application to address the Board's opinion and referring to the requested consultation undertaken with prescribed bodies.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness' (2016), in order to ensure the provision of a social and affordable supply of housing in appropriate locations.
- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 3(a) (40% of homes in existing settlement footprints), 3(b) (50% of new homes in the five largest cities, including Cork), 4 (attractive, liveable and well-designed urban places), 13 (development standards), 27 (transport alternatives) and 35 (increased densities) all relating to densification and compact urban growth.

Ministerial Guidelines

- 6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise:
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the 'Sustainable Settlements Guidelines');
 - Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (hereinafter the 'New Apartment Guidelines');

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines');
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January, 2018;
- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009).

6.1.4. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Climate Action Plan (2024);
- Cycle Design Manual (2023);
- Cork Metropolitan Area Transport Strategy 2040 (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- National Student Accommodation Strategy (2017);
- Circular PL 8/2016, APH 2/2016 issued by the Department of Housing, Planning, Community and Local Government in July 2016;
- Permeability Best Practice Guide (2015);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011, 3rd Edition 2022);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Guidelines on Residential Developments for 3rd Level Students (1999 & 2005);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (2003);

- Framework and Principles for the Protection of the Archaeological Heritage (1999).

6.2. Regional Planning Policy

- 6.2.1. The 'Southern Region - Regional Spatial and Economic Strategy (RSES) 2020' supports the implementation of Project Ireland 2040, as well as the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. Regional policy objective (RPO) 10 supports compact growth in metropolitan areas, such as Cork. Volume 2 of the RSES provides a metropolitan area strategic plan (MASP) for Cork and other city regions, including recognition of the housing potential of brownfield sites in the city and the requirement to integrate land use and transport planning with an objective to prepare the Cork Metropolitan Area Transport Strategy.

6.3. Local Planning Policy

Cork City Development Plan 2022-2028

- 6.3.1. The application site and the adjoining lands to the north, south and west have a land-use zoning 'ZO 01 – Sustainable Residential Neighbourhoods' within the Cork City Development Plan 2022-2028, with a stated objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. Residential use is permitted in principle in the 'ZO 01' zone. The lands immediately to the east of the site along the rear of residential properties on Orchard Road and following the Glasheen river, fall into the 'ZO 17 – Landscape Preservation Zone', with a stated objective in the Development Plan 'to preserve and enhance the special landscape and visual character of Landscape Preservation Zones'.
- 6.3.2. The Development Plan identifies a specific local objective (ref. SW2) to provide a riverside walkway / cycleway along the Glasheen River, with water / river corridor, tree canopy and visually important land identified as the visual assets to be protected. The site does not feature a specific conservation status. The northern

portion of the application site is identified in the Development Plan as being within a 'zone B' flood risk zone.

- 6.3.3. Sections 3.38 to 3.44 of the Development Plan initially address the context for purpose-built student accommodation in Cork city, as well as the various documents to have regard to when considering proposals for same. Objective 3.8 of the Development Plan addressing purpose-built student accommodation states that the Planning Authority 'will seek to ensure that student housing demand is met by Purpose-Built Student Accommodation as far as possible, subject to criteria relating to access, mix and inclusivity of neighbourhoods, as well as the quality of a scheme.
- 6.3.4. In relation to housing mix, objective 11.2 of the Development Plan sets out that purpose-built student accommodation schemes will be exempt from dwelling size mix targets. Table 11.8 of the Development Plan sets out a maximum mix of 15% studio or purpose-built student accommodation in the city suburbs, and a 0% target for these units.
- 6.3.5. Section 11.125 of the Development Plan addresses various matters when considering proposals for purpose-built student accommodation, including zoning, mix, amenities, accommodation standards, support services, management plans and a restriction on changes of use. The application site is in zone 2 for parking purposes, with table 11.13 of the Development Plan outlining that a maximum of one car parking space per 20 bed spaces is permissible in student housing schemes. Table 11.14 of the Development Plan requires one cycle space per two bed spaces in student accommodation schemes.
- 6.3.6. The Development Plan features various appendices and is supported by studies that were used as part of the preparation of the Plan, including Cork City Urban Density, Building Height and Tall Building Study. This study identified various development parameters for the city that have informed the density and building height provisions of the Development Plan.

Cork Metropolitan Area Transport Strategy 2040

- 6.3.7. Published in 2020, the Cork Metropolitan Area Transport Strategy (CMATS) supports the delivery of 2040 population growth targets for the Cork metropolitan area, providing an opportunity to integrate new development at appropriate densities with

high-capacity public transport infrastructure, in conjunction with more attractive walking and cycling networks, as well as associated public realm improvements. A future BusConnects route with priority measures and a light-rail transit (LRT) route with stops at County Hall and Dennehy's Cross are identified in the strategy as operating in the future along Victoria Cross Road. The strategy identifies the short-term need to protect the alignment of the LRT scheme through development consolidation along the identified corridor, as well as the interim need to implement a high-frequency bus service route and bus corridor priority measures along the alignment of the LRT scheme. Short term prioritisation of the east-west bus corridor is also to be implemented.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Statement of Consistency with planning provisions, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Chapter 2 of this Statement refers to the asserted consistency of the proposals with the provisions of 'Project Ireland 2040', 'Rebuilding Ireland', the National Student Accommodation Strategy, the DMURS, the Building Heights Guidelines, and the RSES for the Southern Regional Assembly. This chapter also refers to the Urban Design Manual (2009), which has since been revoked. Chapter 3 of the Statement addresses local planning policy comprising the Cork City Development Plan 2015-2021, the Cork City Development Plan 2022-2028, the Cork MASP and the CMATS. The statement asserts that the proposed development would be consistent with national, regional and local planning policies.

8.0 Material Contravention Statement

- 8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016, addressing both the Cork City Development Plan 2015-2021 and the Cork City Development Plan 2022-2028. The applicant states that these statements are submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Development Plans.

- 8.2. With respect to the Development Plan for the 2022-2028 period, the applicant's Material Contravention Statement addresses matters, including development adjoining watercourse corridors, density and building heights. Should the Board consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including national policy objectives, the provisions of Project Ireland 2040, the provisions of the Building Heights Guidelines, the use of an upper target in the Development Plan for residential densities, the need to develop the site sustainably and the heights of neighbouring permitted developments.
- 8.3. In conclusion, the applicant asserts that the Board should grant permission for this strategic housing development having regard to the provisions under subsections 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

- 9.1. Within the statutory period, two observations were received by the Board, both from neighbouring residents of Orchard Road. The submissions included photographs, an aerial image and extracts from the application. The observers object to the proposed development and request that the Board refuse permission for the proposed development for reasons that can be summarised as follows:

Planning & Development Principles

- the Development Plan requires student accommodation to be concentrated into certain areas;
- there has been an overconcentration of student housing in the Orchard Road area with various existing, permitted, under construction and proposed student housing developments;
- the immediate area consists of mainly owner-occupiers, including young families and older people;
- the cumulative impacts of studentification need to be considered;

- Covid-19 resulted in differing demands and needs for student accommodation;
- the apartments should only be used by students;

Layout, Design & Heights

- proposals would be out of character with the area, including the form, design and scale of existing buildings;
- excessive building heights are proposed relative to the low-rise surroundings;
- proposals would result in overdevelopment of the site, as emphasised by the extent of roof terraces proposed;
- proposals feature poor architectural quality having regard to the development context, scale, height and massing;
- negative impacts on the visual amenities of the area would arise;
- the development would be a crude addition at a gateway to the city;
- only limited photomontage viewpoints have been provided;
- trees should be maintained on site and used as a screening mechanism for various purposes;

Cultural Heritage

- the Orchard Road area is of historical significance, with its former lime kiln recorded in the Development Plan as a protected structure (RPS ref. PS994);
- the proposed building would overshadow the protected structure and detract from its appearance;
- heavy-good vehicles could impact on the neighbouring lime kiln protected structure (RPS ref. PS994);

Impacts on Residential Amenities

- proposals would overshadow houses and apartments, including those along Orchard Road;

- permission was refused for a neighbouring three-storey development under ABP ref. PL28.247698, due to the impacts on residential amenities;
- proposals would result in a loss of sunlight and daylight to neighbouring houses in The Grove, particularly during winter months when the sunpath is lower;
- the windows on the western elevation of Limekiln House serve a sitting room, a living room, bedrooms and a bathroom, whereas the applicant only considered these windows to serve non-habitable rooms;
- Limekiln House is occupied, and it is not under construction, as asserted in the application;
- excessive overlooking and loss of privacy would arise for residents of Limekiln House from the proposed building windows, balconies and roof terraces;
- screening via a 1.8m-high wall along the rooftop terrace would be necessary to prevent overlooking and address anti-social behaviour;
- the assertion that the proposed development would not have negative impacts as a result of noise pollution and nuisance during the operational phase is not based on the facility being professionally managed;
- noise from student accommodation is louder than other residential accommodation, including during nighttime hours;
- the applicant admits that there would be an increase in noise and vibration during the construction period, as occurred in other neighbouring developments;
- anti-social behaviour would arise, including from use of the proposed roof terraces, and as experienced with other neighbouring student accommodation complexes;
- odour nuisance would arise as a result of the positioning of the waste and recycle store;

- nuisance would be caused by waste collection vehicles serving the proposed development, including the associated noise, lights and sirens, and with no waste management strategy for the adjoining development;
- conditions would need to be imposed on working hours and site activity, between 08:00 and 18:00 hours Monday to Friday only;
- the developer should clean windows of neighbouring properties regularly and monitor and address traffic issues during the construction phase;

Traffic, Access & Parking

- there would be an increase in traffic during the construction phase, with inadequate details submitted regarding management of same over a two-year period, including heavy-goods vehicles, trench digging and road closures;
- there would be an increase in traffic movements in the area during occupation of the accommodation, with informal taxi-ranks arising and extensive drop-off and collection for students during the third-level academic term and for tourists during summer periods;
- significant traffic congestion would arise in the area, particularly along Victoria Cross Road, which features poor road markings and limited scope to increase its capacity to serve bus and cycle lanes;
- additional pedestrian traffic would arise alongside the permitted 154 student bed spaces in the Kelleher's tyres development and the permitted 255 student bed spaces in the Crow's Nest development;
- the mobility management plan is purely aspirational, and it should have been prepared based on robust analysis of the operational dynamics of an existing student accommodation facility in a similar context;
- flaws in terms of traffic movements means that the road safety audit and elements of the road design would be invalid;
- proposals are absent of a set-down area, which would lead to traffic hazard;
- restricted access would arise along Victoria Cross Road for emergency vehicles;

- the increased parking needed for students and tourists using the accommodation would result in and exacerbate overspill, obstructive and illegal parking in the neighbouring residential areas;
- there is an absence of a turning head for waste collection vehicles;

Facility Management

- the student accommodation management plan submitted is not a bespoke plan, as it is based on a previous plan;
- the student management plan is unrealistic and does not feature sufficient measures to address noise nuisance, parties, excessive parking, crime and littering;
- fulltime property management would be necessary to address potential health and safety concerns, as well as anti-social behaviour;
- it would not be accurate to assess the proposals based on the university returning to the pre-Covid scenario of on-site teaching, and with data regarding student accommodation needs out of date;
- an increase in rodent activity would arise as a result of the waste and recycle storage area;

Drainage and Services

- impacts on rivers, which are of vital importance, have not been fully addressed;
- the construction phase may result in increased debris along the river channel resulting in flooding;
- further reassurances are required in relation to water supply / pressure, flood risk, drainage and wastewater infrastructure;

Procedural & Other Matters

- the developer should confirm the area in their ownership, including the riparian corridor;

- it is unclear whether or not the applicant has a legal right to utilise the vehicular route serving Ashbrook Heights as an emergency vehicle access;
- depreciation in the value of neighbouring properties would arise;
- the Board should not rely on previous decisions they made, as many of these were poor decisions;
- the Board members involved in ABP refs. 307441 (Ecklinville, Orchard Road student housing) and PL28.245315 (Brookfield village student housing) should not be appointed to this case;
- there have been difficulties and delays viewing and examining strategic housing development planning applications on the Board's website;
- the Board needs to consider the outcomes of various court judgements in making decisions.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted their Chief Executive Officer's report in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The views of the Chief Executive Officer of the Planning Authority can be summarised as follows:

Development Principle

- the principle of this development is acceptable based on the Development Plan zoning and the specialist demand for student housing in the city;
- chapter 3 of the Development Plan notes a key local target of 3,500 additional purpose-built student accommodation bed spaces in Cork City by 2028;
- the proposed development would not undermine the ability to achieve Housing Need Demand Assessment (HNDA) targets;
- should all the extant permissions for student accommodation be constructed by 2024, there would be an estimated shortfall of 858 purpose-built student

bed spaces in Cork based on the details in the National Student Accommodation Strategy;

- a citywide shortfall in student accommodation is predicted for 2024;
- the concentration of purpose-built student accommodation in the area is noted;
- the provision of a high-density residential development within easy reach of the nearby third-level institutions, local services and public transport is supported as part of the vision for the sustainable development of Cork City;

Density

- proposals in the Victoria Cross area can feature high densities, in accordance with the targets of the city centre area or the fringe / corridor / centre area;
- standard density calculations based on units per hectare are not readily applicable in the case of student apartment schemes;
- as this area is identified as appropriate for high-density student accommodation developments, the proposal does not contravene the density provisions in the Development Plan;
- given the exemptions for the Victoria Cross area under paragraph 11.44 of the Development Plan and in the Cork City Urban Density, Building Height and Tall Buildings Study 2021, the proposed density and building heights for the development are not considered to be representative of a material contravention of the Development Plan;
- the floor area ratio would be in accordance with the targets of the city centre area and the fringe / corridor / centre area;
- Part V provisions do not apply;

Building Heights & Design

- the proposed building height would match that of the adjoining permitted building to provide a uniform terrace-like appearance to the street, albeit with unique features on the proposed elevation to allow for a distinction between the buildings;

- the proposed building height would be acceptable for this location on Victoria Cross Road;
- the proposed L-shaped building would have a simple form and layout, with a similar design approach to the permitted developments in the immediate area;
- the proposed building would provide a strong urban edge at the corner of Victoria Cross Road and Orchard Road;
- the building height and massing has been modulated, similar to the design approach taken in the adjoining and neighbouring permitted developments;
- the massing of the development is substantial, with the full building line of the six-storey elevations facing onto the street;
- the external finishes would be appropriate and would positively contribute towards the visual integration of the building into the streetscape;
- the urban design and architectural terms are acceptable;
- the number and extent of the viewpoints presented in the photomontages are acceptable;
- the citywide visual impacts of the proposed development would not be adverse, given that the height of the proposal would be subservient to the height of adjacent and recently completed and permitted developments in this area;
- the positive visual impacts in redeveloping the site would compensate for the limited adverse visual impacts of this proposal;

Layout

- the scheme provides a setback for the riverside walkway cycleway amenity route, in compliance with the site-specific objective;
- material contravention of the provisions under section 11.219 of the Development Plan, requiring a minimum 15m setback from the riverside edge, would be justified given the need to facilitate BusConnects along Victoria Cross Road and the gain in providing the riverside amenity route;

- the proposed scheme would fully integrate with the permitted scheme to the south (ABP ref. 306714-20), including communal spaces, and the details provided are comprehensive and alleviate concerns relating to how these two schemes would physically integrate and operate;
- the maintaining of riverside trees is noted;
- the building should be set back a further 0.6m to address the requirement for the BusConnects route corridor along Victoria Cross Road;
- the proposed tie-ins with the adjoining public streets and footpaths would not raise concerns;

Impacts on Residential Amenities

- the inclusion of the sawtooth windows, the difference in floor levels, landscaping, separation distances and building orientation would reduce the potential for overlooking, but overbearing impacts would remain;
- with the exception of the western elevation of a house to the east of the site, the impact of the proposed development on access to daylight to the surrounding residential properties would be in compliance with the minimum BRE 209 Guide targets;
- the ground-floor living and sitting rooms to the extended house to the east would both feature two windows, which would provide additional daylight access for these rooms;
- the proposed development would not cause any undue overshadowing or loss of light for existing properties in the vicinity;

Development Standards

- the unit mix, as set out in objective 11.12 of the Development Plan, is not applicable;
- the details of this student accommodation management plan are acceptable, with restrictions on the use of the roof terraces;

- the sizes and dimensions of all 78 proposed apartments would meet the minimum standards in line with the standards in objective 11.6 of the Development Plan;
- the proposed development would not cause any undue overshadowing of the proposed amenity spaces or excessive overlooking for future occupants of the units;
- the extent of communal space provision is acceptable in equating to 5sq.m per bed space;
- the findings of the Wind Microclimate Modelling Assessment are noted;
- a Building Adaptation to Alternative Use Strategy document should be submitted as a condition in the event of a permission;

Access, Traffic and Parking

- access for vehicles and bicycles would primarily be from Orchard Road, with cycle and pedestrian access also proposed from the southside off the access to Ashbrook Heights;
- the access arrangements, public transport, parking, public lighting, Road Safety Audit, Mobility Management Plan and Construction Environmental Management Plan details are acceptable, but an issue relating to the design of the vehicular set down area requires addressing via condition;
- concerns arise regarding safe pedestrian and cyclist movement at the Orchard Road entrance, which would need to be addressed via condition;
- prior to the initial occupation of the development full details of the emergency access route along the east side of the site to include appropriate turning areas and a comprehensive design to clearly indicate a pedestrian / cyclist priority area should be provided;
- the absence of on-site car parking is welcomed;
- the proposed provision of 104 cycle parking spaces would be acceptable;

Other Matters

- conditions with respect to drainage and water supply would be applicable;
- the various reports requested at pre-application stage have been provided with the application;
- the Board is the competent authority for AA and EIA screening.

Conclusion, Recommendation and Statement

10.1.1. The Planning Authority conclude that the development would accord with the provisions of the Development Plan and the National Student Accommodation Strategy, and it would make a significant contribution to the supply of student bed spaces in Cork city. Accordingly, the Planning Authority recommend that permission should be granted for the proposed development, subject to 43 conditions considered necessary to attach, the following of which are of note:

Condition 2 (b) – submit a finalised Student Accommodation Management Plan;

Condition 7 – restriction in use of the outdoor amenity space after 10pm every evening;

Condition 9 – submit a ‘Building Adaptation to Alternative Use Strategy’;

Condition 13(a) – construction phase noise limits;

Condition 13(c) – bored piling to be used during site clearance and construction;

Condition 16 – agree the exact locations, details and management of the proposed set down space;

Condition 30 – provide a set-back of the building line, as required by the NTA, to allow a total corridor width of 20.6m on the Wilton Road, in order to facilitate future sustainable transport infrastructure;

Condition 33 – enter into a stormwater diversion agreement with the Planning Authority;

Condition 34 – submit a revised drainage layout, clearly identifying adequate offset(s) between the building foundation and the proposed drainage;

Condition 36 – submit a revised drainage layout routing the proposed infiltration trench through the oil interceptor, prior to outfall, or demonstrating alternative means by which this potential pollution via this pathway would be mitigated;

Condition 38 – agree proposed works with Inland Fisheries Ireland;

Condition 39 – submit a revised water main layout addressing supply, connection and metering matters;

Condition 40– submit a revised water main layout to comply with the Planning Authority and Uisce Éireann requirements.

10.2. Inter-Departmental Reports

- Planning Policy – the proposals comply with planning policy provisions and have been amended to address matters raised at pre-application stage, although a condition would be necessary for a building adaptation to alternative use strategy to be submitted;
- City Architect – well-considered proposal with no objections in terms of urban design or architecture;
- Parks & Recreation Department – issues raised at pre-application stage have been addressed;
- Infrastructure Development Directorate – no objection subject to a condition setting back the proposed building line and providing for a total corridor width of 20.6m along Victoria Cross Road;
- Drainage – no objection subject to eight conditions addressing wastewater, stormwater, SUDS, flooding, impacts on the river and construction management;
- Water Services – the proposed watermain layout shall be revised and the proposals shall comply with various requirements of the Planning Authority;

- Community, Culture & Placemaking – no objection, subject to conditions addressing the need for a Quality Audit, the DMURS, a bond, connection agreements, contributions, taking-in-charge details and the provision of details for the upgraded cycle and pedestrian crossing to Orchard Road;
- Traffic Operations – no objection subject to seven conditions addressing provisions of a set down space, confirming cycle parking provision, public lighting, addressing and undertaking road safety audits, road markings and signage, and construction traffic management;
- City Archaeologist – no objection or comments;
- Environment – no objection, subject to conditions addressing preservation of wildlife, noise and residential amenities, orderly development, disposal of waste and waste management;
- Heritage Officer – no response;
- Conservation Officer - the proposals would not have a negative impact on the setting of protected structures, the College Road and Magazine Road Architectural Conservation Area (ACA) and County Hall landmark building;
- Fire Officer – sprinkler coverage distances need to be reviewed;
- Housing Directorate – social and affordable housing requirements do not apply.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Local Authority. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these comments can be summarised as follows:

- queries regarding tie-in for BusConnects and public access to the riverside walkway;
- concerns regarding the concentration of student accommodation in the area (studentification), overshadowing of the street and residential properties,

overlooking of residential properties, sandwiching of residential properties, overspill parking in an area already suffering from same, the capacity of the water supply and drainage network, the affordability of the housing and anti-social behaviour during the academic year,

11.0 Prescribed Bodies Submissions

11.1.1. The following comments were received from prescribed bodies:

Uisce Éireann

- water supply – is feasible without an infrastructure upgrade with scope for a connection to be made to the 200mm watermain to the west of the site;
- wastewater – is feasible without an infrastructure upgrade and provision for a 5m wayleave to access existing wastewater infrastructure along the east side of the site;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann standards, codes, and practices;

National Transport Authority

- the subject area would be likely to benefit from improved transport infrastructures arising from the BusConnects, LRT and the emerging improved cycle network projects;
- a high-density development in this area would complement the CMATS land-use priorities;
- a further setback of the building line along Victoria Cross Road by 600mm would be necessary based on an assumed need to accommodate BusConnects and Cork LRT, thereby providing a 20.6m-wide transport corridor.

- 11.1.2. In addition to the above prescribed bodies, the applicant states that they notified TII and Inland Fisheries Ireland. An Bord Pleanála did not receive a response from these prescribed bodies within the statutory period.

12.0 Assessment

12.1. Introduction

- 12.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines.
- 12.1.2. From the outset I note that the applicant lodged the subject application to An Bord Pleanála on the 5th day of August, 2022, prior to the Cork City Development Plan 2022-2028 coming into effect on the 8th day of August, 2022. The application documentation, including the Material Contravention Statement, addresses the provisions of the previous 2015-2021 Development Plan for this area, as well as the Cork City Development Plan 2022-2028, which had been adopted by the Planning Authority in final format at the time of lodging the application to the Board. The five-week public consultation period in which responses could be received by the Board regarding the application overlapped with the period in which the Cork City Development Plan 2022-2028 was in effect and, accordingly, this allowed all parties, including observers and prescribed bodies, to make submissions based on the provisions of the current statutory plan for this area. The Chief Executive Officer's report refers to various provisions in the Cork City Development Plan 2022-2028. I am satisfied that all parties to the application and the public had sufficient scope to address the current Development Plan for this area in submissions to the Board regarding the application. The application is assessed below having regard to the provisions of the Cork City Development Plan 2022-2028.
- 12.1.3. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive Officer's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the

substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density;
- Design & Layout;
- Access, Parking & Traffic;
- Building Heights, Visual Impacts & Built Heritage;
- Development Standards;
- Impacts on Neighbouring Amenities;
- Drainage Services & Flood Risk;
- Material Contraventions.

12.1.4. Objective 11.6 of the Development Plan sets out 12 criteria to be considered when assessing proposals for purpose-built student accommodation and in the proceeding sections of my report, each of these are discussed.

12.2. Development Principles

Strategic Housing Definition

12.2.1. The proposed development would comprise a stated 4,741sq.m of floorspace, which would be exclusive of 1,492sq.m ancillary floorspace, including student amenity facilities, circulation areas, reception / office and plant areas. Commercial floorspace is not proposed. As part of the development, it is proposed to demolish two commercial buildings with floorspace amounting to 409sq.m, and these buildings would not form functional floorspace in the new development. I am satisfied that the 4,500sq.m or 15% non-residential floorspace limitations set out in section 3 of the Act of 2016 would not be exceeded as part of the proposed development, and I am satisfied that the proposed development featuring 206 student bed spaces would come within the statutory definition of a 'strategic housing development'.

Land-Use Zoning Objectives

- 12.2.2. Based on the zoning maps appended to the Cork City Development Plan 2022-2028, the application site features a land-use zoning 'ZO 01 – Sustainable Residential Neighbourhoods' with a stated objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. Student accommodation is a form of residential development, albeit of a commercial nature. Residential uses are permitted in principle under the subject Development Plan 'ZO 01' zoning objectives. The Planning Authority accept that this proposed development would comply with the relevant zoning provisions, and I am satisfied that the development would not conflict with the primary objective for these 'ZO 01' zoned lands, as referred to in chapter 12 of the Development Plan, and as required under objective 11.6(a) of the Development Plan.

Objective 3.8 – Student Accommodation

- 12.2.3. Objective 3.8 of the Development Plan sets out guidance in relation to the provision of student accommodation, initially recommending that student housing demand should be met by purpose-built student accommodation, subject to criteria relating to site locations, the mix and inclusivity of a receiving neighbourhood and the quality of a scheme. Criteria (a) of objective 3.8 states that student accommodation should be provided in locations accessible to higher-level education campuses by walking, cycling or public transport, and ideally in the city centre, city docks, urban centres and mixed-use brownfield redevelopment schemes.
- 12.2.4. The application site is within the Bishopstown area, approximately 900m walking distance or an 11-minute walktime from the closest buildings within the University College Cork (UCC) campus on College Road. It would be approximately 2.3km or a 30-minute walk west of the entrance to the Munster Technological University (MTU) Cork campus. The public bus service 205 operates along Victoria Cross Road, with services every 15 minutes during daytime hours connecting with the MTU Cork campus on Rossa Avenue. A stop on Model Farm Road 225m to the south of the site, is also served by this 205 bus route connecting the area with the UCC campus on College Road. Bus stops along Victoria Cross Road are served by routes 208 and 220, providing daytime connections six to eight times per hour with the city

centre. Based on the frequency of buses serving the site environs connecting with MTU Cork and UCC campuses, as well as the short walking distance from the site to UCC campus, I am satisfied that it would be reasonable to consider the site location accessible to higher-level education campuses.

- 12.2.5. I acknowledge that the site is not located in what is termed in the Development Plan as an 'ideal' location for student accommodation, such as the city centre, city docks or an urban centres, and as a proposal for student accommodation it would not conform to a mixed-use brownfield redevelopment scheme. Notwithstanding this, the provisions within the Development Plan do not strictly preclude a student accommodation scheme at this location. Accordingly, given that the site is in a location accessible to higher-level education campuses, I am satisfied that it would not conflict with criteria (a) of objective 3.8 to the Development Plan.
- 12.2.6. The second criteria (b) to be considered under objective 3.8 to the Development Plan refers to whether a development contributes to a mixed and inclusive neighbourhood. Observers to the application and Elected Members from the Planning Authority assert that the area features an overconcentration of student accommodation, including existing, permitted and proposed student accommodation developments, and that based on the provisions of the Development Plan further student accommodation should not be allowed in this area. With reference to the residential amenities of the area, observers also refer to the area as consisting of mainly owner-occupiers, including young families and older people.
- 12.2.7. Observers refer to 17 student accommodation schemes located within 500m of the application site, ranging in scale from 56 to 623 bed spaces. To this end the observers assert that the addition of the subject proposals, would contribute to the studentification of the area and the cumulative impacts of this need to be considered. The Chief Executive from the Planning Authority acknowledge that there is a concentration of purpose-built student accommodation in this area, however, they do not raise any concerns in relation to this, nor do they state that there is an overconcentration of such accommodation.
- 12.2.8. The surrounding area is suburban in character with a variety of uses, including low-density housing, apartment schemes, commercial uses and student accommodation.

The Crow's Nest student accommodation complex located 130m to the north of the application site is a recent addition to the area. There are also proposals and permissions for student accommodation in this area, including an extant permission for a student accommodation scheme comprising 25 apartments on the adjoining site to the application site (ABP ref. 306714-20), which the Planning Authority are satisfied that the subject proposals would integrate with and be capable of operating with.

12.2.9. The applicant submitted a Report on Supply, Demand & Concentration of Student Accommodation and various other reports, including a Statement of Consistency in addressing criteria B of objective 3.8 to the Development Plan. The applicant refers to nine of the 24 permitted, under construction or completed purpose-built student accommodation schemes in Cork as being located within 500m of the application site, asserting that this highlights demand for such facilities in this area. The applicant also refers to the proportion of the student population in the immediate Electoral Divisions (EDs) as decreasing when moving further from UCC.

12.2.10. While I would accept that the proposals would increase the provision of student accommodation in this area, it may also absorb an element of student accommodation from existing private housing in the area, and in replacing an existing unoccupied commercial premises it would contribute additional population into the neighbourhood. In relation to the diversity of the neighbourhood, I note that the subject Central Statistics Office (CSO) small area (ref. A048030004/02) comprised 49 students in 2022, representing 25% of the total population of this small area. Assuming all future residents of the facility were present on census night, the proposed development would potentially increase the proportion of students within the small area to 63% of its population. The site falls into the 'Bishopstown A' ED, which in 2022 featured a population of 2,292, including 945 students representing 41% of the ED population. As noted by the applicant, the proposed development would potentially increase the student population of this ED by a further 5%.

12.2.11. I note that the permitted student housing, including the adjoining Kelleher's tyres site scheme and the Crow's Nest development, would be likely to further increase the proportion of students within the neighbouring population, however, I do not consider that this would homogenise the population of the local neighbourhood, with the proposed

student housing maintaining a diversity of occupants within the local community and contributing to a mixed and inclusive neighbourhood. Furthermore, I do not consider the anticipated proportionate increase in students arising from the proposed development within the subject CSO small area population as being indicative of the neighbourhood being overwhelmed by a student population that would not contribute to its mix or inclusiveness, as these small areas are utilised purely for administrative, statistical purposes and in the wider neighbourhood there is an expansive array of housing typologies and occupants. Accordingly, the proposals would accord with the requirements under objective 11.6(d) of the Development Plan,

12.2.12. The overall quality of the development design and layout is addressed in section 12.4 below, and the quality of the accommodation is addressed in section 12.7. I am satisfied that based on these assessments the proposed development would be of a satisfactorily high quality and would meet the needs of students, in line with criteria (c) of objective 3.8 to the Development Plan. In conclusion, I am satisfied that the proposed scheme is in accordance with the overall provisions and intentions of objective 3.8 to the Development Plan.

12.2.13. Observers assert that students should only use the apartments. The application includes a Student Accommodation Management Plan, providing details of the management proposals for the development, including use of the facility for tourist accommodation outside of the third-level academic term. It would be typical for purpose-built student accommodation to be used as tourist accommodation outside of the academic term in providing additional tourist accommodation when it is in most demand, including during summer months. Accordingly, I am satisfied that the proposed development would provide a means of enhancing tourist accommodation in the city in a sustainable manner, in line with objective 7.26 of the Development Plan. Circular PL 8/2016 & APH 2/2016 issued by the Department of Housing, Planning, Community and Local Government in July 2016 includes a condition to limit the use of student accommodation and I am satisfied that it would be appropriate for this condition to be attached in the event of a grant of planning permission for the proposed development.

Development Quantum

- 12.2.14. Observers refer to the Covid-19 restrictions placed on students, as resulting in differing demands and necessity for student accommodation. I am satisfied that the in interim period since Covid-19 restrictions limited third-level students to remote learning, a return to on campus teaching has reestablished with a resultant need for students to reside local to third-level campuses.
- 12.2.15. Table 2.2 addressing the city core strategy states that the southwest suburbs of the city featured a baseline population of 40,237 in 2016, equating to 19.1% of the city population. The Development Plan allocates a target population growth of 5.9% (2,388 people) for the subject southwestern suburbs. Chapter 3 of the Development Plan addressing the delivery of homes and communities, includes table 3.6 setting out indicative targets for purpose-built student bed spaces on an annual basis over the period of the Development Plan, including the potential provider of these bed spaces. The Chief Executive from the Planning Authority notes the total indicative target within this table to the Development Plan as establishing a need for 3,500 additional purpose-built student accommodation bed spaces in Cork City by 2028, while also concluding that the proposed development would not undermine the ability to achieve Housing Need Demand Assessment (HNDA) targets.
- 12.2.16. Given the reference to the targets within table 3.6 of the Development Plan as being 'indicative', I would be hesitant to simply consider exceedance of an annual target value or a provider target value in this table as contravening the Development Plan provisions for the quantum of purpose-built student accommodation over the period of this Plan. Given the complexities in the construction sector, there is no guarantee that any one of the specific providers referenced in table 3.6, comprising MTU Cork, UCC and the private sector, would engage in the provision of student accommodation in the consistent and continual manner envisaged as part of the chronological targets set in this table. Accordingly, I am satisfied that the key, albeit indicative target value in this table, is the 3,500 total student bed spaces set for the city. I have reviewed the information provided by the various parties, including the lists of large-scale student accommodation schemes stated to within 500m and 1km radii of the application site. The lists do not indicate that figures approaching 3,500 student bed spaces have been permitted in these areas since adoption of the

Development Plan in August 2022. I also note the unimplemented permission dating from July 2023 for 205 student bed spaces on Rossa Avenue adjacent to the MTU Cork campus (ABP ref. 316101-23) and the various recently constructed student accommodation developments, such as the aforementioned Crow's Nest development (255 bed spaces) and the Nido Ashlin House development (554 student bed spaces), which is located 1.2km to the east of the site on Bandon Road. A review of the Planning Authority register would not suggest that the indicative target of 3,500 student bed spaces has been exceeded or is nearing exceedance, and no parties to the application have highlighted that this indicative target has been exceeded for the city area since adoption of the Development Plan.

12.2.17. Furthermore, in considering planning applications for student accommodation in Cork city, section 3.44 of the Development Plan refers to the need to have regard to the provisions of the National Student Accommodation Strategy, which features requirements with respect to the supply and demand of student accommodation in locations such as Cork city. Notwithstanding the potential for all extant permissions for student accommodation to be constructed by 2024, the Chief Executive from the Planning Authority refers to an estimated shortfall of 858 purpose-built student bed spaces in Cork by 2024 based on the projected supply and demand of such bed spaces outlined within the National Student Accommodation Strategy.

12.2.18. In conclusion, there is no substantive evidence demonstrating that the indicative overall target of student bed spaces provided for in the Development Plan provisions for Cork city would be exceeded as a result of the proposed development or that the quantum of residential units outlined in the core strategy of the Development Plan for the southwestern city suburbs would be exceeded as a result of the proposed development. The requirements under objective 11.6(c) of the Development Plan relating to housing need demand assessments, would not fail to be complied with as part of the proposals.

Land Ownership

12.2.19. Observers refer to the need for the applicant to confirm that they have sufficient control of the lands subject of the application, including the riparian corridor and the vehicular route serving Ashbrook Heights. I am satisfied that the applicant has

provided sufficient evidence of their legal interest for the purposes of submitting the planning application, as well as the issuing of a decision in relation to the proposals. Matters pertaining to the control of certain lands relating to the application site, may or may not be a civil matter to be resolved between parties, and I propose to proceed with my assessments having regard to the provisions of section 34(13) of the Act of 2000. Any further consents or agreements that may have to be obtained are essentially a subsequent matter outside the scope of the assessment of this planning application.

Local Ecology

12.2.20. This site lies within an urban area and current land uses in the vicinity are detailed in section 2 above. An Ecological Impact Assessment report dated July 2022 was submitted with this application referring to various surveys undertaken and the habitats and species identified, as well as referring to designated sites for nature conservation in the vicinity, including the Lee Valley and Cork Lough proposed Natural Heritage Area (pNHAs) approximately 1.2km and 1.3km respectively from the application site. The habitats recorded on site, as listed in the application Ecological Impact Assessment, are stated to comprise buildings and artificial surfaces (BL3), recolonising bare ground (ED3) and a treeline (WL1). During the ecological surveys no Annex I habitats were recorded within the subject site and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded habituating the site. The applicant states that the Glasheen river may support otter with potential for this species to commute along the riparian corridor adjacent to the site. Magpie, rook and crow bird species were observed at the site, but no birds nesting on site were observed. Invasive species were not recorded within the site during surveys undertaken as part of the preparation of the submitted Ecological Impact Assessment.

12.2.21. The site is of negligible to low ecological value based on the information presented. To address potential impacts of the project on local ecology, the applicant refers to the proposed measures to safeguard aquatic species and otter by protecting water quality entering the Glasheen river, pre-demolition surveys for bats, installing of bat-sensitive external lighting and the replacement of existing planting for foraging bird species. Based on the information submitted and available, I am satisfied that there

would be not significant residual impacts from the project for local ecological receptors.

Conclusion

12.2.22. In conclusion, having regard to the current statutory plan for this area and the provisions of National Student Accommodation Strategy, the nature and scale of the proposed development would be appropriate for this site.

12.2.23. As noted by the Planning Authority and the applicant, the proposed development is not required to comply with the provisions of Part V of the Act of 2000. Furthermore, the Planning Authority has requested the attachment of a general development contribution condition under section 48 of the Act of 2000, as well as a condition relating to bonds, which would appear appropriate to attach in the event of a grant of permission for the proposed development.

12.3. Density

12.3.1. Observers assert that the proposed density of the scheme would be excessive for the area and would lead to overdevelopment of the site. The Planning Authority highlighted that the density of the proposed development would not materially contravene provisions of the Development Plan and that the scale of the proposals would be in accordance with the Development Plan, including the vision for the Victoria Cross Road area. The applicant asserts that the density of the scheme would be acceptable based on the provisions of the Development Plan, including an exception allowing for high-density developments in this area and the site location along a proposed BusConnects route corridor.

Local Policy

12.3.2. The Planning Authority state that the findings of the Cork City Urban Density, Building Height and Tall Buildings Study have informed their assessment of the density, as well as the building height policies in the Development Plan. Table 11.2 of the Development Plan sets out density, floor area ratios and building height standards for various areas within the city. The application site is located within the outer suburbs based on Map 8 accompanying volume 2 to the Development Plan. Table 11.2 of the Development Plan sets out a target density range of 40 to 60 units

per hectare in the outer suburbs. According to the Planning Authority, the Cork City Urban Density, Building Height and Tall Building Study facilitates an exception in terms of the density and building height strategy for the northern part of the Victoria Cross area, as it has emerged as a focus of high-density student accommodation and that high-density student housing developments at densities appropriate to the two highest density categories of this strategy would be considered appropriate here. The two highest density categories in the Development Plan refer to the city centre / docks area and the fringe / corridor / centre area, which are assigned density ranges of 100 units per hectare or more, and 50 to 150 units per hectare respectively.

- 12.3.3. This provision of the Cork City Urban Density, Building Height and Tall Building Study relating to densities in the northern part of Victoria Cross, does not appear to have been directly translated into the Development Plan. Notwithstanding this, section 3.23 of the Development Plan states that the Cork City Urban Density, Building Height and Tall Building Study was prepared to provide a key input into the residential density assumptions that underlie the core strategy and other development objectives of the Development Plan. Furthermore, in discussing the tall buildings strategy, the Development Plan refers to locations considered suitable for landmark medium-rise buildings, based upon the suitability of locations for higher density development comprising regeneration areas or areas with strong suitability due to the proposed LRT corridor, including reference to the Victoria Cross area. Accordingly, I am satisfied that there are sufficient provisions within the Development Plan to allow for the two highest density categories to be applicable for this site and the proposed development.

National Policy

- 12.3.4. The Sustainable Settlements Guidelines promote increased residential densities and the utilisation of a tiered approach in identifying appropriate densities for settlements, with density ranges for the city centre, urban neighbourhoods and suburbs of Cork city set out in table 3.1 of the Guidelines. There is a general presumption in these Guidelines against densities exceeding 300 units per hectare.

Access to Public Transport

- 12.3.5. The application Mobility Management Plan sets out the public transport services currently available in the immediate and wider area, including bus services and the frequency of same as referred to above in section 12.2. The CMATS identifies the existing 205 and 208 routes as featuring high-frequency services. The applicant's Mobility Management Plan also addresses planned public transport infrastructure facilities within the application site environs, including cycle routes and BusConnects. The LRT corridor, as well as high-frequency BusConnects route 2, are noted as being proposed to run along Victoria Cross Road fronting the site.

Location Category

- 12.3.6. Table 3.8 of the Sustainable Settlements Guidelines defines lands around existing or planned high-capacity public transport nodes or interchanges as including lands within 1km-walking distance of an interchange or node that includes DART, high-frequency commuter rail, light rail or MetroLink services, or lands within 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop. Based on the proximity and accessibility criteria referenced above, in particular the context along a planned LRT corridor, I am satisfied that the application site can be considered to fall into the category of a site located within an 'urban neighbourhood' of Cork city. Table 3.1 of the Sustainable Settlements Guidelines states that it is a policy and objective for net densities in the range of 50 to 250 units per hectare to be supported in locations such as this.
- 12.3.7. The Sustainable Settlements Guidelines state that the location density ranges will be subject to refinement as part of the determining of a planning application. Step 1 requires the refinement of density to be informed by the capacity and wider network accessibility of public transport services at a node or interchange, and the journey time to significant destinations, such as city centres or significant employment locations. The high-capacity planned LRT route identified in the CMATS indicates interchanges at Dennehy's Cross and Victoria Cross (County Hall) approximately 150m to the north and south of the site, which I am satisfied would be proximate to the site and indicate that the site would be suitable for densities at the higher end of the density range referred to for an urban neighbourhood in Cork city.

12.3.8. According to the Sustainable Settlements Guidelines, further refinement of residential densities is to be informed by the consideration of the impacts on local character, the historic environment, biodiversity, natural features, residential amenities and engineering services. These matters are considered in the various assessments below with reasoned conclusions provided that do not infer the area would be incapable of absorbing the development in a sustainable manner or that the development would fail to respond appropriately to the receiving environment.

Calculation of Proposed Density

12.3.9. The glossary to the Development Plan defines 'net density' as a measure that only includes those areas of a site that will be developed for housing and directly associated uses, such as access roads, gardens and incidental open space, but does not include distributor roads, schools, neighbourhood centres or strategic infrastructure, such as large public open spaces. The Cork City Urban Density, Building Height and Tall Building Study refers to net developable area when calculating residential densities. Appendix B to the Sustainable Settlements Guidelines provides guidance on calculating net densities for residential schemes, including the calculation of net site areas. Based on the details within the Proposed Site Plan (drawing no. A01-10 Revision A), when omitting the area of the stated lands in control of the Planning Authority (247sq.m) from the gross site area (2,882sq.m), the net developable area of the site would amount to 2,635sq.m, which would include the area of the proposed walkway / cycleway amenity route running along the river. A footnote to page 18 of the Sustainable Settlements Guidelines states that when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling.

12.3.10. Accordingly, when following the guidance set out in the Development Plan and the approach set out in appendix B to the Sustainable Settlements Guidelines, the proposed 206 student bed space development (equivalent to 51.5 dwellings) would feature a net density of 195 units per hectare. The applicant calculated the density of the scheme as amounting to 269 units per hectare, whereas the Planning Authority calculated the density as amounting to 310 units per hectare. During the consultation period for the application, the guidance on the refinement of calculations

for residential density contained in the Sustainable Settlements Guidelines would not have been available.

12.3.11. When compared with housing in the immediate environment, the proposed density would be substantively higher than the density of existing developments along Orchard Road, while being moderately higher than the densities of other student accommodation complexes directly opposite the site on Victora Cross Road. Following the density calculation approach outlined above, the recently constructed Crow's Nest development (ABP ref. 300325-17), features a net density of approximately 213 units per hectare. The permission dating from 2020 for 136 student bed spaces on the adjoining Kelleher's tyres site (ABP ref. 306714-20), allows for a net density of 241 units per hectare. The cumulative net density of the proposed development and the permitted Kelleher's tyres site (ABP ref. 306714-20) would provide for 237 units per hectare (342 bed spaces on a site of approximately 0.36ha).

Floor Area Ratio

12.3.12. Table 11.2 of the Development Plan also sets target floor area ratios for different parts of the city, which are defined in the Development Plan as the ratio of total floor area of a development in relation to the area of the site (plot ratio). According to the Planning Authority, the floor area ratio would be in accordance with the targets of the city centre area and the fringe / corridor / centre area, which would be acceptable based on the exceptions provided for in the Development Plan relating to the northern part of the Victoria Cross area. The gross floor area of the development is stated to measure 6,233sq.m, with the net site area measuring 2,635sq.m, giving a floor area ratio of approximately 2.4. Based on the aforementioned table 11.2 of the Development Plan, a target floor area ratio of 0.2 to 0.5 is sought for the outer suburbs, 2.5 to 4 is sought for the fringe / corridor / centre area, and greater than 4 is sought for the city centre area. The floor area ratio targets in the Development are intrinsically linked to the density targets, and, accordingly, it would appear that the most logical area categories to guide floor area ratio targets on the application site would be the city centre and the fringe / corridor / centre areas. The proposed floor area ratio would fall marginally short of the target floor area set for the fringe / corridor / centre area, however, I would not consider this shortfall substantive, nor

would I consider it a material variation of the Development Plan, given the fact that the Development Plan is not prescriptive in stating that these minimum or maximum standards are targets that must be achieved in a proposed development and as a the intrinsically-linked density standards would be met.

Density Conclusion

12.3.13. Based on the provisions of the Sustainable Settlements Guidelines there is scope for the application site to be developed at densities approaching the higher end of the density range for an urban neighbourhood of Cork city (250 units per hectare). I am satisfied that the proposed density would be in accordance with the provisions of the Sustainable Settlements Guidelines.

12.3.14. I am satisfied that the subject site could be considered to fall into the northern part of Victoria Cross and as it is intended to feature a student accommodation scheme. Based on the provisions of the Development Plan, in particular reliance on the Cork City Urban Density, Building Height and Tall Building Study with respect to the development objectives for Cork city, I am satisfied that the ranges in the two highest density categories of the Development Plan would be applicable in this case. Accordingly, there is scope for densities of greater than 100 plus units per hectare to be facilitated for a student accommodation development on this site. Furthermore, despite addressing the potential for the proposed density of the development to be considered to be representative of a material contravention of the Development Plan, based on the assessment above, I do not consider a student accommodation scheme with a density of 195 units per hectare to reasonably be considered to materially contravene the stated density provisions of the Development Plan.

12.4. Design & Layout

12.4.1. An assessment of the amenity and development standards of the subject scheme is undertaken in section 12.6 below. Observers assert that the proposed development would be out of character with the area, as well as the form, design and scale of existing buildings, and that the proposed building would feature poor architectural quality having regard to context, scale, height and massing. The Planning Authority

conclude that the urban design and architecture for the proposed development would be acceptable.

- 12.4.2. The Development Plan includes a host of provisions with respect to placemaking, including the need for urban design to respect the character of the city, with section 11.16 of the Plan requiring significant development proposals to be accompanied by detailed design statements. The Sustainable Settlements Guidelines promote sustainable and efficient movement as part of the design of well-connected neighbourhoods, with policy and objective 4.1 of these Guidelines requiring the approach, principles and standards of DMURS to be implemented as part of an integrated approach to quality urban design and placemaking.
- 12.4.3. The applicant has provided a variety of material in an effort to rationalise their development designs, including a Planning and Design Statement and a set of photomontages. Section 6 of the applicant's Planning and Design Statement refers to the architectural approach followed in this project, including the intention to create a high-quality development, to provide for a sustainable integrated extension of the city, to prioritise pedestrians and cyclists, and to realise a pedestrian and cyclist route. The main pedestrian entrance to the building would be off Victoria Cross Road, with the proposed building to be constructed adjoining a widened public footpath. A semi-private courtyard and service area would be situated to the rear of the main building, screened from the front street area, and opening onto a new public cycleway / walkway route running along the river, in line with the specific objective illustrated in the Development Plan for this route, as considered acceptable by the Planning Authority.
- 12.4.4. The Planning Authority refer to the proposals as materially contravening the Development Plan with respect to the need to provide a minimum 15m setback from rivers. The applicant also addresses this matter in their Material Contravention Statement. Notwithstanding this, both the Planning Authority and the applicant consider the proposals to be justified in this regard, due to the need to facilitate the BusConnects route running along Victoria Cross Road and the gain in providing for a riverside public amenity route. Section 11.221 of the Development Plan refers to the need to protect watercourses in accordance with Inland Fisheries Ireland guidance, and, where possible, development proposals should protect the streamside zone

within 15m of riverbanks. The wording of the Development Plan is quite clear in my opinion, in that it does not place a restriction on development within 15m of either side of a river channel. To do so in this context would not provide for an efficient use of urban lands and would be counterintuitive to the achievement of sustainable development. Accordingly, I am satisfied that there is not a need to set back buildings by over 15m from the riverside edge based on Development Plan provisions, however, there is a need to protect the watercourse and its associated habitat and features. The subject proposals provide the required riverside amenity route along the corridor and set out various measures that would be employed during the course of the demolition, construction and operation phases of the project to protect the watercourse. These measures, as well as the need to comply with the guidance of Inland Fisheries Ireland, can be further clarified as a condition in the event of a permission for the proposed development. I am satisfied that this aspect of the development, providing buildings within 15m of a watercourse, could not reasonably be considered to represent a material contravention of the Development Plan.

- 12.4.5. In relation to the proposed building, I note that it would be L-shaped, with a cantilevered element overhanging a wayleave for underground piped wastewater infrastructure along the rear of the site. It would feature transitioning rhythms and proportions, based on a limited palette of contemporary materials, including extensive yellow-grey coloured brick, metal frames and spandrel panels, as well as various decorative and functional elements, such as vertical opaque louvres. The Planning Authority consider the proposed materials to be appropriate and the building to be acceptable with simple form and layout providing a strong urban edge along Victoria Cross Road and integrating into the immediate setting.
- 12.4.6. The development would undoubtedly provide a strong edge on this frontage, with the building extending for a distance of almost 60m along Victoria Cross Road. I also acknowledge the approximately 34m-long permitted six-storey building (ABP ref. 306714-20) that would follow a similar building line to that proposed on the application site, albeit at a slightly differing angle, which would further delineate the urban edge along Victoria Cross Road. I am satisfied that the modulation of the façade by the horizontal variation in openings accentuated by the contrasting solid

and void materials, avoiding an excessively uniform elevational treatment, as well as the height of the development relative to the substantive width of Victoria Cross Road (20m) and the subtle curvature and level change along the road, would ensure that the proposed development would not appear overly monolithic on this primary street frontage. There are buildings in the immediate area of much greater length onto the street and in a similar context to that proposed, such as the five-storey, 115m-long block to the Orchard Gardens complex onto Magazine Road, 150m to the south of the site. The increased width of the footpath, the width of the roadway along Victoria Cross Road, the heights of existing buildings and the reasonably modest scale of the proposed building along this road frontage with setback plant room at roof level, would ensure that the proposals would not be excessively overbearing onto this street.

12.4.7. Objective 11.6(e) of the Development Plan sets out that proposals for purpose-built student accommodation should include ancillary uses at ground-floor level in locations not served by convenient services, such as health services, cafés and convenience shops. The proposal features internal communal space for students with associated service and amenity uses, such as sitting, dining, reception and entrance areas, at ground floor to the development fronting onto Victoria Cross Road. Alternative ancillary uses are not proposed, although the applicant states that the generous floor to ceiling heights proposed for the ground floor would allow for alternative use of this space in the future should this be deemed necessary. The immediate frontage along Victoria Cross Road is characterised by a range of uses, including student accommodation, health services (dentist, therapy rooms), offices, a café (Ramen) and a convenience shop (Tesco express). Non-residential uses are more prevalent fronting onto the primary routes within the area, with a greater proportion of residential uses on the secondary routes, such as Orchard Road off Victoria Cross Road. I am satisfied that the area is served by convenient services, and that there is not a prerequisite for this student accommodation scheme to feature ancillary uses at ground-floor level, and, accordingly, the proposed development would comply with objective 11.6(e) of the Development Plan.

12.4.8. The applicant states that the building line along Victoria Cross Road has been set following discussions with the BusConnects Design Team and the Planning

Authority. Arising from feedback from the NTA to accommodate BusConnects and Cork LRT, the Planning Authority agreed that a condition should be attached in the event of a grant of planning permission, requiring an additional setback of the building line in the proposals by 0.6m, thereby providing a 20.6m-wide transport corridor along the immediate stretch of Victoria Cross Road. For this to be achieved, the entire proposed building footprint would need to shift 0.6m to the east, bringing it closer to the riverside boundary. The implications of moving the building in this manner would reduce the landscaped area to the rear but would continue to allow the 5.5m-wide emergency route overlying the proposed public cycleway / walkway to be achieved. The reduction in landscaped space would be marginal, however, based on the Uisce Éireann wastewater infrastructure wayleave marked on the proposed site plan (drawing no.A01-10 revision A), the proposed building would be partially positioned over the wayleave. This matter is addressed further below when discussing drainage services (section 12.9).

12.4.9. I also note that if the permitted building on the Kelleher's tyres site was completed in line with the permission (ABP ref. 306714-20) and the proposed building was completed with the suggested increased setback for the building line, this would result in a 0.6m-deep step in the building line along Victoria Cross Road between the permitted and proposed development. The step in the building line would be most obvious when approaching the site from the north.

12.4.10. As part of the application, a CMATS Statement was provided, addressing the fact that a BusConnects corridor is proposed to be provided along Victoria Cross Road, which they assert to facilitate footpaths, cycle tracks, bus lanes and traffic lanes on both sides of the corridor. The principle of providing the requested increased setback would appear reasonable in light of the various planning provisions, including those within the Development Plan supporting higher densities in specific locations identified to host a light-rail transit corridor, such as the northern part of the Victoria Cross area, the provisions to provide a BusConnects route along the site frontage and the provisions to enable the delivery of such infrastructures as part of the sustainable development of the city. I also note that the existing buildings along the eastern stretch of Victoria Cross Road are generally set back from the back edge of the carriageway providing for road corridor widths of greater than 20.6m. The

repositioning of the proposed building to align with the request of the NTA would appear reasonable in light of the above and despite the adjoining permitted development to the south failing to allow for a 20.6m-wide road corridor. There is no guarantee that the adjoining permitted development would proceed. If it does proceed alongside the proposed development, the step in the building line arising would further break up the horizontal scale of the permitted and proposed buildings, and I do not consider the step in the building line that would arise would have a substantively awkward appearance, particularly given the limited depth of this step. I am satisfied that the request of the NTA, as supported by the Planning Authority, should be acceded to via attachment of a planning condition to comply with same should permission be granted for the proposed development. Contrary to the assertion of the observers, the proposed development, including a widened footpath, would suitably address proposals for public transport infrastructure upgrades along Victoria Cross Road, and it would not inhibit scope to increase the carrying capacity of this road.

12.4.11. In conclusion, I consider the design and layout of the proposed building would be of a sufficiently high standard and that it would have some benefits in reusing a vacant brownfield site and in providing a strong building line to this urban site. The proposals undertake an integrated approach to quality urban design and placemaking, with a public cycleway and walkway to be provided along the riverside. Further consideration with respect to the building heights and the visual impacts of the development are considered below in section 12.6. As would be typical for a project of this nature, any alterations to materials can be addressed as a condition in the event of a grant of planning permission for the proposed development.

12.5. Access, Parking & Traffic

Access

12.5.1. The Planning Authority acknowledge that access to the site for vehicles and bicycles would primarily be from Orchard Road and there would be an alternative cycle and pedestrian-only access from the southside via the vehicular access route to Ashbrook Heights. There are double-yellow lines along the Orchard Road frontage

to the site restricting vehicles parking along this street and a traffic lane is situated along the immediate stretch of Victoria Cross Road fronting the site. Observers assert that the absence of a set-down area would lead to traffic hazard. A vehicular set down space is proposed to be provided along Orchard Road. Moveable bollards are indicated as being proposed on both ends to the public walkway / cycleway on site, to restrict vehicular access only to emergency vehicles along this route. The bollards would be positioned over 10m from the vehicular access to Ashbrook Heights to enable a turning head in this area for service vehicles.

- 12.5.2. The applicant has submitted various documentation and drawings to attempt to justify the access elements of the proposals, including autotrack drawings, a Road Safety Audit and a vehicular access technical note. Matters raised in the applicant's Road Safety Audit have been primarily addressed as part of the details submitted with the application. The applicant's vehicular access technical note details the proposed access points and routes within the development, including the access for emergency vehicles off Orchard Road, exiting onto the access serving Ashbrook Heights.
- 12.5.3. The Planning Authority are satisfied with how the proposed development integrates with the public realm, however, they have raised various concerns regarding the positioning of the proposed set-down space, in particular the potential for this space to conflict with the safe operation of the emergency vehicle access along the public walkway / cycleway route. To address this the Planning Authority requires the attachment of a condition providing for a set-down area, an emergency-vehicle access, footpaths and a repositioned pedestrian crossing, with associated tactile paving on the Orchard Road frontage. This would be feasible of being achieved along this frontage, including with the suggested condition for a revised building line, and I am satisfied that this would be warranted and can be agreed with the Planning Authority.
- 12.5.4. Observers refer to the proposals as restricting access for emergency vehicles along Victoria Cross Road, however, I fail to see how this would occur, as the subject proposals do not feature design elements that would obstruct vehicular movement along this road, and as the development would not encroach on the public carriageway. The observers also refer to the absence of a turning head for waste

collection vehicles, however, I note that given the recessed position of the bollards on the public route along the rear of the building and as illustrated in swept-path drawing (no. MHL-WTR-ATC-P05), a waste and recycling collection vehicle would be capable of turning along the roads and access on the southern side of the development. The observers assert that the vehicular access to Ashbrook Heights is not in the control of the applicant and, as such, it should not be relied upon as an access to serve the development. In this regard I note that the access to Ashbrook Heights is accessible to the public and there are no physical impediments, such as gates, restricting public access along this route.

Car Parking

- 12.5.5. Objective 11.6(h) of the Development Plan refers to the need for student accommodation schemes to adequately meet car parking needs. The proposal omits on-site car parking, with only a set down area to be provided on the Orchard Road frontage. Car parking standards in the Development Plan are set based on the accessibility and centrality of four zones in the city area, with the application site located within zone 2 based on the car parking zone map accompanying the Development Plan. Car parking standards contained in section 11.234 and table 11.3 to the Development Plan, set out that a maximum of one car parking space per 20 bed spaces would be allowable for student housing schemes in zone 2, resulting in a maximum of ten car parking spaces being permissible for the subject proposals. As noted, students occupying the development would benefit from public bus services regularly connecting with the city centre, UCC and the MTU Cork campus, with CMATS noting intentions to improve public transport services along the route fronting the site. UCC would also be readily accessible on foot from the proposed development, as would various other facilities, based on walktime scenarios illustrated in the applicant's Mobility Management Plan.
- 12.5.6. Observers assert that the increased demand for car parking by students and visitors using the accommodation both during the academic year and outside of it, would exacerbate overspill, obstructive and illegal parking in neighbouring residential areas. The Chief Executive from the Planning Authority welcomes the absence of car parking, while the Executive Members raise concerns regarding the potential for the development to result in overspill parking in an area already suffering from same.

- 12.5.7. Illegal car parking on public thoroughfares is not a matter to be controlled by the planning process, although I acknowledge it may influence same. Chapter 4 of the Sustainable Settlements Guidelines support the minimising of car parking spaces in new developments to manage travel demand and to ensure that vehicular movement does not impede active modes of travel or have undue prominence within the public realm. There is limited scope to provide substantive car parking on the application site, arising from the intentions to increase use of Victoria Cross Road as a primary public transport route running through the city, and given the shape of the site and the need to provide a walkway / cycleway along the riverside boundary. Furthermore, flood risk zones are noted in the applicant's Flood Risk Assessment associated with the adjoining watercourse, which would likely impede subsurface parking.
- 12.5.8. As a student accommodation scheme with scope to accommodate tourists outside of the academic year and in an accessible part of the city, planning policy provision actively supports the reduction of car parking in developments of this nature and on this urban site, and I am satisfied that the omission of car parking from the subject proposals would not be contrary to planning policy and would be unlikely to have a substantive impact on overspill car parking in surrounding areas. Accordingly, I am satisfied that the omission of car parking as part of the proposals would be appropriate.

Cycle Parking

- 12.5.9. The Third-level Guidelines refer to the need for secure bicycle storage facilities to be provided in student accommodation schemes and Objective 11.6(h) of the Development Plan also refers to the need to provide cycle parking in facilities that meet the needs of the development. The applicant refers to the proposed development as providing 104 cycle parking spaces, although I note that the drawings submitted indicate 72 tiered-cycle parking spaces in a steel-framed, timber-clad cycle store to the rear of the proposed building, and 45 spaces in an ancillary ground-floor area of the proposed building. There would also be 14 uncovered 'Sheffield-stand' spaces available in two locations to the rear of the building, which would be more suited for visitor use, and would provide for a total of 131 cycle parking spaces on site. The quantum of proposed cycle parking spaces would

comply with the requirements of section 11.234 and table 11.4 to the Development Plan, which seek one cycle parking space per two bed spaces in student accommodation schemes, as well as provision for visitors and the Planning Authority are satisfied with the proposed provision of cycle parking. Specific Planning Policy Requirement (SPPR) 4 of the Sustainable Settlements Guidelines requires a minimum standard of one cycle storage space per bedroom, as well as visitor spaces. I am satisfied that this SPPR of the Guidelines is relevant to standard housing schemes, such as apartments schemes featuring a mix of apartment sizes, including double bedrooms. The strict application of this SPPR 4 based on the number of student bed spaces in a student accommodation scheme, would prove unwieldy and would not be warranted or necessary, particularly when single bedrooms are only proposed in the subject development. The final cycle parking details should comply with the requirements contained in the Cycle Design Manual.

Traffic

- 12.5.10. Observers assert that the proposed development would attract increased traffic movements into the subject area, despite no car parking being proposed, and that this traffic would be in addition to the increased traffic associated with other permitted developments in the area, including the Crow's Nest and Kelleher's tyres student accommodation projects. The observers also assert that the extent of traffic movements envisaged by the applicant to arise from the proposed development and the associated means of dealing with this traffic, including access and parking arrangements, would be unrealistic and would fail to adequately deal with traffic.
- 12.5.11. The Planning Authority do not raise any substantive concerns regarding the traffic impacts arising from the proposed development. As noted above, based on the typology of units proposed, the applicant has not proposed to provide any car parking to serve the proposed development. A host of mobility management measures are to be undertaken as part of any permission arising and the applicant's Student Accommodation Management Scheme refers to the majority of occupants utilising the proposed accommodation, as cycling or walking to the facility.
- 12.5.12. I am satisfied that car use among occupants of the facility, both students and visitors, will neither be practical or necessary given the absence of car parking on site and

the accessibility criteria discussed throughout this report. While there would be some traffic generated by the facility, this would be minimal, it would be capable of being served by the proposed set down space and it would not contribute in any appreciable manner to increases in traffic, including along Victoria Cross Road. The site is located on zoned lands with reasonable access to an array of services. The proposed development would provide for a substantive scale of development, replacing existing commercial buildings. The proportional change in vehicular traffic during operational peak hours would not be likely to increase substantively on the neighbouring road network as a result of the proposed development based on the absence of car parking on site, the nature of the proposed use and the proposed mobility management measures.

Conclusion

12.5.13. In conclusion, significant traffic congestion in the immediate or wider area would not be likely to arise from the proposed development, with no permanent car parking proposed on site, and the development would be capable of serving the cycle parking needs of future occupants in a reasonable manner and in compliance with the stated planning provisions. Furthermore, with the attachment of a condition to address the set-down area relative to the emergency vehicle / cycle / pedestrian access off Orchard Road, the proposed development would not increase risks to road safety or endanger the public.

12.6. Building Height, Visual Impact & Built Heritage

12.6.1. The proposed development would feature a six to seven-storey building with a maximum height of approximately 23.5m when measured from surface level to the setback parapet level serving the roof-top plantroom (see section B-B drawing no. A10-100 Revision A). I acknowledge that the building would generally read as a six-storey building and it would feature a service overrun above the plant enclosure, which I consider would more accurately result in the proposed building as featuring seven storeys. The applicant has provided a contextual elevation drawing (no. A10-201 Revision A), as well as a set of photomontages indicating the variations in topography within the immediate environs to the site and the proposed building

heights relative to several existing buildings in the adjoining areas, as well as the permitted adjoining six-storey (ABP ref. 306714-20) and neighbouring five to ten-storey schemes (ABP ref. 310105-21).

Building Height

- 12.6.2. The immediate area along Victoria Cross Road features a wide variety of building heights, including four to six-storey offices, apartment and student accommodation complexes, to the south and west of the application site. There are also low-rise buildings in the immediate area, including two-storey housing along Orchard Road to the east and single-storey cottages along Victoria Cross Road to the north. Taller buildings in the immediate environs include the 17-storey County Hall and ten-storey Crow's Nest student accommodation complex, both located between 130m and 170m to the north of the application site.
- 12.6.3. Observers assert that the proposals would feature excessive building heights relative to what they consider to comprise low-rise surroundings. The Planning Authority consider the proposed building height to be in keeping with the building height policy for the Victoria Cross area, while matching the building height of the adjoining permitted development (ABP ref. 306714-20). The applicant submitted a Building Heights Report to support the proposed heights, including reference to taller existing and permitted buildings in the city and with reference to the scale of the development relative to the city, the immediate neighbourhood and the site itself.
- 12.6.4. As with density provisions, the Development Plan building height policy has been shaped by the conclusions of the Cork City Urban Density, Building Height and Tall Building Study. According to the Development Plan, the application site is situated in the outer suburbs, an area identified in table 11.1 of the Development Plan as featuring prevailing building heights of two to three storeys and target building heights of two to four storeys. Section 11.28 of the Development Plan states that the building height standards within table 11.1 will be applied when assessing development proposals. Sections 11.45 and 11.46 of the Development Plan define tall buildings as those that are equal to or more than twice the height of the prevailing building height in a specific locality, and featuring heights of 18m or six residential storeys, albeit only when they are significantly higher than buildings around them.

- 12.6.5. I acknowledge the height of the proposed building as being over 18m, featuring six storeys of student accommodation and being higher than some buildings in the area, however, I do not consider the proposed building to be significantly higher than surrounding buildings, given the existing prevailing heights along the immediate eastern stretch of Victoria Cross Road generally ranging from four to six storeys. Accordingly, as the proposed building would not be equal to or twice the height of the prevailing building height in this locality, I do not consider the subject proposals to come within the Development Plan definition of a 'tall building'.
- 12.6.6. While the proposed building heights would exceed the target upper limit set for the outer suburbs, leading the applicant to addressing this matter in their Material Contravention Statement, section 11.44 of the Development Plan identifies Victoria Cross as one of five areas considered suitable for landmark medium-rise buildings, generally between ten and 14 storeys. The proposed building would not exceed the heights of the landmark medium-rise buildings allowed for in this area. Within the Development Plan an exception in terms of building height has been allowed for this area, and, accordingly, I am satisfied that the principle of providing a six to seven-storey building on this site would be acceptable and could not reasonably be considered to represent a material contravention of the Development Plan. The details provided and available suggest that the building height proposed would be capable of being absorbed on this site and respond appropriately to this context. Further consideration in relation to the impact of the proposed building height is undertaken below when considering neighbouring residential and visual amenities.

Visual Impact

- 12.6.7. The lands immediately to the east of the site along the rear of residential properties on Orchard Road and following the Glasheen river, fall into a 'ZO 17 – Landscape Preservation Zone', with a stated objective in the Development Plan 'to preserve and enhance the special landscape and visual character of Landscape Preservation Zones'. The Development Plan refers to the water / river corridor, tree canopy and visually-important land along the Glasheen river adjacent to the site as the assets to be protected.

- 12.6.8. Located approximately 170m to the northwest of the site, County Hall is identified in the View Management Framework - Map 05 to the Development Plan as a strategic landmark building. The Church of the Descent of the Holy Spirit located 230m to the south of the site at Dennehy's Cross is identified on this Map 05, as the closest 'local landmark building' to the application site. Also identified in Map 05 are linear views of special amenity value from Lee Fields and Thomas Davis Street / Mardyke associated with St. Kevin's hospital building overlooking the northern side of the river valley.
- 12.6.9. For planning applications relating to areas or sites in the landscape preservation zone, it must be demonstrated that an adverse impact on the respective landscape assets and the character of the area must not arise. Such applications are required to be accompanied by a design statement that includes a landscape and visual impact assessment. Under the provisions of section 6.31 of the Development Plan, the visual impact of the proposals on the river corridor would also need to be considered, while objective 6.14 of the Development Plan would also require consideration of the impacts of the development on designated views and landmark buildings.
- 12.6.10. Observers raise concerns regarding the visual impact of the proposals, asserting that the development would be out of character with the area, forming a crude addition at a gateway to the city, while also impacting on the setting of a Protected Structure and various cultural heritage features. The Planning Authority are satisfied that the visual impacts of the development on the wider cityscape would not be adverse.
- 12.6.11. A Landscape and Visual Impact Assessment, a booklet of photomontages, a Landscape Design Strategy and a Planning & Design Statement are provided as part of the application. A total of nine short to long-range viewpoints are assessed within the applicant's Landscape and Visual Impact Assessment. The Planning & Design Statement also includes several computer-generated images (CGIs) providing additional visual representations of the completed development. The following table 3 provides a summary assessment of the likely visual change from the applicant's nine selected viewpoints arising from the completed proposed development.

Table 3. Viewpoint Changes

No.	Location	Description of Change
1	Victoria Cross Road – 50m south	The southern and western elevations of the building would be visible along this street approaching the site. The permitted building to the south would screen much of the proposed building. I consider the magnitude of visual change from this short-range view to be moderate in the context of the emerging receiving urban environment.
2	Farranlea Road – 220m west	Existing buildings would largely screen views of the proposed building, with only a narrow section of the front elevation visible. The level of visual change is only slight from this medium-range view due to the screening available.
3	Victoria Cross Road – 50m north	The northern and western elevations of the building would be fully visible along this street approaching the site. The development would screen much of the previously permitted building to the south and the introduction of street trees would soften the appearance at ground level. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
4	Orchard Road – 60m east	The northern and western elevations of the building would be fully visible along this street approaching the site. The development would screen much of the previously permitted building to the south and the introduction of street trees would soften the appearance at ground level. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
5	Orchard Road – 100m east	The northern and eastern elevations of the building would be visible, with an existing house screening much of the southern end to the proposed building. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.

6	Orchard Road – 170m southeast	The development would largely be screened from view from this location, due to the existing housing and garden trees. The level of visual change is slight from this medium-range view arising from this screening.
7	Orchard Road – 240m southeast	The development would largely be screened from view from this location with only a small section of the upper level to the building visible, due to the rising ground, housing and garden trees. The level of visual change is slight from this long-range view arising from this screening and separation distance.
8	Wilton Road – 400m south	The development would be screened from view from this location, due to the existing buildings and rising ground level. The level of visual change is negligible from this long-range view arising from this screening.
9	Atkin's Hall – 730m northwest	The development would be screened from view by existing buildings when viewed from this location across the river valley. The level of visual change is negligible from this long-range view arising from this.

12.6.12. Observers assert that only limited photomontages have been provided for the project, while the Planning Authority are satisfied with the number and extent of the viewpoints presented in the photomontages. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles, which provide a reasonably comprehensive representation of the likely visual impacts of the development from key reference points. The photomontages and CGIs submitted provide visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in summer settings with the proposed landscaping in a mature and well-maintained condition.

12.6.13. In the immediate area the development would be most visible from the approaches along Victoria Cross Road and the immediate stretch of Orchard Road, with only intermittent views of the higher building elements from local vantage points in the surrounding street network. The development would be viewed as a substantial insertion in this urban setting and a substantive new feature where visible from

neighbouring properties. The proposed development represents a modest increase in height and scale when considering the existing mid-rise commercial and apartment / student accommodation blocks characterising the immediate area. There are other buildings of greater heights in the wider area and the proposed development would tie in with the permitted front roof parapet heights, scale and general position of the adjoining permitted block on the Kelleher's tyres site (ABP ref. 306714-20), albeit with potential alterations to the front building line based on the condition discussed above.

12.6.14. Environmental conditions would also influence the appearance of the development from the selected viewpoints. Observers assert that existing trees should be maintained as a visual screening mechanism. The only trees on the site appear to be those along the rear of the Kelleher's tyres building flanking the Glasheen river. There are also trees growing from within the river channel. The applicant's Landscape Layout drawing (no.2130-LA-P001) indicates that five trees would be removed as part of the subject proposals, with six trees to be maintained, protected and pruned. The Parks & Recreation Department of the Planning Authority accept the approach undertaken in maintaining the trees identified as being those in the best condition and I am satisfied that the applicant has taken a reasonable approach in this regard, with any proposed or existing trees only capable of providing limited low-level screening of the bulk of the development. The applicant should provide details of the boundary treatment to be used along the riverside boundary, which should not impact on the root systems associated with any trees proposed to be maintained.

12.6.15. Construction works would normally have an unsightly appearance, which would be likely to have moderate negative impacts on the townscape. I am satisfied that such impacts would have a temporary negative effect with the removal of buildings and structures, as well as the undertaking of groundworks and construction activity. The visual impacts at the construction phase would be softened by the provision of a solid and continuous security hoarding around the perimeter of the site, as outlined within the project CEMP.

12.6.16. Moderate effects at worst on the townscape character are anticipated from the operational phase, given the increased scale of buildings on the application site and

the revised use of the site from a vacant commercial premises to student accommodation. Mitigation measures to address the visual impacts at operational stage would comprise those embedded elements of the design that respond to its immediate setting, including the provision of a setback at surface level along Victoria Cross Road, with street trees and a walkway / cycleway route along the Glasheen river. Furthermore, the upper-level plantroom would be set back 9m from the front building line, screening this level from view along the immediate primary approaches to the site. The scale of the building would be broken up by alterations in the elevational treatments, including the fenestration details.

12.6.17. I am satisfied that the visual change would be largely imperceptible to slight from wider areas and that at worst only moderate visual impacts would arise on Victoria Cross Road and Orchard Road approaching and fronting the site. The proposals would have positive impacts for the river corridor, by opening this area up for the public and maintaining the trees in best condition, while protecting this presently difficult to identify landscape feature as an important visual asset for the area.

12.6.18. Where potentially discernible from long-range views, including the elevated lands to the north at Atkin's Hall and St. Kevin's hospital, the proposed development would read as part of the wider emerging urban landscape, including the recently completed Crow's Nest complex, and screening offered by existing buildings would largely restrict views of the development from other areas beyond Victoria Cross Road and Orchard Road. The appearance of the development would not be substantively out of character with the area, including buildings of similar scale and height, and the proposed development can be absorbed at a local level. I am satisfied that it has been demonstrated that the proposed development would not be likely to have significant negative impacts for the character and appearance of the site, neighbourhood or city and that adverse impacts on the identified landscape assets would not arise. Accordingly, the development would not conflict with objectives 6.9 and 6.12 of the Development Plan aiming to respectively preserve and enhance the landscape and landscape preservation zones of Cork city. Visual impacts with respect to cultural heritage features are addressed directly below. The impact on the outlook from neighbouring properties is considered separately in section 12.8 below.

Built Heritage

- 12.6.19. It is intended to demolish and remove the buildings on site. No parties to the application have objected to this aspect of the proposals and I am not aware that these buildings are of any particular vernacular, conservation, historic or social interest contributing to the character and identity of the immediate area that would warrant their retention as part of the scheme. The scale of development envisaged for this site would not be readily achievable without the removal of the subject commercial buildings. Accordingly, I am satisfied that removal and demolition of the buildings would not conflict with the various provisions of the Development Plan that aim to protect buildings of particular interest from demolition. A Construction and Demolition Waste Management Plan has been submitted as part of the application, addressing resource and waste management objectives and methods of removing the buildings from the site. A standard condition can be attached in the event of a grant of planning permission for the proposed development to require a Resource Waste Management Plan to be agreed with the Planning Authority prior to the commencement of any demolition works on site.
- 12.6.20. The lime kiln on Orchard Road, approximately 45m to the east of the site is included in the record of protected structures (ref. PS994), as is the aforementioned County Hall (ref. PS527) to the north of the site. Victoria Bridge along Victoria Cross Road to the north of the site is included in the National Inventory of Architectural Heritage (NIAH) (ref. 20865056). The closest Architectural Conservation Area (ACA) to the application site is the UCC, College Road and Magazine Road ACA, which is located approximately 120m to the east.
- 12.6.21. Observers object to the development based on its impact on the Orchard Road area, which they consider to be of historical significance, including visual impacts and overshadowing of the lime kiln protected structure (RPS ref. PS994). The Architectural Conservation Officer from the Planning Authority concluded that the proposals would not have a negative impact on the setting of Protected Structures or the neighbouring ACA.
- 12.6.22. Heritage and conservation objectives are set out in chapter 8 of the Development Plan, including objectives addressing proposals affecting Protected Structures, ACAs

and historic landscapes. Objective 8.27 of the Development Plan aims to ensure the protection of important elements of the built heritage of the city, including their setting. The subject proposals would not directly impact on neighbouring Protected Structures or the closest ACA. I note that the distances across the intervening cityscape that would be maintained from the proposed development and the closest built heritage features. It is also noted that this intervening area features development that has substantively altered the setting of the lime kiln Protected Structure. While the proposed building would to some extent and at times cast a shadow over the Protected Structure, particularly during late evening periods, as illustrated in the shadow diagrams contained in the application Daylight Sunlight and Overshadowing Report, this impact would not have a material visual impact on the character or setting of the lime kiln, with adjacent houses casting shadows on the lime kiln in a similar manner.

12.6.23. The observers also assert that heavy-goods vehicles associated with the construction of the proposed development could impact on the neighbouring lime kiln, however, I note that heavy goods vehicles already operate along Orchard Road and Victoria Cross Road. There is no evidence presented to suggest that the current use of Orchard Road and Victoria Cross Road, as routes currently accessible by heavy-goods vehicles, is undermining the integrity of the lime kiln, structurally or otherwise, and I fail to see how it can be reasonably concluded that an increase in heavy-goods vehicular traffic for a temporary construction period could impact on the lime kiln. In their Noise Impact Assessment and Acoustic Design Statement, the applicant asserts that a continuous flight auger during the piling works would ensure that the proposed development would not cause vibration giving rise to structural or cosmetic damage at nearby properties.

12.6.24. I am satisfied that the separation distance from the proposed building would serve to ensure the setting and character of the built heritage and historic elements to the city would not be materially impacted upon by the development. Accordingly, I am satisfied that the proposed development would not be contrary to the heritage and conservation objectives of the Development Plan, including objective 8.7 addressing the industrial heritage of the city.

12.7. Development Standards

- 12.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for student accommodation is undertaken below having regard to the provisions of the Development Plan, including objective 11.6. The New Apartment Guidelines state that the standards in these Guidelines do not apply to student accommodation schemes. In relation to the mix of the student accommodation proposed, the Planning Authority note that the standard dwelling size mix required in the Development Plan is not applicable to student accommodation. In this regard I note that section 3.42 of the Development Plan refers to purpose-built student accommodation schemes as needing to incorporate cluster, studio and disability flats sizes, which would be the case as part of the subject proposals. The Planning Authority is generally satisfied that the sizes and dimensions of all 78 proposed apartments would meet the minimum standards detailed in objective 11.6 to the Development Plan.

Accommodation Standards

- 12.7.2. Chapter 11 of the Development Plan sets out specific objectives for purpose-built student accommodation schemes. Objective 11.6(f) of the Development Plan refers to the need for student accommodation to be provided to the quantitative standards set out in National guidelines for student accommodation. The national guidelines referenced are the Guidelines on Residential Developments for 3rd Level Students (hereinafter 'the Third-level Guidelines'), which were issued under Section 50 of the 1999 Finance Act, with additional matters addressed in a 2005 update of the Guidelines. From the outset I note that these Guidelines are not 'section 28 guidelines', and they were prepared as a means of assessing whether student accommodation schemes would qualify for tax relief and not strictly as standards in the assessment of the merits of a planning proposal. Accordingly, I am satisfied that these national guidelines would not need to be strictly applied in the assessment of the subject proposals, although they can be considered for guidance purposes in assessing the proposed standards of the development. I also note that there are certain standards in the Third-level Guidelines that do not strictly align with standards referenced in the Development Plan.

- 12.7.3. According to the applicant the proposed development complies with the provisions of the Third-level Guidelines, which state that house units should consist of a minimum of three bed spaces and up to a maximum of eight bed spaces, and that these house units should feature study bedrooms sharing a common entrance hall and kitchen / dining / living room. The subject proposals would feature house units serving between five and eight bed spaces served by common entrance halls and kitchen / dining / living rooms, while also featuring 57 studio-type apartments. The number of bed spaces served by each of the proposed house units would comply with the Third-level Guidelines; however, these Guidelines do not refer to the provision of studio-type units. Noting the purpose of the Third-level Guidelines and the popularity of studio apartments in contemporary student accommodation schemes, I would not consider this to be indicative of the scheme featuring substandard student accommodation.
- 12.7.4. According to the Third-level Guidelines, house units should measure between 55 sq.m and 160sq.m, however, the nine proposed house units serving eight bed spaces would feature gross floor areas of between 164sq.m and 168sq.m. While the eight bed space house units would exceed the Guideline floor area provision, again I would not consider this to be indicative of the scheme featuring substandard student accommodation; in fact it would point towards the opposite being the case.
- 12.7.5. The house units would feature shared kitchen / dining / living room spaces amounting to a minimum of 4sq.m per associated bed space, in addition to shared circulation space, in line with the Third-level Guidelines. The minimum floor areas required by the Guidelines for a single study bedroom with an ensuite facility (12sq.m) would be achieved with at least 13.2sq.m proposed for same, and the same applies for a single disabled study bedroom with ensuite (15sq.m), although this would be met via universally-accessible, studio-style apartments measuring a minimum of 26.3sq.m. I am satisfied that the requirements under objective 11.6(f) of the Development Plan would not be conflicted with as part of the subject proposals.
- 12.7.6. The Third-level Guidelines also require at least one in every 50 bed spaces to be designed for students with disabilities. This would be complied with by the provision of ten universally-accessible, studio-style units. Objective 11.6(j) of the Development Plan requires at least 10% of bed spaces to be designed for disabled students.

According to the applicant the proposed scheme has been designed so that it can be accessed and used to the greatest extent possible by all people regardless of their age, size, ability or desirability, and that during the detailed design and construction, the proposed development will be subject to the requirements of Part M of the Building Regulations to ensure compliance in this regard. Accordingly, while acknowledging that 5% of the bed spaces are clearly designed as being universally accessible, all of the proposed bed spaces in the development have been designed cognisant of the abilities of future potential occupants in compliance with Objective 11.6(j) of the Development Plan.

Circulation Space

- 12.7.7. The Third-level Guidelines state that entrance hallways and corridors should be well designed with good lighting and ventilation, and they should not extend for distances of over 15m beyond widened landing areas. Whereas several corridors serving the studio-style units would extend for greater than 15m, the corridors within the house units would extend for less than the 15m limit. Not all these house unit corridors are provided with natural lighting, however, with natural lighting to each of the studio and house unit bedrooms, as well as the shared living / kitchen / dining rooms, I am satisfied that any shortfall in this provision would not have a substantive impact on the quality of the accommodation.
- 12.7.8. The proposed development would feature 78 house and studio units, four of which would be located at ground-floor level and would not be reliant on lift or circulation cores. There would be two circulation cores running through the student accommodation block, featuring a total of two lifts and two stairwells. One of the stairwells may ultimately only serve as an emergency access / egress route. Notwithstanding this, the provision of two lifts and a stairwell would ensure that the development would not exceed the maximum guideline of 30 house units per lift / core. The Guidelines with respect to units per lift / core would not reflect the contemporary prevalence of studio-style units within student accommodation schemes.

Internal Communal Space

- 12.7.9. The proposed units would share common entrances, accesses, circulation space and ancillary facilities, as envisaged in the Third-level Guidelines. Under the Third-level Guidelines the floor area of communal facilities and amenities facilities should not exceed 12% of the total area of the development. When referring to the gross floor area of the student accommodation block (6,233sq.m), the proposed student amenity space at ground-floor level (243sq.m) would amount to 4% of the total floor area, in compliance with this guideline provision.
- 12.7.10. Objective 11.6(g) of the Development Plan requires the subject proposals to feature internal communal facilities sufficient to meet the needs of the development, with consideration to include communal lounges, games rooms, study rooms, gyms, and TV / cinema rooms. At ground-floor level the proposals would feature internal communal areas, including lounges, laundry room, games areas, TV / cinema space, workspace and dining areas in compliance with this aspect of the Development Plan objective.
- 12.7.11. I am satisfied that the proposed communal facilities would be comparable with the provision in recently permitted student developments of this nature, including the permitted Kelleher's Auto-Centre student accommodation scheme (ABP 310105-21 - 243 bed spaces served by 393sq.m internal amenity space) and would be suitable to serve occupants of the development based on the relevant standards.

External Space

- 12.7.12. According to objective 11.6(b) of the Development Plan, student accommodation proposals should be provided with adequate external communal space for the needs of the development, with each student bed space required to be served by communal open space akin to that required in the Development Plan for a standard studio apartment. The Development Plan refers to the New Apartment Guidelines with respect to communal amenity space in standard residential schemes, which require 4sq.m of external communal amenity space per studio apartment. The proposed 206 bed spaces would, therefore, require 824sq.m of external communal space. The applicant has proposed a total of 782sq.m external communal open space, via provision of a 512sq.m ground-floor courtyard area to the rear of the

building and a 270sq.m roof terrace at sixth-floor level. The applicant refers to an additional provision of 84sq.m balcony space as providing external amenity space to serve the external amenity needs of the development. The balcony spaces would not be directly accessible from all the proposed units but nonetheless would provide external amenity space for the occupants of the units. A surplus of 42sq.m external amenity space would therefore arise and I am satisfied that with the increased setback for the building required by condition, as discussed above, sufficient external amenity space would remain to be provided to adequately serve the needs of future occupants.

12.7.13. The Planning Authority is satisfied with the provision of communal space proposed, including the access to lighting and any impacts arising from wind. The external communal spaces would primarily feature landscaped seating areas and according to the applicant's Daylight, Sunlight and Overshadowing Report they would receive sufficient natural sunlight relative to the appropriate standards. The Wind Microclimate Modelling submitted with the application asserts that the development would feature external areas that would provide a high-quality environment that is attractive and comfortable for pedestrians and users of the external amenity spaces. The surface-level amenity area would be overlooked by the student accommodation, with alterations in surface-level materials differentiating the communal space from the public access route along the river. While I accept that the facility would be managed, I am satisfied that the applicant should provide some additional treatment to physically differentiate the communal areas from the publicly-accessible areas of the site along the riverside. The roof garden would provide an alternative more secluded space for occupants, set back from the building edges, which the applicant states would be closed to avoid late-night use. In conclusion, I am satisfied that the various external spaces proposed would provide a reasonable level of amenity for future occupants of the student accommodation based on the stated applicable objective 11.6(b) requirements.

Waste and Recycling Management

12.7.14. Facilities for the storage of waste are required for student accommodation based on the Third-level Guidelines and the Development Plan provisions. Observers assert that the storing and collection of waste from the facility would result in nuisance for

neighbouring residents arising from odours and increased rodent activity, as well as the noise and lights associated with collection vehicles.

- 12.7.15. The applicant has proposed a waste and recycling facility at surface level in a screened enclosure within the proposed building. The Student Accommodation Management Plan submitted with the application outlines how the waste and recycling arising from the operation of the development would be managed and disposed of, including reference to on-site collection by a licensed waste management provider. The Planning Authority referred to the attachment of a condition to ensure that the orderly management and disposal of operational waste is subject to an agreement with the Planning Authority.
- 12.7.16. The proposals in relation to the storage and collection of waste and recycling appear reasonable and typical for a facility of this nature and in this context, and I am satisfied would ensure a suitable standard of amenity for occupants using the facility, as well as negligible scope to substantively impact on other neighbouring properties. Final waste and recycling management proposals can be agreed with the Planning Authority, and these can account for the operation of the adjoining permitted student complex should this be operated, as proposed, alongside the subject accommodation.

Daylight and Sunlight Access

- 12.7.17. Section 3.2 of the Building Heights Guidelines state that the form, massing and height of a proposed development should be carefully modulated, to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides such as the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The Sustainable Settlements Guidelines refer to the 2022 third edition of the BRE 209 Guide, as well as Daylighting to Buildings standards, IS EN17037:2018, and the UK National Annex BS EN17037:2019.
- 12.7.18. As part of the application, the Daylight, Sunlight & Overshadowing Report submitted assesses the proposals against the standards in the BRE 209 Guide 2011 and 2022.

I am satisfied that there is sufficient scope within the section 28 Guidelines to allow for consideration of proposals against different versions of the BRE 209 Guide, and this allows for a reasonable assessment of the likely impacts of lighting to the proposed units.

12.7.19. Under the BRE 209 Guide 2011 a minimum average daylight factor (ADF) of 1.5% should be achieved for living rooms, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The 2022 version of the BRE 209 Guide refers to the recommendations in the British Standard BS EN 17037, which set a target luminance level of 200 lux for kitchens, 150 lux for living rooms and 100 lux for bedrooms.

12.7.20. The results of testing for all 206 bedrooms and studio units, and the 21 shared living / kitchen / dining rooms in the proposed development are presented in tabular format relative to the target ADF and lux levels. The results of testing calculated ADF values exceeding the target value for all of the shared living / kitchen / dining rooms when applying a 2% ADF target value. Seven of the 206 bedrooms or studio units would fall short of a target ADF value of 1%, representing 3% of the bedrooms or studio units in the development. Based on the information provided with the application, it is not possible to identify the bedrooms / studio units that would fall short of the target, and if they are bedrooms or studio units. I note that the studio units would feature kitchenette and sitting areas, which could invariably be argued to be required to feature a 2% minimum target ADF value. While it is not possible to differentiate which of the studio units, if any, might fall short of the 2% target ADF value, with 65 of the overall bedrooms or studio units featuring ADF values below 2% in a worst-case scenario, and assuming that it would be seven bedrooms, as opposed to any of the 57 studio units, that would fall short of the 1% target ADF value, a maximum of 28% of the rooms in the development could potentially fall below target ADF values. It is also worth noting that many of the bedrooms or studio units only marginally fall short of the 2% target ADF value.

12.7.21. The applicant's modelling indicates that all 21 of the shared living / kitchen / dining rooms would meet the target 200 lux level and that four of the bedrooms or studio units would feature lighting below the target 100 lux levels. Again, it is not possible to identify if the studio units featuring kitchenettes would fall short of a 200 lux level. The Planning Authority do not raise concerns with respect to the provision of

daylighting to the proposed apartments. The applicant considers the proposed development to perform well against the target standards and that the proposed development would feature a satisfactory level of daylight based on their assessment.

12.7.22. The applicant also assessed the sunlight available through windows to the apartments, revealing in graphical form that the BRE 209 Guide 2022 annual probable sunlight hours (APSH) target value would be exceeded for the vast majority of windows within 90 degrees of due north, including during winter months. The applicant refers to the positioning of windows in a corner location and at low level as impacting on sunlight, while referring to the use of APSH targets as not providing an appropriate means of calculating lighting performance, particularly where windows are north-facing.

12.7.23. I note that the achievement of minimum ADF, APSH and lux levels are only part of a broad spectrum of interrelated requirements in the successful design of new student accommodation, with room / unit sizes and layouts, window types and positions, and the provision of balconies interacting with the achievement of target lighting values. In this regard a reasonable balance needs to be achieved to ensure an appropriate standard of accommodation and amenities for occupants, and I am satisfied that this would generally be achieved in this case.

12.7.24. Where proposals would not fully comply with daylight provisions, the Building Height Guidelines outline that a rationale for any alternative, compensatory design solutions must be set out, in respect of which the Board should apply their discretion, having regard to local factors, including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution. The Sustainable Settlements Guidelines also set out that there is a need to balance poor performance with the desirability to achieve wider planning objectives.

12.7.25. I am satisfied that the solutions put forward by the applicant, including the alternative external and internal communal spaces, would offer some compensation for the identified shortfalls in daylight to the relevant rooms / units. Further to this, the

subject proposals would clearly lead to comprehensive redevelopment of an accessible urban site with easy access to high-frequency bus services and access to various services. Substantive compliance with daylight targets would arise for the vast majority of the rooms and units, with reduced non-compliance levels in terms of the number of rooms / units non-compliant with sunlight targets. The shortfalls with respect to sunlight exposure are as a consequence of the need to ensure comprehensive redevelopment of the site, while addressing the site context, including neighbouring properties and the provision of a walkway / cycleway along the river corridor.

12.7.26. I note that the targets set in the stated BRE 209 Guides are not mandatory and lighting standards should be interpreted with flexibility and a reasonable level of amenity for future occupants of the respective units would be provided having regard to the alternative amenity spaces, the site constraints and the achievement of wider planning objectives.

Privacy and Overlooking

12.7.27. The applicant proposes installing opaque glass louvres to windows in the rear internal corner location (first-floor unit 1F.01 and units directly above), as a means of avoiding direct overlooking between units at the upper-floor level. The Planning Authority are satisfied that excessive overlooking for future occupants of the units would not arise. Direct overlooking of units within the scheme would not be possible given the layout of the development, including the splayed-projecting window box features along the rear corner element of the proposed building.

12.7.28. In relation to the provision of privacy at surface level, based on the ground-floor plan (drawing no.A10-01 Revision A), with the exception of the shared kitchen / living / dining area serving unit 0F-04, I am satisfied that there would be sufficient defensible space provided between the accessible hard surfaced areas and the windows serving ground-floor units to safeguard the privacy of future occupants of the respective units. There is limited scope to provide defensible space fronting the windows to the shared kitchen / living / dining area serving unit 0F-04, given the position of the proposed set down area and footpath fronting this area. To address this and ensure the privacy of future occupants of the unit 0F-04, the north-facing

windows serving the shared kitchen / living / dining area in unit 0F-04 should be fitted with opaque glazing, as a condition in the event of a permission arising.

Facility Management

12.7.29. Objective 11.6(k) of the Development Plan requires student accommodation schemes to be provided with facility management plans providing a clear framework for the management of the facility to meet the needs of students and the wider neighbourhood. A Student Accommodation Management Plan has been submitted with the application, addressing on-site management, safety and security, broadband, operational measures, neighbourhood relations, bicycle parking and summer accommodation. The observers to the application assert that this management plan is not bespoke and that it is unrealistic, absent of sufficient measures to address noise nuisance, parties, excessive parking, crime and littering. Specific concerns are raised by observers regarding the potential for noise pollution and anti-social behaviour arising from the use of the communal roof terrace. The Elected Members from the Planning Authority also refer to this potential for anti-social behaviour to occur during the academic year. The Chief Executive from the Planning Authority is satisfied with the details of the student accommodation management plan, including the restrictions on the use of the roof terrace.

12.7.30. The applicant states that measures to control the use of the roof terrace area would be enacted, including restrictions on hours of use and the prohibition of alcohol consumption in this area at all times. The Planning Authority has suggested that a condition should be attached in the event of a permission restricting use of the outdoor amenity space after 10pm every evening. Objective 11.6(i) of the Development Plan requires a student accommodation building or complex to be designed to minimise impacts on the surrounding area, for example, by building noise mitigation strategies and through the configuration of external amenity spaces. I consider the details provided in terms of the management of the roof terrace space to be reasonable, capable of being managed and further controlled as a condition of a permission. The layout of the scheme, siting the roof terrace on the opposite side of the plant room to the residential properties to the east, would further limit any potential noise impacts arising from use of the roof terrace.

12.7.31. The management plan refers to the methods for neighbouring stakeholders to engage with the facility management team on an ongoing basis. The observers assert that fulltime property management would be necessary to address potential health and safety, as well as anti-social behaviour concerns. The applicant outlines that the facility would have dedicated manager supported by nominated outside contractors with 24/7 emergency cover. It is also stated by the applicant that on-site management presence would ensure that the building operates without any adverse impact on the community in which the building is located, and any anti-social behaviour by occupants or guests would not be tolerated.

12.7.32. I am satisfied that the management measures set out in the application are standard typical measures for a facility of this nature to be operated in a reasonable manner with sufficient sensitivity for the occupants of the facility, as well as residents of the immediate area. Various measures are set out to oversee and cater for the operation of the facility with due care for neighbouring amenities. I note that the provision of niche student accommodation may encourage existing student housing in the area that is not managed to be transferred back into mainstream housing, thereby consolidating student residents of the area into more controlled managed facilities.

Building Adaptation

12.7.33. Building on the provisions of objective 5.14 of the Development Plan addressing adaptable design, objective 11.6(l) requires student accommodation schemes to be provided with potential future adaptability for alternative uses, for example mainstream residential use, should such a scenario ever arise. According to the Development Plan, planning applications should include a 'Building Adaptation to Alternative Use Strategy' to ensure that this has been considered at design stage, although the Plan does not specify how this should be fulfilled. The applicant has not provided a standalone strategy and the Planning Authority has sought the provision of same as a condition of the permission. Within their Planning and Design Statement and their Statement of Consistency, the applicant sets out that the development exploits good practice lessons, will lend itself well to future adaptation and the building has been designed to allow a great deal of flexibility to reconfigure the internal arrangements in future. The applicant states that the building has taller

than standard floor to ceiling heights to allow for possible alternative uses, such as a co-living development, which could be adapted in the future without significant changes to the building. The proposed concrete structural frame (shell and core) and loose-fit interior would enable the apartments to be converted, sub-divided and extended into family homes if required in the future, with scope for same to occur without major disruption to the character of the design, layout or the external spaces. The applicant also outlines that the development would be suitable for short-term lettings outside of the academic year and with future alternative uses, such as conventional residential use and alternative commercial uses (retail, café etc.) at ground-floor level. I am satisfied that the information provided, albeit not in a standalone document, meets the requirements of objective 11.6(l) to the Development Plan, and, accordingly, there would not be a requirement for a standalone 'Building Adaptation to Alternative Use Strategy' to be provided as a condition in the event of a grant of permission.

Energy Efficiency

12.7.34. Objective 5.11 of the Development Plan requires new development proposals to maximise energy efficiency through location, siting, orientation, layout, design, stormwater drainage and landscaping, including seeking to optimise energy efficiency through thermal insulation, passive ventilation and cooling and passive solar design. Various energy-efficiency and carbon-reduction measures are listed for the project in the applicant's Planning and Design Statement and a Building Life Cycle Report, while also addressing the sustainability rationale for choosing the application site for the project. Finalised energy-performance targets for the building are stated to be based on the Building Regulations TGD Part L (nearly-zero energy buildings), as supported by the Climate Action Plan 2024. A building energy rating A2/A3 would be targeted for the accommodation. Low energy lighting and air-source heat pumps would be utilised in the building. I am satisfied that the details provided with the application comply with the stated provisions set out in objective 5.11 to the Development Plan.

Conclusion

12.7.35. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of student accommodation, in compliance with the relevant standards and objectives of the Development Plan.

12.8. Impacts on Neighbouring Amenities

- 12.8.1. Objective 3.5 of the Development Plan, addressing residential density, aims to ensure a balance between the achievement of densities and the protection of existing residential amenities. The applicant has provided a variety of assessments to attempt to demonstrate same as part of the subject proposals. Observers assert that existing homes need to be protected, while the Planning Authority do not consider there to be concerns in relation to impacts on neighbouring properties.
- 12.8.2. The nearest existing residential properties to the proposed development are situated to the east of the development on Orchard Road, to the north of the development on Orchard Court and to the west along Victoria Cross Road. The boundary to the two-storey house known as Limekiln House, no.1 Orchard Road, adjacent to the east of the application site on the opposite bank of the river channel and an access lane, would be located approximately 13m from the six-storey element to the proposed building, with this building to be positioned a stated 19.9m from the side elevation to Limekiln House. Observers refer to this residence as being occupied, with photographs to illustrate same, and not under construction as referenced in the application. I note that this adjacent three-storey house was granted planning permission in April 2017 (CCC ref. 16/37237).
- 12.8.3. There would be a separation distance of approximately 34m between the proposed six-storey southeast corner of the building from the closest two to three-storey apartment block in Ashbrook Heights. The front elevation to the two-storey house known as Maryville on the opposite side of Victoria Cross Road would be a stated 31.7m from the six-storey northwest corner of the proposed building. There are also student residences on the opposite side of Victoria Cross Road, a stated 21m from the front elevation of the proposed building. For the closest four-storey apartment building in Orchard Court, a stated separation distance of 30.4m would be achieved

between the six-storey northeast corner of the proposed building. Differences in building heights between each of the buildings are picked up in the contextual elevation drawing (no. A10-201 Revision A), with the proposed six-storey elements of the building closest to these neighbouring buildings, approximately 7.8m above the roof-ridge height to Limekiln House, 10m above the roof-ridge height to Ashbrook Heights, 13.8m above the roof-ridge height to Maryville and 10.4m above the roof-ridge height to Orchard Court.

- 12.8.4. There are more substantive separation distances between the proposed development and other neighbouring residences, including houses in The Grove and the houses known as Roseau Lodge, West Friars, 3 Orchard Road and Ballyrichard House, while Victoria Cross Road provides a substantive physical buffer and visual distraction between the application site and residences to the west, including the cottages along Bridgeview Terrace.

Overlooking and Loss of Privacy

- 12.8.5. Section 3.58 of the Development Plan refers to the revoked Sustainable Residential Development Guidelines and the associated Urban Design Manual when planning for the delivery of inclusive communities, including any updated versions thereof. Accordingly, the Sustainable Settlements Guidelines, which replaced these revoked Guidelines are applicable to this element of my assessment.
- 12.8.6. Section 11.101 of the Development Plan refers to the traditional minimum separation distance of 22m used in addressing overlooking and loss of privacy, with all development proposals required to demonstrate that they have been designed to avoid overlooking. SPPR 1 of the Sustainable Settlements Guidelines states that Development Plans should not include minimum separation distances that exceed 16m and that a separation distance of at least 16m between opposing windows above ground-floor level serving habitable rooms at the rear or side of houses, duplex units and apartment units, should be maintained, and this provision should also be considered when assessing planning applications. While I accept that this SPPR is primarily aimed at residential schemes, as opposed to student housing, and as a contemporary standard for urban development, I consider it pertinent in assessing the potential impacts of the development on neighbouring housing.

- 12.8.7. Observers assert that the development would result in excessive overlooking from the proposed windows, balconies and roof terraces, and a resultant loss of privacy for residents of Limekiln House. Elected Members from the Planning Authority raise concerns regarding the potential for overlooking of residential properties. The applicant asserts that the development has been designed cognisant of neighbouring residences, with windows strategically designed to avoid overlooking and a 10m-setback provided from the river's edge further mitigating impacts to housing beyond this. The Planning Authority consider the inclusion of the upper-floor sawtooth windows along the rear of the building, directing views in a southeast direction away from properties directly to the east, including Limekiln House, as well as the difference in levels, landscaping proposals, separation distances and building orientation, would all serve to reduce the potential for overlooking to acceptable levels.
- 12.8.8. The setback position of the plant room at sixth-floor level would substantively restrict overlooking from the communal roof terrace in an easterly direction and I am satisfied that further screening to this roof terrace area would not be necessary to address the potential for overlooking. I acknowledge that there would be recessed balconies in the northeast corner of the proposed block serving units at first to fifth-floor levels. Given the separation distances between the nearest residences and the proposed building, including the respective windows and balconies, and considering the separation distances supported in the Sustainable Settlements Guidelines, there would not be potential for excessive direct overlooking to arise for the existing neighbouring residences. I accept that there would be a minor shortfall in the separation distance relative to the stated Development Plan standard between the proposed upper-floor east-facing units and the west elevation to Limekiln House, however, excessive direct overlooking would not arise for this neighbouring house, primarily due to the absence of windows directly overlooking this neighbouring house, with the use of sawtooth projecting window boxes alleviating this potential impact by directing views to the southeast.
- 12.8.9. I am satisfied that the layout of the proposed building relative to the adjoining Kelleher's tyres site, subject of a previous permission, would not substantively undermine the development potential of this adjoining property. Accordingly, a

refusal of permission or modifications to the proposed development for reasons relating to overlooking of neighbouring properties would not be warranted.

Outlook and Overbearing Impacts

12.8.10. The proposed development would be visible from the public realm and the external and internal areas of properties neighbouring the site. Consequently, it would to some extent change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including the photomontages, in particular the short-range views (1, 3, 4 and 5), I consider the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to properties, as referred to above, the buffer created by roads, the river corridor and the proposed walkway / cycleway, and as a contemporary development of this nature would not be entirely unexpected in this area, owing to the zoning of the site and the emerging pattern of development in the area, including the adjoining permitted development on the Kelleher's tyres site (ABP ref. 306714-20) and the Crow's Nest scheme (ABP ref. 300325-17).

12.8.11. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. The Chief Executive from the Planning Authority initially referred to overbearing impacts, however, the Planning Authority did not refer to this matter subsequently in their report. As noted above, the proposed development features building heights slightly higher than the heights of several buildings in the immediate area, with taller buildings existing in the neighbouring area. Photomontages submitted provide illustrations indicating the appearance of the development from several neighbouring areas. The property with the potential to be undermined most by overbearing impacts from the proposals would be Limekiln House, however, I note the separation distances achieved and the river and service lane corridor buffer between this property and the application site, and I am satisfied that the proposed development would not be excessively prominent when viewed from this closest residence, with an open outlook and sky view maintained (see photomontage no.4). There would be sufficient intervening space between the existing properties and the proposed

building to ensure that the proposed development would not be excessively overbearing when viewed from neighbouring properties.

Daylight and Sunlight Impacts

- 12.8.12. Observers refer to the proposed development as negatively impacting on lighting to neighbouring properties, including Limekiln House. The Planning Authority accepted that it could only be the daylight levels to Limekiln House that would be impacted, but that this impact would be acceptable given the internal layout of this house.
- 12.8.13. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens.
- 12.8.14. The Development Plan states that any updated versions of the BRE 209 second edition 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011) should be used if issued when assessing lighting impacts. As stated above, a revised third edition of this BRE 209 Guide issued in 2022 and I am satisfied that this revised guide can be used in considering the daylight and sunlight impacts of the development. The Sustainable Settlements Guidelines refer to the various technical standards that can be used in considering the impacts of a development on daylight, including guides like the 2022 third edition of the BRE 209 Guide.
- 12.8.15. The application included a Daylight, Sunlight & Overshadowing Report, which assesses the effect of the proposed development on the vertical-sky component (VSC), the APSH and the winter probable sunlight hours (WPSH) to neighbouring residences, based on the achievement of minimum targets contained in the BRE 209 Guide 2022.
- 12.8.16. The BRE 209 Guide outlines a series of tests to identify whether rooms where daylight is required in adjoining dwellings would receive adequate lighting as a result of a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. Based

on the site context and development proposals many of the buildings in the area, including housing in The Grove to the northeast of the site, would not fall into the category requiring detailed assessment. Notwithstanding this, the applicant considered the potential for lighting impacts on 1,113 neighbouring windows, including those serving commercial premises. The next steps in the BRE 209 Guide test are as follows:

- if any part of a new building, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected;
- adverse effects would arise if the VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value;
- adverse effects would arise if the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value;
- if the VSC for existing windows is above 27% with the proposed development in place, the windows are considered to still receive good daylight availability and therefore not adversely affected.

12.8.17. The steps in the test outlined above are a general guide only and the BRE 209 Guide states that the criteria need to be applied flexibly, as natural lighting is only one of many factors in site layout design. It is clear that the guidance recognises that there may be situations where reasonable judgement and balance needs to be undertaken cognisant of circumstances. To this end, I have used the BRE 209 Guide to assist me in identifying where potential impacts may arise and also to consider whether such potential impacts are reasonable for the development, having regard to the need to provide accommodation within the Cork metropolitan area, the need for increased densities within zoned, serviced and accessible sites, and the need to address impacts on existing residents, as much as is reasonable and practical.

12.8.18. The results of testing presented by the applicant indicate that, with the exception of windows to Millview Veterinary Clinic, Victoria Station student accommodation, a Pilates studio and three windows in Limekiln House, the remainder of the tested

properties would receive daylight within the BRE 209 Guide 2022 recommended VSC target standards. The applicant asserts that non-domestic buildings, such as the pilates studio and veterinary clinic referred to above, do not have the same expectations in relation to daylight requirements. The habitable room windows on the western elevation to Limekiln House that would feature a reduction in daylight of greater than 20% the present value are not the sole windows serving the respective rooms in the house, as there are other windows on the front and rear of the house serving the respective rooms. While I appreciate there would be some loss of daylight to the windows, the rooms in this house would not be likely to be adversely affected when considering the limited obstruction of daylight to the other alternative available windows serving these rooms. I acknowledge that six upper-floor, east-elevation windows to Victoria Station would feature a reduction in daylight greater than 20% the present value, however these windows serve student accommodation with other communal amenity areas available within the facility.

12.8.19. The BRE 209 Guide 2022 sets out that obstruction to sunlight may become an issue if:

- part of a new development is situated within 90° of due south of a main window wall of an existing building and if the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room;
- if a window receives less than 25% of APSH, or less than 5% of annual probable sunlight hours between 21 September and 21 March (winter);
- if a window receives less than 0.8 times its former sunlight hours during the annual or winter period;
- if the overall annual loss of APSH is 4% or less, the loss of sunlight would be small.

12.8.20. As part of their Daylight, Sunlight & Overshadowing Report the applicant has calculated the expected APSH and WPSH for the windows in residences closest to the development, including Limekiln House and Victoria Station. All of the window points tested would meet the target recommended APSH values over the annual and

winter periods, which the applicant asserts to signify that the associated rooms would appear reasonably sunlit based on the BRE 209 Guide.

12.8.21. The testing undertaken indicates that adequate levels of lighting would be achievable for neighbouring residences with the development in place. I am satisfied that the levels of sunlight to the neighbouring properties following completion of the proposed development would allow the recommended targets to be met. The impact on daylight to windows on the western elevation of Limekiln House should not restrict the intention to secure comprehensive regeneration of this urban site, particularly given the fact that the information available suggests that there are other windows serving the respective rooms in this house, as noted by the Planning Authority. The information available and presented suggests that the proposed development would not cause a substantive obstruction in daylight or sunlight to neighbouring properties with limited shortfalls indicated to occur overall and these shortfalls are largely marginally below the target VSC values (at between 0.61 and 0.67 times the former value).

12.8.22. The Sustainable Settlements Guidelines indicate that there is a need to balance the assessment of sunlight and daylight with wider planning objectives, such as achieving effective urban design and a general presumption in favour of increased scales of urban residential development. I am satisfied that the extent of impacts to sunlight and daylight serving neighbouring residences would be acceptable given the need for efficient densities to be achieved on this accessible urban site adjacent to high-frequency, public bus services.

Overshadowing

12.8.23. Observers assert that overshadowing of residences along Orchard Road would arise, while the Planning Authority do not raise any concerns in this regard. Elected Members from the Planning Authority raise concerns regarding the potential for overshadowing of the street and residential properties to arise. The applicant identified various garden or recreation spaces that could reasonably be impacted by overshadowing from the proposed development, adjoining or adjacent to the site. The BRE 209 Guide requires greater than half of neighbouring amenity areas to receive at least two hours of sunlight on the 21st day of March (the spring equinox).

12.8.24. Based on the applicant's assessment, including modelling and shadow-casting imagery, the scale, height, siting and orientation of the proposed buildings are such that they would not unduly impact neighbouring external amenity space by overshadowing, with well over half of all the neighbouring gardens or communal spaces receiving at least two hours of sunlight on the spring equinox. While some overshadowing would be likely to arise in neighbouring gardens, and this would be more prevalent during winter months, a substantive negative change of sunlight hours to neighbouring gardens would not arise based on the relevant standards.

Construction Impacts

12.8.25. Observers refer to the increased disturbance to neighbouring residences that would arise during the construction phase, including via noise and vibration emissions. The CEMP submitted with the application sets out the intended measures to address traffic management, security, health and safety, as well as various controls with respect to hours of operations, fuel, water, dust, noise, vibration and waste. Within the CEMP the applicant proposes various mitigation measures, including agreement of final management plans and the implementation of various standard practice construction measures. The applicant's Noise Impact Assessment and Acoustic Design Statement details the noise level standards to be applied during the construction process, as well as the various construction phase mitigation measures to address noise impacts, including site hoarding, acoustic screens, monitoring and the control of machinery.

12.8.26. Observers object to the increase in traffic during the construction phase, asserting that inadequate details have been submitted regarding the management of traffic over the estimated two-year construction period, including heavy-goods vehicles, trench digging and road closures. Undoubtedly there would be some increase in noise, traffic and other emissions during the construction period arising from this development, however, such construction phase impacts would only be of a temporary nature and would also be subject of a finalised project CEMP, as is required by the Planning Authority. In contrast to the construction hours set out by the applicant, observers do not agree to works taking place on site on Saturdays. I am satisfied that standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission, including works on

Saturdays between 08:00 and 14:00 hours. Matters such as the cleaning of neighbouring windows during the construction phase, as requested by observers, are not a matter that can be addressed as a condition of a planning permission. I am satisfied that the construction phase impacts would be capable of being controlled and undertaken in a manner that would avoid undue impacts on the amenities of neighbouring residences and properties.

Conclusion

12.8.27. In conclusion, sufficient information has been provided with the application and is available to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive undue impacts for residents of neighbouring properties, and the development has been designed with adequate cognisance of neighbouring amenities in line with objective 11.6(i) of the Development Plan. I note that the revised building line required as a condition of the permission would result in the proposed building being situated 0.6m closer to neighbouring properties to the east, however, I do not consider such a shift in the position of the proposed building would have a substantive or a material impact on neighbouring properties, in particular given the marginal decrease in separation distances, the limited extent of overshadowing to neighbouring amenity spaces and the extent of compliance in meeting minimum lighting targets in neighbouring properties, alongside the achievement of wider planning objectives.

12.8.28. Observers assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Following on from the assessment above, objective evidence has not been provided to support claims that the proposed development would be likely to result in a depreciation of property values in the vicinity. Accordingly, subject to conditions, the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.

12.9. Drainage Services & Flood Risk

- 12.9.1. Observers assert that further reassurances are required in relation to water supply / pressure, flood risk, drainage and wastewater infrastructure. The Elected Members from the Planning Authority raise concerns regarding the capacity of the water supply and drainage network to cater for the development. The application was accompanied by an Engineering Services Report, which sets out how it is intended for the water supply and drainage services to be connected into the proposed development.

Water Supply

- 12.9.2. According to the applicant, there is a 200mm-diameter cast-iron watermain and a 300mm-diameter ductile-iron watermain running along Victoria Cross Road, the former of which the proposed development would connect into. The Planning Authority refer to an additional trunk watermain also running along Victoria Cross Road. Uisce Éireann, who maintain and manage this infrastructure, has confirmed that a connection to their water supply network can be made, subject to compliance with their standard requirements. The Planning Authority note the water supply proposals and the confirmation received from Uisce Éireann acknowledging feasibility for the development to connect to same. The Planning Authority also require numerous alterations to the watermain connection, including provision of hydrants, mains, a revised connection point and other specific connection details. These matters can be addressed as a condition in the event of a grant of permission.

Wastewater Services

- 12.9.3. According to the applicant there is a 1,050mm-diameter gravity foul sewer running along the eastern side of the site, with a 5m-wide wayleave for this infrastructure. According to the applicant a pre-connection enquiry was submitted to Uisce Éireann with correspondence in relation to same appended to the Engineering Services Report. Uisce Éireann responded to consultation relating to the application, confirming that a wastewater connection would be feasible. The effluent from the development would ultimately discharge for treatment into the Carrigrennan wastewater treatment plant (WWTP). Based on an Uisce Éireann 2020 Annual Environmental Report (accessed online at www.water.ie in August 2024),

Carrigrennan WWTP is operating within compliance, with capacity not expected to be exceeded over the 2020-2023 period and the annual mean hydraulic loading in the WWTP is less than the peak treatment plant capacity. Permission to develop the scheme would be subject to a wastewater connection agreement with Uisce Éireann.

- 12.9.4. Uisce Éireann state that the size and depth of the sewer running along the eastern side of the site requires a minimum separation distance of 5m from both sides of the pipe and this must be established and a wayleave in favour of Uisce Éireann over this sewer will be required to ensure protection of public infrastructure. The applicant notes that this sewer cannot be diverted and must be protected during the construction stage of the site, while providing a 5m wayleave. In correspondence to the Planning Authority, as appended to the applicant's Engineering Services Report, the applicant noted that the location of this sewer along the east of the site had been surveyed and included in the storm and foul drainage drawings along with the required wayleave. The applicant's ground-floor layout plan (drawing no.A10-01 Revision A) indicates that the proposed building footprint would not overlie this wayleave, with the building splayed in the northeast corner to address this constraint. A proposed ancillary bicycle store structure (drawing no.A09-01 Revision A) would partially overlie the wayleave. As noted above, the building footprint would need to be shifted 0.6m to the east in order to safeguard facilitating future public transport infrastructure upgrades along Victoria Cross Road. This would require the splayed section of the building approximately 10m in length to overlie the wayleave, while the remainder of the building would appear to marginally avoid overlying the wayleave.
- 12.9.5. The Water Services Guidelines for Planning Authorities – Draft (2018) outline that, inter alia, an Uisce Éireann connection agreements will include for the vesting of developer provided water and wastewater infrastructure to Uisce Éireann, together with wayleaves to provide access to vested assets and future connection rights to these assets. In this regard I note that the permitted building to the south (ABP ref. 306714-20) would be partially situated over this wayleave (see drawing no.A10-01 Revision A). The Planning Authority received copies of the submission from the NTA requesting the increased building setback and the submission from Uisce Éireann requiring the protection of the 5m wayleave, and while in agreement with the NTA request, they did not identify this as being problematic for the wayleave requirements

of Uisce Éireann. Condition 32 of the Planning Authority decision refers to scope for an agreement with Uisce Éireann regarding a 'building over / near agreement' and whether or not an indemnity would be required, in relation to future access / maintenance / excavation of the existing 1,050mm wastewater sewer.

- 12.9.6. I accept that there may be a partial impact on the wayleave by the splayed section of the proposed building, however, this would not appear to limit access to Uisce Éireann to their vested asset, nor would it appear to substantively restrict future connections to this asset. Consequently, I am satisfied that the position of the wayleave would not appear to impede the repositioning of the building as a condition in the event of a permission.

Drainage

- 12.9.7. Within their Engineering Services Report the applicant sets out that the site is currently fully hardsurfaced and that there is a 375mm-diameter stormwater sewer running along the boundary with Victoria Cross Road, as detailed on the applicant's proposed storm sewer layout drawing (no.4539-004). Drainage entering this existing stormwater sewer running along the western boundary would be diverted into a new sewer running approximately 2m and parallel to the west of the existing sewer before reconnecting into the existing stormwater sewer at the northwest corner of the site. The proposed development would not connect into this stormwater sewer. It would alter the present drainage situation by attenuating the surface water on-site before discharging it at a greenfield rate into a new stormwater sewer with an outfall into the river channel on the northeastern side of the site.
- 12.9.8. A new network of surface water sewers would be installed on site with various interception and storage measures to control the rate of discharge. An infiltration (French) drain and green roofs would be incorporated into the proposals as part of the interception and storage measures forming part of the surface water drainage proposals. Attenuation is also proposed in the form of a tank along the western boundary with storage capacity for 49m³ of water. According to the applicant the volume of this tank has been sized to cater for 1 in 100-year storm events, with a 10% freeboard for climate change effects, while providing compensatory flood storage for the loss of the river Lee flood plain. Fuel interceptors and silt traps are

proposed as part of the SUDS measures to address runoff from hardsurfaced areas and to provide protection to river water quality from hydrocarbons and silt debris. According to the applicant the SUDS measures proposed have been designed to ensure runoff would accord with the standards outlined in The SUDS Manual (CIRIA, 2007) and other technical documents.

12.9.9. The observers assert that the impacts on rivers have not been fully addressed in the proposals. The quality of water in the Glasheen river was identified by the Environmental Protection Agency (EPA) (accessed online at <https://gis.epa.ie/EPAMaps/Water> in August 2024), as being 'poor' under the terms of the Water Framework Directive (WFD) during the period 2016 to 2021. According to the EPA, these waters are at risk of not meeting good water quality status for the purposes of the WFD. A similar WFD water quality and risk status applies to the Curragheen river, which the Glasheen river discharges into. Downstream of its tributary the Curragheen river, the River Lee forms a transitional waterbody (Lee [Cork] Estuary Upper) featuring moderate water quality status under the terms of the WFD and it is classified as being at risk of not meeting good water quality status for the purposes of the WFD. At present there would appear to be no SUDS measures employed on the application site, thereby, the proposed introduction of SUDS to control run-off and to specific standards, would provide a benefit to the quality of the subject waters entering the river by reducing pollutants from the site entering the river, including the removal of hydrocarbons and the settling out of suspended solids.

12.9.10. The Planning Authority was generally satisfied with the application drainage proposals, subject to conditions, including a revised drainage layout providing an adequate offset between the building foundation and the proposed drainage, provision of a fuel interceptor between the outfall and infiltration trench, stormwater audits and an agreement to comply with Inland Fisheries Ireland requirements. I am satisfied that a reasonable approach to addressing surface water drainage has been proposed as part of the application, and I am satisfied that the matters raised by the Planning Authority can be addressed via conditions to ensure the satisfactory undertaking and operation of the installed system.

Flood Risk

- 12.9.11. Sections 11.262 to 11.269 of the Development Plan address flooding and flood risk considerations. In accordance with the criteria set out in the Flood Risk Guidelines, the Development Plan requires Justification Tests and / or Site-Specific Flood Risk Assessments for developments of this scale and nature.
- 12.9.12. A strategic flood risk assessment was carried out for the city as part of the preparation of the Development Plan, which identified areas at risk of fluvial, pluvial and groundwater flooding. Various flood risk maps are contained in this strategic flood risk assessment appended to the Development Plan, and this indicates an indicative flood zone B on the northern end of the application site. There is also a flood zone A area indicated on the maps situated to the south of the site along the eastern side of the HSE and Tesco buildings following the Glasheen river channel.
- 12.9.13. The applicant has submitted a Flood Risk Assessment, which excludes the potential for groundwater flooding at the site as there are no significant springs or groundwater discharges recorded on the site or in its immediate vicinity. The applicant identifies the need to investigate the potential flood risk from fluvial, tidal, pluvial and hydraulic infrastructure sources. The applicant identifies the various local historical flood events and their extents, including fluvial flood events associated with the Glasheen river and the River Lee catchment. These past events allow the applicant to identify the various flood levels at varying annual exceedance probability (AEP) levels and for different scales of flooding. The Lower River Lee Flood Relief Scheme is noted by the applicant to propose measures to alleviate flooding in the area immediate to the application site, including via provision of a flow regulation structure on the south channel of the river Lee and once these measures are operating the applicant asserts that the site would benefit from enhanced flood protection measures that would defend the site from extreme flood events. This flood defence level would offer protection at a 5.8m above ordnance datum (AOD) level, which is above the 1% AEP mid-range future flooding scenario (5.2m AOD) for the Glasheen river. When applying an additional freeboard the applicant deems a finished-floor levels of 5.9m AOD as being appropriate for the application site relative to the calculated future flood levels. According to the applicant this finished-floor level would alleviate fluvial flood risks, as well as tidal and pluvial flood risks.

12.9.14. Observers assert that the construction phase may result in debris along the river channel, which would increase the risk of fluvial flooding. As stated above, the applicant has submitted a CEMP setting out the method of delivering the project, including safe means of working. A Construction and Demolition Waste Management Plan is also included as part of the application setting out the means of reusing and removing waste products from the site, with acknowledgement of the site context along the river and the need to engage with external stakeholders, such as environmental regulators, as the project advances. A record of all materials would be maintained as part of the Construction and Demolition Waste Management Plan and the Construction Environmental Management Plan includes various mitigation measures to limit sediment entering the Glasheen River. It would be expected that any competent contractor for a scheme of this nature and scale along a river corridor, would undertake measures to safeguard the riparian corridor, and I am satisfied that the information provided and available does not suggest that the proposed development would place a substantive increased risk of flooding to the river channel during the demolition and construction phases.

12.9.15. The applicant undertook the justification steps required by the Flood Risk Guidelines and this demonstrated that a student accommodation development in flood zone B would accord with a highly-vulnerable development. The applicant has not directly followed through the stated finished-floor level of 5.9m AOD to account for flood-risk levels into the development proposals, as the drawings submitted, including proposed sections (drawing no. A10-100 Revision A), reveal that the proposed finished-floor level would be at 5.8m AOD. Floor to ceiling heights of greater than 3m are provided at ground-floor level, which according to the applicant would provide for alternate use of the space if necessary. I am satisfied that the generous floor to ceiling heights at ground level would allow for the finished-floor level to be revised as a condition of the permission to a minimum of 5.9m AOD to accord with the recommendations of the Flood Risk Assessment and this would not necessitate an increase in building height.

12.9.16. The proposed development is not considered to present an increased risk of flooding, residual risks would be managed and the finished-floor level would be increased via condition, resulting in the development being appropriate on this zoned

site within the city. I am satisfied that based on the information available and presented, the risk of flooding to the proposed development would be mitigated by the embedded design elements and the stated condition. In conclusion, the proposed development would comply with the relevant policies and objectives set out in the Development Plan, as well as the provisions of the Flood Risk Guidelines.

Conclusion

12.9.17. In conclusion, subject to conditions, I consider the water supply, wastewater and surface water drainage proposals to serve the proposed development are satisfactory, with sufficient details provided to allow for this conclusion to be reached. The proposed development would feature measures to address the identified risk of flooding and it would not present substantive risk of flooding to other lands, with provision made for compensatory flood storage.

12.10. Material Contraventions

12.10.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000.

12.10.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000. For reasons outlined above in section 12.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would not arise in the case.

12.10.3. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and the provisions of the Cork City Development Plan 2022-2028 relating to development adjoining watercourse corridors, density and building heights. For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters and a material

contravention of the Development Plan would not arise with respect to the proposed development.

13.0 Environmental Impact Assessment

- 13.1.1. The applicant has addressed the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001, as revised (hereinafter 'the Planning Regulations'). I have had regard to same in this screening assessment. Where an application is made for subthreshold development and Schedule 7A information is submitted, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.
- 13.1.2. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Part 2 of schedule 5 to the Planning Regulations provides that mandatory EIA is required for various classes of development, including the following:
- Class 10(b)(i) construction of more than 500 dwelling units,
 - Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- *a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.
- 13.1.3. Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:
- works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 13.1.4. The development is described in section 3 above and would provide for the demolition of buildings and structures amounting to a gross floor area of 409sq.m, the construction of 78 student accommodation apartments, ranging in size from single-bedroom, studio apartments to eight-bedroom apartments and comprising a

total of 206 bed spaces all in a six to seven-storey building and on a gross site area measuring 0.29ha. Taking into consideration the scale and nature of development proposed and the gross site area, having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the nature and the size of the proposed development is below the applicable class 10(b) mandatory thresholds requiring the submission of an EIAR and the undertaking of an EIA. Further consideration with respect to 'class 14' demolition works is undertaken below.

- 13.1.5. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The proposed uses would be similar to those in the surrounding area. The proposed development would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The Flood Risk Assessment submitted with the application clarified that the proposals can be justified from a flood risk perspective, with flood risk alleviation measures proposed along the south channel to the river Lee and mitigation measures via specific finished-floor levels to address the calculated flood risk and climate change factors. A CEMP accompanied the application outlining the measures that would be employed as part of the safe operation of construction activities on site. An Engineering Services Report was also submitted with the application setting out that the development would be served by municipal foul wastewater drainage and water supplies. A Construction and Demolition Waste Management Plan highlighted the expected materials and means of safely removing them from the site, including any contaminants.
- 13.1.6. The site primarily comprises buildings and made ground, with a group of trees, including elder and sycamore species along the river channel adjoining the site. Connectivity of the site with protected areas and their associated qualifying interest species is considered further below in section 14 of this report. Only common bird species were recorded at the site, with no evidence of the site being used by amphibians, badgers, bats or otter. Invasive species were not recorded during site surveys and it is acknowledged that the adjoining river channel may support commuting otter.

13.1.7. There are no sites or monuments recorded (SMR) by the National Monuments Service as being located within or adjoining the site, with the closest of such sites, Shanakiel waterworks (SMR CO10728), approximately 500m to the north of the site across the river Lee. There are Protected Structures and an ACA in the neighbouring area (see section 12.5 above), however, the setting and character of these conservation features are not expected to be negatively impacted by the proposed development. There are numerous proposed Natural Heritage Areas (pNHAs) in the wider environs of the site, the closest of which, Lee Valley pNHA (ref. 000094) and Cork Lough pNHA (ref. 001081) are upstream of the site and have been assigned this status primarily with respect to bird habitats.

13.1.8. The reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application, including the following:

- EIA Screening Report;
- Ecological Impact Assessment;
- Natura Impact Statement;
- Planning and Design Statement;
- Construction Environmental Management Plan;
- Landscape and Visual Impact Assessment;
- Photomontages;
- Flood Risk Assessment;
- Construction Environmental and Demolition Waste Management Plan;

- Noise Impact Assessment and Acoustic Design Statement;
- Statement of Consistency.

13.1.9. The applicant submitted a report providing information to address the requirements of Article 299(b)(ii)(II)(C) of the Planning Regulations, with the following EU Directives addressed by the applicant in this report or in their application documentation:

- Directive 92/43/EEC – Habitats Directive;
- Directive 2009/147/EC - Birds Directive;
- Directive 2001/42/EC – SEA Directive;
- Directive 2000/60/EC - Water Framework Directive;
- Directive 2008/98/EC - Waste Framework Directive;
- Directive 2012/18/EU – Seveso Directive;
- Directive 2002/49/EC – Noise Directive;
- Directive 2002/44/EC – Vibration Directive;
- Directive 2008/56/EC - Marine Strategy Framework;
- Directive 2007/60/EC – Floods Directive;
- Directive 2010/75/EU – Industrial Emissions Directive;
- Directive 2008/50/EC - Ambient Air Quality and Cleaner Air for Europe (CAFE);
- Directive 2004/107/EC – Heavy Metals in Ambient Air Directive.

13.1.10. The applicant also refers to the Aarhus Convention, ESPOO Convention, the European Landscape Convention and associated directives, as well as the Trans-European Networks Regulations. Under the relevant themed headings, the EIA screening information prepared by the applicant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for

EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under Article 299(b)(ii)(II)(C) of the Planning Regulations has been submitted. The information provided in the application EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

13.1.11. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix B to this report. I am satisfied that the location of the project, the nature of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on demolition projects under class 14 of Part 2 to Schedule 5 of the Planning Regulations.

13.1.12. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required. This conclusion is consistent with the EIA screening information submitted with the subject application. The Planning Authority states that the Board are the competent authority for the purposes of EIA screening. The suggested conditions above, would not have a material impact on the conclusions of this screening. I am satisfied that a Screening Determination can be issued confirming that there is no requirement for an EIAR to be prepared for the project based on the above considerations.

14.0 Appropriate Assessment

- 14.1.1. For the purposes of this section, please refer to the assessment forming Appendix C to my report. The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004030 (Cork Harbour SPA), or any other European site, in view of the site's Conservation Objectives.

15.0 Conclusion and Recommendation

- 15.1.1. I have considered the appropriateness of attaching conditions to address the various issues that have arisen in my assessments above, and I am satisfied that the extent of amendments to the proposed development that would be necessitated by these conditions, including the revised building line, building footprint and ground-floor finished level, could be readily addressed without undue or materials impacts on the amenities of future occupiers or neighbouring residents, while safeguarding the proposed public pedestrian and cycle route, as well as wastewater infrastructure, and suitably accounting for future public transport infrastructure upgrades along Victoria Cross Road.
- 15.1.2. The requirements listed in the 12 criteria of Objective 11.6 of the Development Plan have each been assessed above, and I am satisfied that the proposed purpose-built student accommodation would not conflict with any of these criteria.
- 15.1.3. Having regard to the above assessments, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the draft Order below.
- 15.1.4. Finally, I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

16.0 Recommended Order

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

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 5th day of August, 2022, by Bellmount Developments Limited care of McCutcheon Halley Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development:

The development will consist of:

- (i) The demolition of existing structures on site; and
- (ii) The construction of 78 no. student accommodation apartments (ranging in size from single bed studio apartments to 8-bed apartments) comprising a total of 206 no. bed spaces in 1 no. 6 storey block;
- (iii) Student amenity facilities including a study area, games room, lounge space, laundry room and server/ICT room;
- (iv) The provision of landscaping and amenity areas including a courtyard space (including modifications to the external amenity area of the student accommodation scheme permitted under An Bord Pleanála Ref. ABP-306714-20), 1 no. rooftop terrace and a riverfront amenity incorporating a pedestrian and cycle path accessing onto Ashbrook Heights and Orchard Road;
- (v) The provision of a set down area, 1 no. access point (for emergency vehicles only), footpaths and repositioned pedestrian crossing and associated tactile paving on Orchard Road;

- (vi) The provision of a new junction build out at the junction of Orchard Road and Victoria Cross Road;
- (vii) The provision of footpaths and landscaped areas along Victoria Cross Road and;
- (viii) All associated ancillary development including pedestrian/cyclist facilities, lighting, drainage, boundary treatments, bin and bicycle storage and plant at ground and roof top levels;

at The Former Finbarr Galvin Motor Dealership, Victoria Cross Road and Orchard Road, Bishopstown, Cork

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.

Reasons and Considerations

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

- a) the location of the site within the Victoria Cross Road area of Cork city with a land-use zoning objective for 'ZO 01 – Sustainable Residential Neighbourhoods' under the Cork City Development Plan 2022-2028;
- b) the policies and objectives of the Cork City Development Plan 2022-2028;
- c) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- d) the pattern of existing and permitted development in the area;
- e) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024;
- f) the Climate Action Plan issued by the Government of Ireland in 2024;

- g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- h) Project Ireland 2040 - National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- i) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- j) the National Student Accommodation Strategy issued by the Department of Education in July 2017;
- k) Circular PL 8/2016 & APH 2/2016 issued by the Department of Housing, Planning, Community and Local Government in July 2016;
- l) the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- m) the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- n) the Guidelines on Residential Development for 3rd Level Students (Section 50 of the Finance Act 1999) issued by the Department of Education and Science in 1999;
- o) the submissions and observations received;
- p) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the

distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application Stage 2 Appropriate Assessment - Natura Impact Statement and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects 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, other than for European Site No. 004030 (Cork Harbour Special Protection Area).

Appropriate Assessment

The Board considered the Stage 2 Appropriate Assessment - Natura Impact Statement, and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Site No. 004030 (Cork Harbour Special Protection Area), in view of the sites' conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures that are included as part of the current proposal, and
- (iii) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the thresholds in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the location of the proposed housing development on lands zoned within the Cork City Development Plan 2022-2028 as 'ZO 01 - Sustainable Residential Neighbourhoods', 'with a stated objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses';
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299C(1)(a)(v) of the Planning and Development Regulations 2001, as revised;

- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Construction and Demolition Waste Management Plan, Student Accommodation Management Plan, Ecological Impact Assessment, Flood Risk Assessment and the Engineering Services Report.

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic, would not detrimentally impact on the built heritage of the area, would provide an acceptable form of residential amenity for future occupants, would not be at risk of flooding, or increase the risk of flooding to other lands and would be capable of being adequately served by wastewater and water supply networks.

The Board considered that the proposed development would be compliant with the provisions of the Cork City Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination,

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) the proposed building shall be set back eastwards into the site an additional 0.6 metres along the front boundary to Victoria Cross Road / Wilton Road to provide a minimum total width of 20.6 metres for the transport infrastructure corridor along Victoria Cross Road / Wilton Road fronting the site;
 - b) the proposed vehicular set-down space, public amenity walking / cycle and emergency route, footpaths and the pedestrian crossing on Orchard Road shall be repositioned and rearranged in line with the requirements of the Planning Authority;
 - c) the finished level to the ground-floor in the proposed buildings shall be a minimum of 5.9 metres above ordnance datum;
 - d) the surface-level external amenity space and the public amenity walking / cycle route shall be separated by the provision of a boundary treatment;
 - e) the north-facing shared kitchen / living / dining room windows to the ground-floor student accommodation unit 0F-04 shall be fitted with opaque glazing.

Revised drawings and details showing compliance with these requirements shall be submitted to, and 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.

Reason: In the interests of the amenities of future occupiers of the units, traffic and road safety, flood risk management, proper planning and sustainable development.

3. Mitigation and monitoring measures outlined in the plans and particulars submitted with the application, including the Construction Environmental Management Plan, the Ecological Impact Assessment, the Natura Impact Statement and the Flood Risk Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Construction management measures along the riparian corridor shall be developed in consultation with the Planning Authority and Inland Fisheries Ireland, and shall be in compliance with 'Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters' issued by Inland Fisheries Ireland in 2016.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The proposed development shall be used for student accommodation or accommodation related to a Higher Education Institute or tourist / visitor accommodation only during academic holiday periods, and shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use, without a prior grant of permission.

Reason: In the interests of the proper planning and sustainable development of the area, and in accordance with the details submitted with the planning application, including the Student Accommodation Management Plan.

5. The proposed development shall be implemented as follows:
 - a) the student accommodation and complex shall be operated and managed in accordance with a final Student Accommodation Management Plan,

which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development;

- b) student units / apartments shall not be amalgamated or combined;
- c) public access along the amenity walking / cycle route through the site, as detailed in the Proposed Site Layout Plan submitted with the application (drawing number A01-10 Revision A), shall be available at all times unless otherwise agreed in writing with the planning authority;
- d) access to the proposed communal roof terrace shall be restricted to occupants of the scheme between the hours of 07:00 and 22:00 only.

Reason: In the interest of the amenities of the public, the occupiers of the units and surrounding residential properties.

6. During the operational phase of the proposed development:

- a) The LAeq level measured over 15 minutes (daytime) or five minutes (night-time) at a noise-sensitive premises when plant associated with the development is operating, shall not exceed the LA₉₀ (15 minutes day or five minutes night), by five decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.
- b) There shall be no speakers located externally or in such a way that music played on the premises is audible outside the premises.

Reason: In the interest of public health and the amenity of residents.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings and hard landscaping shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. Cycle parking facilities serving the proposed development and the public amenity route through the site, shall comply with the provisions of the Cycle Design Manual issued by National Transport Authority in 2023. Electric

charging facilities shall be provided for cycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable travel and the amenities of future occupiers.

9. Proposals for a development name and numbering scheme and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s), in Irish and English, shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. 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 agreed in writing with the planning authority.

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

11. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements and other necessary agreements with Uisce Éireann, including future access, maintenance / excavation of the existing 1,050mm wastewater infrastructure / corridor running through the site.

Reason: In the interest of public health.

12. (a) Drainage and water supply arrangements including the connection to the water main supply network and the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

(d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

Reason: In the interest of public health and surface water management.

13. (a) The communal open spaces, including hard and soft landscaping, cycle parking areas and access routes, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.

(b) Details of the management company contract, and drawings / particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development.

14. (a) The developer shall comply with all requirements of the Planning Authority in relation to cycling and pedestrian infrastructure, roads, access and set-down parking arrangements.

(b) The internal access network serving the proposed development, including turning bays, junctions, set-down parking space, footpaths and kerbs, shall be

in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.

(c) All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

- 15.** A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage of the development. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets, and Transport Infrastructure Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor(s) shall be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted to and agreed with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety and proper planning and sustainable development.

- 16.** The landscaping scheme shown on the Landscape Layout (drawing numbers 2130-LA-P001 and 2130-LA-P002) and the application Landscape Design Rational, shall be carried out within the first planting season following substantial completion of the external construction works.

Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development, and subsequently implemented in accordance with the agreed scheme.

All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the units are made available for occupation and the areas shall be maintained as public open space by the developer until taken in charge by the local authority or a management company.

Reason: In the interest of environmental, residential and visual amenity.

- 17.** Prior to commencement of development, all trees that are to be maintained as part of the proposed development shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree, and shall be maintained until the development has been completed.

No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be maintained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

- 18.** A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

- 19.** All service cables associated with the proposed development, such as electrical, telecommunications and communal television cables, shall be located underground. Ducting shall be provided by the developer in accordance with the detailed standards of the planning authority for such works to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 20.** A plan containing details for the management of waste and recycling within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular recyclable materials, and for the ongoing operation of these facilities for each proposed 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 and recycling shall be managed in accordance with the agreed plan.

Reason: In the interest of the amenities of the future occupants and neighbouring residents, and to ensure the provision of adequate waste and recycling storage.

- 21.** The developer shall prepare a Resource Waste Management Plan (RWMP) demonstrating that the proposals adhere to best practice and protocols contained in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021). The RWMP shall include specific proposals as to how it will be measured and monitored for effectiveness and these details shall be placed on file and retained as part of the public record. Prior to commencement of the development, the RWMP shall be submitted to, and agreed in writing with, the planning authority. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

- 22.** The construction of the development shall be managed in accordance with a final project Construction and Environmental 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 the construction practice for the development, including:
- (b) Location of the site and materials compound(s), including areas identified for the storage of construction waste;
 - (c) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
 - (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (i) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (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 (1Hz to 80Hz) 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;

- (k) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (l) 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;
- (m) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;
- (n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety.

- 23.** Site development and building works shall be carried out only between the hours of 08:00 to 18:00 Mondays to Fridays inclusive and 08:00 to 14:00 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

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

- 24.** The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- 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, and
- b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements, including, if necessary, archaeological excavation, prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site

- 25.** Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public amenity walking / cycle route, open spaces and set down / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area, as well as the requirements outlined in the application Ecological Impact Assessment. Such lighting shall be provided prior to the making available for occupation of any unit within the proposed development.

Reason: In the interests of amenity, the environment and public safety.

- 26.** Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the

security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

- 27.** The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Colm McLoughlin
Senior Planning Inspector

29th August 2024

Appendices

Appendix A: EIA Pre-Screening Form [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314277-22		
Proposed Development Summary	Demolish buildings and construct a six to seven-storey building containing 206 student bed spaces and associated development.		
Development Address	Former Finbarr Galvin Motor Dealership, Victoria Cross Road, Bishopstown, Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i): threshold of 500 dwellings Class 10(b)(iv): threshold of 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Class 14: works of demolition carried out in order to facilitate a project listed in Part 2, Schedule 5 where such works would be likely to have significant effects on the environment.	Sub-threshold Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		Preliminary Examination required	
Yes	✓	Screening Determination required	

Inspector: _____

Date: 29th August 2024

Appendix B: EIA Screening Determination

A. CASE DETAILS				
An Bord Pleanála Case Reference		ABP-314277-22		
Development Summary		Demolish buildings and construct a six to seven-storey building containing 206 student bed spaces and associated development at Victoria Cross Road, Bishopstown, Cork.		
	Yes/No/N/A			
1. Has an AA screening report or NIS been submitted?	Yes	A NIS was submitted with the application.		
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No			
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Cork City Development Plan 2022-2028.		
B. EXAMINATION		Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant

		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the developer to avoid or prevent a significant effect.	effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The surrounding area is characterised by a mix of uses, including low-density housing to the east, as well as commercial buildings, student accommodation and low to medium-density housing to south, west and north. The proposed development providing for student accommodation on a former car sales premises is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development would involve groundworks with a Construction and Demolition Waste Management Plan and a Construction Environmental Management Plan (CEMP) provided with the application to address the potential impacts of these elements of the project on the environment. The use of the land would alter, as provided for in the statutory plan for the area, and it would not have a significant effect on the environment.	No

1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical for an urban development of this nature and scale.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites of the nature proposed. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures, as outlined in the project CEMP, would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	<p>A Construction and Demolition Waste Management Plan has been prepared for the project based on the potential waste streams arising on site.</p> <p>Operational waste would be managed through measures outlined in the Student Accommodation Management Plan submitted with the application to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.</p>	No

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	<p>Implementation of the standard measures listed in the CEMP will satisfactorily mitigate emissions from spillages or release of pollutants during construction.</p> <p>The operational development will discharge surface waters only after passing through fuel and silt interceptors as part of the SUDS measures. Surface water drainage will be separate to foul services within the site.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Noise Impact Assessment & Acoustic Design Statement and the CEMP.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the CEMP would satisfactorily address potential risks to human health.</p> <p>No significant operational impacts are anticipated for piped water supplies in the area.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from construction will be managed as per measures in the CEMP and would be localised and temporary in nature. The development proposals would not be at risk of flooding with finished-floor levels set</p>	No

		out to address same and climate change factors. Compensatory storage to address loss of the River Lee flood plain has been accounted for as part of the proposals. The site is a substantive distance of 1.8km from the nearest Seveso / COMAH site, the Grassland Agri-Fertilizer plant located off the N22 Carrigrohane Road to the west of the site.	
1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site would result in a direct increase in population in this area. The development would provide student and visitor accommodation that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Significant cumulative effects on the environment, including with the adjoining permitted Kelleher's tyres site development (ABP ref. 306714-20) would not be expected to arise.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	The site is not designated for specific ecological purposes. The nearest European sites are listed in appendix C of this report and in the application NIS. The site is located downstream of Lee Valley and Cork Lough pNHAs, which are primarily designated for their bird habitats.	No

5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The proposed development would not result in significant impacts to protected, important or sensitive species. No species or habitat of note were in evidence based on the surveys detailed in the application Ecological Impact Assessment. Proposals are cognisant of the location adjoining the Glasheen river. A host of landscape measures are set out for the project, including the introduction of green roofs and various planting.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	There are no known archaeological sites situated within or immediately neighbouring the site. The nearest site included in the record of protected structures comprises the lime kiln to the northeast of the site, and there is an ACA located to the northeast of the site also. The bridge located 100m to the north of the site is included in the NIAH.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	The site has been vacant for a number of years based on the information provided and available and its reuse would not affect high-quality or scarce resources.	No

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface waters discharging at greenfield rates to a the Glasheen river and an attenuation tank to delay the release of stormwaters.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is very limited change in ground levels across the site and no extensive subterranean works, other than those required for foundations and services.	No
2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local road network. There are sustainable transport options available for future residents, including public bus services. A significant contribution to traffic congestion is not anticipated to arise from the proposed development given the absence of car parking on site.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	Significant construction or operational impacts would not be anticipated for other facilities. The proposals may free up existing housing from use in accommodating students.	No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	Permitted developments have been identified in the immediate vicinity, including the adjoining Kelleher's tyres site student accommodation development that the subject proposals would tie in with. This adjoining project, as well as other developments in the area would not give rise to significant	No
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		cumulative environmental effects with the subject project.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION

No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	<input checked="" type="checkbox"/>
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	<input type="checkbox"/>

D. MAIN REASONS AND CONSIDERATIONS

Having regard to -

- the nature and scale of the proposed development, which is below the thresholds in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the location of the proposed housing development on lands zoned within the Cork City Development Plan 2022-2028 as 'ZO-01 Sustainable Residential Neighbourhoods' 'with a stated objective 'to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses';

- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299C(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Construction and Demolition Waste Management Plan, Student Accommodation Management Plan, Ecological Impact Assessment, Flood Risk Assessment and the Engineering Services Report.

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

Inspector: _____
Colm McLoughlin

Date: **29th August 2024**

Approved (DP / ADP): _____

Date: **29th August 2024**

Appendix C – Appropriate Assessment Screening Determination

1: Description of the project, site and context

The requirements of Article 6(3) of the Habitats Directive, related to screening the need for AA of a project under section 177U of the Act of 2000, are considered in the following section.

A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the subject application documentation, including the CEMP, with cognisance of the site context relative to the Glasheen river channel. According to the AA Screening Report, foul wastewater from the operational phase of the proposed development would discharge to the public network running along the eastern side of the site, before being treated at the Carrigrennan Wastewater Treatment Plant (WWTP) on Little Island, which is understood to have capacity for the proposed development. Treated effluent from this WWTP is discharged into Lough Mahon and according to an Uisce Éireann report, in 2022 the discharge from the WWTP was not having an observable negative impact on water quality or the achievement of water quality status for the purposes of the WFD.

Following various standard practice construction site environmental management measures, as well as sustainable urban drainage system (SUDS) measures, excess waters would be discharged by gravity into the river running along the eastern side of the site, which connects into the Curragheen river that forms the southern channel to the River Lee passing eastwards through the city, before discharging at Lough Mahon. Ultimately the resultant treated wastewaters and surface waters from the proposed development would discharge to the Lough Mahon.

A description of this brownfield site is provided in section 2 of this report and as part of the assessments above. The applicant's Flood Risk Assessment sets out the water drainage regime in the wider area, highlighting that the site is within the urbanised catchment of the Glasheen river and it is also in the Ballincollig groundwater body (ref. IE_SW_G_002). According to the Environmental Protection Agency (EPA), the quality of this groundwater body is classified as 'good' and is 'not at risk' of achieving good status based on categorisation for the purposes of WFD. According to the EPA, the Glasheen and Curragheen rivers have poor water quality status and they are 'at risk' of

not achieving 'good' water quality status for the purposes of the WFD in 2027. The Lee (Cork) Estuary Upper and Lough Mahon transitional waterbodies are currently classified by the EPA as having 'moderate' water quality status and are also 'at risk' of not achieving good water quality status in 2027.

The bedrock aquifer underlying the application site is described on the Geological Survey of Ireland (GSI) database as a 'Regionally Important Aquifer – Karstified (diffuse)'. The groundwater vulnerability underlying the site is described as high to extreme.

The closest European sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), in the immediate vicinity of the application site comprise Cork Harbour SPA (Site Code 004030) and Great Island Channel SAC (Site Code 001058), located approximately 4.7km and 11.4km respectively to the east of the site in the Lough Mahon estuarial area.

Submissions and Observations

The submissions and observations from third parties, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this report. The Planning Authority refer to the Board as being the competent authority for the purposes of AA.

Uisce Éireann indicates that the project can be serviced with confirmation of feasibility to provide necessary connections to water supply and for wastewater drainage for the development, and that there is capacity in the public systems without requirement for any infrastructural upgrades.

The applicant has submitted a document titled 'Stage 2 Appropriate Assessment – Natura Impact Statement' dating from July 2022 and prepared by Malone O'Regan Environmental. This document provides a description of the site, the receiving environment and the proposed development, as well as identifying European sites potentially within the zone of influence of the development.

2. Potential impact mechanisms from the Project

Zone of Influence

The European sites in the vicinity of the proposed development are identified in figure 4-1 of the applicant's Stage 2 AA - NIS and the qualifying interests of the European sites

in the vicinity of the proposed development are provided in tables 4-2 and 4-3 of the Stage 2 AA - NIS.

In determining the potential zone of influence for the proposed development I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. The application site is not located within or adjacent to any European site. There is a river running adjacent to the site, which ultimately discharges into Lough Mahon estuarial area located approximately 7km to the east of the site. There is a hydrological connection from the development site via this watercourse to European sites located within Lough Mahon.

Conclusion on the Extent of the Zone of Influence

In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all other European Sites outside of the Lough Mahon estuarial waters can be screened out for further assessment at the preliminary stage based on a combination of factors including the minimal effluent discharge from the proposed development works (to be treated at Carrigrennan WWTP, as discussed further below), the intervening distances, the lack of a biodiversity corridor link to these conservation sites, and the dilution effect for surface water runoff.

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites within Cork Harbour and their qualifying interests as summarised in the table 4 below. I am satisfied that no other European Sites fall within the possible zone of influence.

3. European Sites at Risk

Table 4. European Sites at Potential Risk

Site Name / Code	Qualifying Interests	Connections
Great Island Channel SAC 001058	Mudflats and Sandflats not covered by seawater at low tide [1140] Atlantic Salt Meadows [1330]	A hydrological connection exists via Glasheen River directly adjoining the site;
Cork Harbour SPA 004030	23 bird species Little Grebe [A004] Great Crested Grebe [A005] Cormorant [A017]	Hydrological connections exist through surface water ultimately discharging from the site into Glasheen River

	Grey Heron [A028] Shelduck [A048] Wigeon [A050] Teal [A052] Pintail [A054] Northern Shoveler [A056] Red-breasted Merganser [A069] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Lapwing [A142] Dunlin [A149] Black-tailed godwit [A156] Bar-tailed godwit [A157] Curlew [A160] Redshank [A162] Black-headed gull [A179] Common Gull [A182] Lesser Black-headed Gull [A183] Common Tern [A193] Wetland and waterbirds [A999]	leading to Lough Mahon in Cork harbour; Indirect hydrological connections exist through wastewater from the site passes through the piped network for treatment at Carrigrennan WWTP, before being discharged to Lough Mahon in Cork harbour.
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4. Likely significant effects on European sites

Table 2 of the AA Screening Report details the likely effects of the proposed development on European Sites. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of their implications for likely significant effects on the conservation objectives of European sites within the potential zone of influence of the project:

- Effect 1 - Habitat degradation as a result of hydrological impacts
- Effect 2 - Habitat loss and fragmentation

The Conservation Objectives for the two sites in the zone of influence are detailed in table 5 below, with discussion regarding the effects of the proposed development on these conservation objectives following the table.

Table 5. Could the Proposed Development alone undermine Conservation Objectives

Site Name / Code	Conservation Objective	Conservation Objectives Undermined?	
		Effect 1	Effect 2
Great Island Channel SAC 001058	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001058.pdf	No	No
Cork Harbour SPA 004030	To maintain the favourable conservation condition of wetland habitat and all qualifying interest bird species (see table 4 above), as well as Greenshank. https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004030.pdf	Yes	No

Habitat degradation as a result of Hydrological or Hydrogeological Impacts

The most challenging elements of the proposed development from an environmental perspective would be at demolition and construction stages, due to the need to undertake works adjacent to the river channel.

The applicant states that if potential pollutants flow downstream and lead to a deterioration in water quality, this could indirectly affect the food supply and foraging habitat of bird species within the Cork Harbour SPA and designated birds that utilise the wider river network. This would appear a reasonably logical assessment of the potential effects of the proposed development adjacent to the river channel, with the Conservation Objectives Supporting Document (Version 1 - November 2014) for this SPA acknowledging that activities and events could have impacts on water quality that may influence the achievement of the site conservation objectives specifically relating to bird species. The development could not reasonably effect the maintenance of the favourable conservation condition of wetland habitat in Cork Harbour SPA given that the development could not influence the area of this habitat.

Effects on the two qualifying interests of the Great Island Channel SAC are screened out by the applicant on the basis that the designated site is a significant distance from the

application site and any possible pollutants would either dilute within the watercourse or settle to the bottom before reaching Cork Harbour approximately 8km from the application site. I note that the NPWS measures intended to be used to assess the success of maintaining the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide and restoring the favourable conservation condition of Atlantic salt meadows in the Cork Harbour SAC are to be based on the habitat distribution and area, as well as vegetation cover and height. The proposed development could not influence the area or distribution of these habitats, or indeed the vegetative cover and height of plants associated with the qualifying interest habitats of this SAC.

Habitat Loss and Fragmentation

Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. The proposed site does not support populations of any fauna species with links to the qualifying interest or special conservation interests of any European Site, including Cork Harbour SPA. I am satisfied therefore that the proposed development will not result in habitat loss or fragmentation within any European Site, nor will it result in a loss of any ex-situ foraging or nesting site for qualifying species of European Sites in the wider area.

There are no other evident impact pathways, noting in particular the lack of suitable habitats on the development site for any birds of special conservation interest associated with any proximate European Site. There is no evidence the site lies in a sensitive location as regards to birds, or that the height of the proposed building, at a maximum of seven storeys, would pose a danger in relation to bird strike.

Screening Conclusion

I conclude that the proposed development would potentially have a likely significant effect 'alone' on the qualifying interest bird species, as well as Greenshank, associated with the European Site 004030 (Cork Harbour SPA) from activities and works that could impact on water quality in the adjacent river channel discharging to Cork harbour. An appropriate assessment is required on the basis of the effects of the project along on European Site 004030 (Cork Harbour SPA). Further assessment in-combination with other plans and projects is not required at this time.

5. Stage 2 - Appropriate Assessment

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interests of European Site No. 004030 (Cork Harbour SPA), using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

Test of Effects & Mitigation Measures

As the site of the proposed development is at a remove from Cork harbour, no direct effects would occur. In terms of indirect effects the key element is the potential impact on water quality during construction and operation phases.

Management measures, including specific measures for this project to prevent pollution downstream affecting water quality, are outlined in the NIS and the CEMP, which would ensure that there are no likely effects on the Glasheen river from surface water runoff during the construction phase, thereby avoiding negative effects on water quality. I am satisfied that with the implementation of the specific measures outlined in the NIS and the CEMP for the management of surface water, such as silt fences and containment of fuels and other fuels, as well as compliance with the Guidelines on the Protection of Fisheries during Construction Works in and Adjacent to Waters (IFI, 2016), the proposed construction activity would not have likely significant effects on water quality downstream.

During the operational phase the proposed development would feature a host of SUDS measures to intercept, store and treat surface and stormwaters leaving the site and entering the Glasheen river. Such measures would include fuel interceptors, allowing the removal of hydrocarbons and sediment.

The evidence available provides certainty that the project would not result in pollution of water or significant adverse impacts for qualifying interests, and it can be concluded that the proposed development would not be likely to have significant adverse impacts on Cork Harbour SPA, in view of the sites' conservation objectives.

I am therefore satisfied that the development would not cause changes to the key indicators of conservation value, hence there is no potential for any adverse impacts to occur on either the habitat or the species associated with Cork Harbour SPA.

6. In-combination Effects

The applicant's NIS refers to the cumulative manner in which increased wastewater volumes to the Carrigrennan WWTP can impact on water quality in Cork harbour. The development of the metropolitan area is catered for through land-use planning by the Planning Authorities in the greater Cork area, including through the Cork City Development Plan 2022-2028 and the Cork County Development Plan 2022-2028. These statutory plans have been subject to AA by the Planning Authority, who have concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this and other projects, including the adjoining student accommodation development (ABP ref. 306714-20), would add to the loadings to the municipal sewer, evidence shows that negative effects to water quality are not arising. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects that can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

Having regard to the foregoing, I consider that in-combination effects are not likely to arise for Cork Harbour SPA. In their NIS, the applicant concludes that the proposed development would not result in any adverse effects on the basis that the specific mitigation measures would be implemented, including measures to avoid the impairment of water quality.

7. Appropriate Assessment – Conclusion

The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004030 (Cork Harbour SPA), or any other European site, in view of the site's Conservation Objectives.