



An
Bord
Pleanála

Inspector's Report

ABP-314618-22

Development	Demolition of existing dwelling and the construction of a 5-storey student accommodation building with 94 bed-spaces.
Location	A site at Lacken Road, Kilbarry, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	22569
Applicant(s)	Tony Robinson
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Tony Robinson
Observer(s)	Micheál Ó Murchú Cllr. Joe Kelly
Date of Site Inspection	29 th September 2023
Inspector	Sarah Moran

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1.0 Site Location and Description

- 1.1. The development site is an L shaped area adjoining the Ballybeg Roundabout in a suburban area on the southern side of Waterford City, c. 2.4 km from the city centre. The adjoining Kilbarry Road to the west is one of the main access routes to the city centre. The wider area is characterised by a mix of residential and other land uses, including Waterford City Fire Station on the western side of the roundabout, several sports clubs/ facilities and the Lacken Road Business Park nearby to the southeast. The main campus of the South East Technological University (SETU) Waterford is located c. 0.5 km to the northwest of the site.
- 1.2. The site has a total stated area of 0.42 ha. The southern part of the site is currently occupied by a single storey house and grounds including some mature trees at the site boundaries. The northern part of the site is undeveloped lands adjoining the roundabout. The immediate surroundings of the site are as follows:
- Frontage to the roundabout and Lacken Road to the north and east
 - Residential properties in Briot Drive (within the Templars Hall estate) to the west
 - Detached bungalow and associated grounds to the south, 'Coomlocha'

There is an electrical substation adjoining the northern site boundary, close to the roundabout. The documentation on file indicates that not all of the lands within the red line site boundary are in the ownership of the applicant. The application includes letters of consent from Waterford City and County Council (WCCC) Property Management Section and Waterford Lettings Limited.

2.0 Proposed Development

- 2.1. The development comprises the demolition of the existing house at the site and the construction of a five storey student accommodation building containing 94 no. student bedrooms / bedspaces, surface car parking area, bicycle storage, refuse storage area, access from Lacken Road and associated site works including signage, open space, landscaping and boundary treatments.
- 2.2. The following key points of the development are noted:

Site Area	0.42 ha
No. of Student Bedspaces	94
Stated total Gross Floor Area	3,294.2 sq.m.
Height	2-5 storey
Site Coverage	24.66%
Plot Ratio	0.77
Density	Stated density 223.9 units/ha
Amenities / Communal Open Space	10 no. internal social areas throughout the building Reception area, laundry facilities, gym Central external communal amenity space 322.08 sq.m.
Other Land Uses	None
Part V	None
Roads	Vehicular / pedestrian access from Lacken Road
Parking	48 no. car parking spaces incl. 2 no. accessible spaces 78 no. cycle parking spaces, 56 no. internal spaces and 22 no. external spaces
Site Services and Ancillary Works	Demolition of existing house at the site Blue Roofs and other SUDS measures Connection to existing foul sewer and public water supply Refuse storage areas

2.5. The accommodation is to be used as student accommodation during the academic year and as student accommodation or tourist / visitor accommodation outside term time.

2.6. The application includes the following particulars:

- Design Statement
- Fire Safety and Access Report
- Engineering Services Report

- Flood Risk Assessment
- Landscape design

3.0 Planning Authority Decision

3.1. Decision to Refuse Permission

3.1.1. WCCC issued a Notification of a Decision to Refuse Permission on 18th August 2022, for the following stated reasons:

1. Having regard to the site location, existing character and the prevailing pattern of development of the area it is considered that the proposed development, by reason of its overall scale, height and design, would be out of scale with its surroundings, fails to make a positive contribution to the urban neighbourhood and streetscape at this location and would thus be contrary to policy objectives Place 02, Place 03 and Place 04 of the Waterford City & County Development Plan 2022-2028. Furthermore, the development as proposed does not accord with the 'Design Framework' for the City South West Neighbourhood (Kilbarry Ballybeg and Lacken) as contained in Appendix 6 of the Waterford City & County Development Plan 2022-2028. The proposed development would represent a substandard form of development at this location and would therefore be contrary to the proper planning and development of the area.
2. The northwestern section of the site is designated 'open space' as per the Waterford City & County Development Plan 2022-2028 and the objective of this zoning is to 'Preserve and provide for open space and recreational amenities'. The development includes the enclosing of this area of designated 'open space' to provide surface car parking associated with student accommodation. Having regard to the nature of the proposed use and the zoning objective it is considered that the proposed development would contravene materially the Waterford City & County Development Plan 2022-2028 and be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location, nature of use, proximity and design of the student accommodation building to the adjoining south and southwest residential properties and the orientation and proximity of the proposed student

accommodation building to the adjoining south residential property, with particular reference to first floor windows to the south/southeast elevation of the building, it is considered that the proposal as submitted would constitute an over-dominating presence in relation to the adjoining residential property, give rise to overlooking, loss of privacy and thus would seriously detract from the residential amenities of these properties and would depreciate the value of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. On the basis of the details provided with the planning application, as sightlines are not indicated at the junction of the site entrance and the Lacken Road in accordance with the Design Manual for Urban Roads and Streets (DMURS), the Planning Authority is not satisfied the proposed development would not endanger public safety by reason of traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- WCCC Executive Planner report, 17th August 2022. Recommends refusal for the reasons stated above.
- WCCC Habitats Directive Screening Assessment, appendix to above planning report. No likelihood of significant effects on Natura Sites.

3.2.2. Other Technical Reports

- WCCC Roads Department Senior Executive Engineer (undated). Further information required regarding sightlines at proposed access, revised car parking layout and autotrack of refuse collection.
- WCCC Environment Section Senior Executive Engineer, 22nd July 2022. No objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. None on file.

3.4. Third Party Observations to WCCC

3.4.1. The planning authority received a large volume of third party observations in response to the subject application. These were generally submitted by/on behalf of local residents and elected representatives and object to the development on the following grounds:

- Lack of consultation with local residents regarding the proposed development.
- Development is out of keeping with the character of the area, is excessive in scale and density and will have adverse visual impacts.
- Proposed signage associated with the development will have adverse visual impacts.
- The proposed five storey block would contravene national planning policy, ref. the Section 28 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, also the design framework for the area under the current Waterford City and County Development Plan.
- The use of an existing green area to provide student accommodation is not appropriate, will result in adverse visual impacts and will destroy an existing local amenity. The area has been maintained for many years by local residents and is an integral part of the entrance to the Templars Hall estate. There is a public right-of-way in this area which should not be extinguished.
- It is submitted that the open space area is not zoned for residential development and therefore should not be included in density calculations, also that the development contravenes the zoning of this area of the site.
- Concerns about anti-social behaviour associated with existing student accommodation nearby, in an area otherwise occupied by families. It is submitted that residents of the development will not integrate with the local community. Also that the development will result in an over concentration of student accommodation in the area.
- Development will have adverse impacts on residential amenities due to overlooking and overshadowing.
- Development will result in a poor standard of accommodation for its occupants.

- Development will increase existing traffic congestion in the area.
- The proposed car parking provision is inadequate and the development will result in overspill parking at adjacent residential areas.
- The development access will create a traffic hazard close to the Ballybeg Roundabout. Submissions note that there are many young children living in the area.
- Noise impacts on adjacent residential amenities.
- Development will have an adverse impact on property values in the area.
- Development will result in increased litter in the area.
- Concerns that the development will be used for short term rental purposes outside of term time.
- It is submitted that there are other sites in the wider area that are more suitable for development as student accommodation.
- Development will put increased strain on existing drainage, water supply and foul sewage services.
- Planning authority should request further information on visual impacts; CGIs; Daylight and Sunlight Assessment; public right of way in the open space area of the site; student accommodation management plan; details of pre-planning consultations with WCCC.
- The development site includes lands not in the ownership of the applicant, for which no permission to develop has been included with the application.
- A previous proposal for student accommodation at this site was refused permission under reg. ref. 15/608.
- Development will result in the removal of existing mature trees at the site.

4.0 Planning History

4.1. Reg. Ref. 15/608

- 4.1.1. Relating to the southern part of the current development site, the existing single storey dwelling and grounds. Permission sought to demolish the house and to build

eight no. three storey terraced dormer type houses in two separate detached blocks, also associated services and the development works, including alteration to the existing entrance from the public road. The planning authority refused permission for the following stated reasons:

1. It is a policy of the Waterford City Development Plan 2013-2019 to protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible on all land zoned for residential use. Taking cognisance of the existing built context and in particular the proximity and the design and layout of the proposed development and the adjoining bungalow, it is considered that the proposed development will result in an incongruous and overbearing form of development. Furthermore taking cognisance of the nature, design and extent of development proposed and its likely and probable use as student accommodation it is also considered that the applicant has failed to demonstrate how the development can be adequately managed in terms of car parking and waste management. It is considered therefore that the proposed development would seriously injure the amenities and depreciate the value of property in the vicinity, would contravene materially the Development Plan for the area and would therefore be contrary to the proper planning and development of the area.
2. Taking cognisance of the proposed internal house layout and in particular the restrictive living space provisions for the five bedroom units, it is considered that the proposed development fails to meet the minimum quantitative standards set out in both Quality Housing for Sustainable Communities (DEHLG 2007) and the Sustainable Urban Housing: Design Standards for New Apartments (DEHLG 2007). Furthermore the layout of the overall development fails to address the qualitative standards of the Waterford City Development Plan 2013-2017 and the Urban Design Manual: A Best Practice Guide (DELHG 2008). It is considered therefore that the proposed development would be contrary to Ministerial guidelines and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)
- Design Standards for New Apartments Guidelines for Planning Authorities (as updated 2020)
- Design Manual for Urban Roads and Streets (DMURS) (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)

5.1.2. The following policy documents are also relevant:

- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).
- Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005)
- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016)
- National Student Accommodation Strategy, Dept. of Education and Skills, 2018.

5.2. Waterford City Development Plan 2013-2019 (as amended and extended)

5.2.1. The previous Waterford City Development Plan 2013-2019 (as extended) was in effect when the subject application was lodged with WCCC on 27th June 2022.

5.2.2. The existing bungalow at the site and associated grounds are zoned 'Developed Residential' with the stated objective under the 2013 plan:

To protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible.

The lands at the northern end of the site, adjacent to the roundabout, are unzoned.

- 5.2.3. Development plan Chapter 13 provides development management standards, including section 13.1 on residential development, residential density, qualitative and quantitative design standards, site development standards and parking standards.

5.3. Waterford City and County Development Plan 2022-2028

- 5.3.1. The new Waterford City and County Development 2022-2028, which replaces the previous City Development Plan, was adopted by the Elected Members of Waterford City and County Council on 7th June 2022 and came into effect on 19th July 2022. It was therefore in force when the subject decision was issued by WCCC on 18th August 2022.

- 5.3.2. Two separate zoning objectives apply at the development site under the current development plan. The southern portion of the site, where the existing bungalow is located, is subject to the RS Existing Residential zoning objective:

Provide for residential development and improve residential amenity.

The northern part of the site adjoining the roundabout is zoned OS Open Space with the stated objective:

Preserve and provide for open space and recreational amenities.

- 5.3.3. Development plan Chapter 7 provides policies and objectives on Housing & Sustainable Communities. The following housing policy objectives are noted in particular:

H 02

In granting planning permission, we will ensure new residential development:

- Is appropriate in terms of type, character, scale, form and density to that location.*
- Is serviceable by appropriate supporting social, economic and physical infrastructure.*

- *Is serviceable by public transport and sustainable modes such as walking and cycling.*
- *Is integrated and connected to the surrounding area in which it is located; and,*
- *Is designed in accordance with the applicable guidance and standards of the time...*

H 04

We will promote and facilitate sustainable and liveable compact urban growth through the thoughtful consolidation and of infill/ brownfield sites in a way which promotes appropriate levels of compactness while delivering healthier and greener urban spaces and residential amenities. This will be achieved by:

- *Facilitating and supporting a range of residential densities and building heights appropriate to the context and residential amenity of a proposed development location.*
- *Proximity to high capacity public transport corridors and investment in sustainable and/ or active transport infrastructure.*
- *Supporting the permeable integration and densification of existing built-up areas.*
- *Supporting residential development proposals and urban design which incorporate clustering of mixed land use and co-location of services in appropriate location(s), or where quick and easy access to such services is available.*
- *Promoting and ensuring qualitative design and technological solutions which deliver adaptable residential/ living units/ spaces and urban design.*
- *Ensuing the integrated provision of quality green and blue infrastructure components/ public open space and networks of same so as to achieve distinctiveness and sense of place across our neighbourhoods; and,*
- *Requiring the provision of support infrastructure/ facilities to encourage sustainable mobility.*

H 20

Where new development is proposed, particularly on smaller suburban infill sites (< 1 ha in area) we will ensure that the residential amenity of adjacent residential properties in terms of privacy and the availability of daylight and sunlight is not adversely affected.

We will support lower density type development at these locations. We will require that new development in more established residential areas respect and retain, where possible, existing unique features which add to the residential amenity and character of the area, such features include front walls, gates, piers, railings, and stone/brick/render work.

H 22

We will facilitate provision of high-quality, purpose built and professionally managed student accommodation in line with the provisions of the National Student Accommodation Strategy (2017). Purpose built student accommodation should be provided on campus or in suitable locations that are easily accessible to relevant educational institutions/ campuses by way of walking, cycling and high quality, convenient public transport.

H23

The Council will support the sustainable distribution and provision of student accommodation in the city centre including through the development of 'over shop living' and the development of underutilised sites. Any development must have regard to the following:

- The effect of the proposed development on the amenities of the area, including residential amenity.*
- The effect of the proposed development on the existing mix of land uses and activities including the existing student accommodation, in the particular locality.*

5.3.4. Development plan Chapter 8 sets out policy and objectives on Placemaking. The following policy objectives, which are referred to in refusal reason no. 1 of the subject decision, are noted in particular:

Place 02

Ensure that all development is of high quality design with a focus on placemaking consistent with NPO 2, 4, 6, 7 16, 18a, 18b, 26 and 27 of the NPF, and RPO 31 – Sustainable Place Framework, RPO 34 – Regeneration, Brownfield and Infill Development, Section 4.7 Placemaking for enterprise development, RPO 61 – Health Place Audit for Placemaking, RPO 176 – “10-minute City and Town Concepts” and Good Practice example 10-minute city and town neighbourhoods at Section 3.9 of the RSES

Place 03

Promote the guidance principles set out in relevant Ministerial Guidelines especially the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design Manual for Urban Roads and Streets’ (2020) and Permeability Best Practice NTA (2015).

Place 04

Provide for a high-quality public realm and public spaces by promoting quality urban design that accommodates creative patterns of use having regard to the physical, cultural, and social identities of individual settlements.

- 5.3.5. Development plan Volume 2 sets out development management standards including section 3.0 on residential development and section 7.0 parking standards. The following policy objective is noted in particular:

Development Management DM 05, matters to be taken into consideration with regard to residential density:

- *Proximity to public transport bus stops.*
- *Proximity to neighbourhood and district centres.*
- *The extent to which the design and layout follows a coherent design brief resulting in a high-quality residential environment.*
- *Compliance with qualitative and quantitative criteria.*
- *The extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas.*

- *Existing topographical, landscape or other features on the site.*
- *The capacity of the infrastructure, including social and community facilities, to absorb the demands created by the development.*
- *Where the opportunity exists to increase density and building heights in pursuit of compact, regeneration, sequential and transit-oriented development, and where it can be demonstrated that the development management standards set out in the Development Plan may in certain circumstances be counter to achieving these principles of sustainable urban development, we will consider such proposals on their own merits having regard to the relevant S28 Guidelines in place at the time.*

5.3.6. City South West Neighbourhood Design Framework

Development plan Appendix 6 sets out the City South West Neighbourhood (University / Ballybeg / Kilbarry/ Lacken) Design Framework. Section 3.0 of the Framework sets out the key objectives including:

Provide a Design Brief and associated principles to guide the design and layout of new development within the Kilbarry/Ballybeg area. All new developments will be required to be consistent with the design brief and principles set out in Appendix Two.

The framework area comprises five districts/ character areas. The development site is within the Kilbarry and Lacken character area, with the Lacken Road forming the boundary to the University District character area to the immediate north of the site.

The key objectives for the Kilbarry and Lacken character area, as set out in section 9.1 of the Framework, primarily relate to a large tract of undeveloped lands some distance to the south of the development site, between the Kilbarry Road, Lacken Road and the Outer Ring Road. The stated key objectives are as follows:

KLO1 Facilitate the provision of public services such as roads, water, wastewater, surface water and amenities space;

KLO2 Ensuring safe and easy access to Waterford Nature Park and RSC from a new looped walk which abuts the boundary of the pNHA and from existing and new residential areas;

KLO3 Ensure all existing and proposed streets/roads are consistent with the block layout, street hierarchy and building heights as shown in Figure 11, Figure 23 and the design brief and associated guiding design principles as set out in Appendix 1, refer to Figure 24 – 26 for further guidance;

KLO4 Develop a pedestrian and cycle route from residentially zoned lands east of the Lacken Road to the Tramore Road south of the Black Road at Carrigroe (which is outside the pNHA) and link with the John's River Walk way east of the Tramore Road;

KLO5 Rezone c.3.6 ha of land east of the Kilbarray Roundabout (by Tesco Ballybeg) and north of the proposed LIHAF Road from 'Residential' to 'Community Facilities' to facilitate a new school campus;

KLO6 Rezone c.3.6 ha of land west of the Lacken Road and north of the southern section of the LIHAF from 'Community Facilities' and 'Open Space' to 'Residential' to facilitate the construction of the new post primary school at KLO54.

Figure 23 of the Framework provides an indicative street, block layout and areas for taller buildings for the undeveloped lands within the character area, outside of the subject site. Appendix 1 of the Framework provides general guidance and design principles, with regard to relevant national planning policies.

5.4. Natural Heritage Designations

5.4.1. The following distances to designated sites are noted, having regard to the WCCC Habitats Directive Screening Assessment on file:

- 2.54 km south of the Lower River Suir SAC (002137)
- 7.58 km north of the Tramore Back Strand SPA (004027)
- 11.58 km south east of the Clodagh (Portlaw) Fresh Water Pearl Mussel Catchment Area
- 2.88km west of the Williamstown Golf Course Ponds – 52 Wetlands Area

5.5. EIA Screening

- 5.5.1. Having regard to the nature of the development, works within the curtilage of an existing house in a built up area, it is considered that there is no real likelihood of significant effects on the environment arising from the development it is proposed to retain. The need for an environmental impact assessment can, therefore be excluded by way of preliminary examination. See also Appendix I of this report.

6.0 The Appeal

6.1. Grounds of First Party Appeal

- 6.1.1. The main points made in the first party appeal may be summarised as follows:
- The development complies with national, regional and local planning policy to locate student accommodation within a short walking distance of shops, services and public transport.
 - The development does not seriously injure the residential and visual amenities of the area as required under the Planning and Development Act 2000 such as would outweigh national and regional planning policy considerations.
 - Student accommodation can be provided at a higher density at this location due to its proximity to the SETU Waterford, within 500m of the main campus.
 - The application was lodged when the 2013-2017 development plan was in place. There was no zoning objective at the northwest of the site under that plan as the new road was being constructed. The area is zoned for open space under the new 2022 development plan. It is submitted that the open space is incidental to the construction of the new road and is not useable by anyone, due to being bound by busy roads on three sides, and that it provides no practicable amenity to the area. WCCC have given the applicant permission to apply for permission at this area and are happy to sell it to the applicant.
 - The site adjoins the 'University District' boundary under the City South West Neighbourhood (University / Ballybeg / Kilbarry/ Lacken) Design Framework study area. It is considered that arbitrarily drawn boundary intended to silo uses in certain districts should not result in a blanket exclusion of uses in these areas.

- There are no student accommodation facilities within 250m of the development site. A Student Accommodation Management Plan can be prepared and submitted by way of condition.
- The proposed setbacks to adjoining properties and site boundaries are acceptable.
- The development has been designed to obviate direct overlooking of adjoining residential properties.
- It is submitted that the drawings lodged with the application are sufficient to assess potential daylight and sunlight impacts to adjacent residential properties, also that the configuration of the buildings will ensure that adequate amounts of sunlight will reach open spaces within the development.
- The proposed vehicular entrance complies with DMURS. A condition requiring submission of drawings indicating compliance with DMURS may be imposed if permission is granted. Drawings indicating sight lines at the entrance are submitted with the appeal.
- The development is well designed and will make a positive contribution to the streetscape.

6.2. Planning Authority Response to First Party Appeal

6.2.1. None on file.

6.3. Observations

6.3.1. There are two no. observations on file, one of which was submitted by a nearby resident and another by a local elected representative. Both observers seek to uphold the planning authority decision to refuse permission and raise similar issues to those made in the third party submissions to WCCC as summarised above. The main points made in the observer submissions on foot of the appeal may be summarised as follows:

- The development site is an inappropriate location for student accommodation due to its proximity to established residential areas. There are other sites more suitable for the proposed use within the area designated as the 'University

District' under the City South West Neighbourhood (University / Ballybeg / Kilbarry/ Lacken) Design Framework, and at locations designated for taller buildings under the development plan. The development of student accommodation at this inappropriate site could jeopardise the viability of student accommodation at more suitable locations.

- The development will result in an over concentration of student accommodation in the area. Many of the third party submissions to the planning authority from local residents state concerns about the high level of rented accommodation in the area and associated antisocial behaviour by students. The development would increase the proportion of rented accommodation in the tenure mix. Residents of the development will be transient and will not integrate with the area.
- The site contains two separate land zonings comprising 0.27 ha of lands zoned Existing Residential and 0.15 ha of lands zoned Open Space under the current development plan.
- The development will result in overdevelopment of the site. The figures cited by the applicant in relation to density, site coverage and plot ratio are misleading as they are based on the overall 0.42 ha site, whereas the site only contains 0.27 ha of residentially zoned land. It is submitted that the development will actually result in a plot ratio of 1.22 and a 20 times increase in built area at the site. Development plan policy supports lower density development at this location, ref. policy H20.
- The five storey height of the development is excessive and contravenes the Section 28 Urban Development and Building Height Guidelines. There are no buildings over three storeys in the area.
- The development will result in the loss of a public amenity and a public rights of way at the open space zoned lands within the site. This area should not be used for car parking. The car parking should be provided within the zoned lands in order to achieve a scaled down development at the site. The open space serves as an amenity for the Templars Hall, Knights Grange and Lacken Wood estates and in particular as part of the entrance to the Templars Hall estate.

- The applicant does not have sufficient legal interest to make the application. The lands within the red line site boundary comprise four separate land folios. The application includes letters of consent from WCCC and Waterford Lettings Limited but the development site includes two additional folios WD22215F and WD36522F, which the applicant has no consent to include in the application.
- WCCC should not sell open space zoned lands at the site to facilitate the proposed inappropriate development.
- The proposed five storey development is excessive in height and bulk and is out of character with the surrounding area, which is characterised by two storey, suburban style residential development.
- The design of the development resembles an office type building with glass and coloured cladding finishes that are out of keeping with the surrounding mature residential environment. The development will detract from the appearance of the area.
- The development will have adverse impacts on residential amenities in contravention of the residential zoning of the site and of development plan policy on development in residential areas, ref. H20.
- The application lacks meaningful analysis of potential impacts on adjacent residential amenities, e.g. Verified View Montages, Daylight and Sunlight Impact Assessment.
- The development will overlook adjacent houses and rear gardens to the south of the site at 'Coumlocha' and Briot Grove and to the west of the site at Briot Drive. It would also overlook houses and private gardens at the Knights Grange estate on the opposite side of the Lacken Road.
- The development will provide up to 11 bedrooms per apartment, resulting in substandard accommodation for residents. The application does not provide a Student Accommodation Management Plan to address issues such as out of hours security, waste management, etc.
- The development will add to existing traffic congestion in the area.

- The proposed layout provides insufficient car parking and will result in overspill parking at adjacent residential streets.
- The development will detract from the value of properties in the area.

6.4. Further Responses

6.4.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation and the relevant provisions of both the Waterford City Development Plan 2013-2019 (as extended), which was in force when the subject application was lodged with Waterford City and County Council (WCCC) on 27th June 2022 and the new Waterford City and County Development Plan 2022-2028, which came into effect on 19th July 2022 and was in force when the subject decision was issued by WCCC on 18th August 2022. I have also carried out a site inspection. I consider that the main issues are those raised in the grounds of appeal. Overall, I am satisfied that no other substantive issues arise.

7.2. The relevant issues can be dealt with under the following headings:

- Preliminary matters (land ownership and right of way issues)
- Principle of development with regard to development plan zoning objectives and provision of student accommodation at this location, also consistency with the City South West Neighbourhood (University / Ballybeg / Kilbarry/ Lacken) Design Framework
- Residential density
- Building height
- Impacts on visual and residential amenities
- Quality of student accommodation
- Traffic and transportation issues
- Drainage, flood risk and site services
- Appropriate Assessment

These issues may be considered separately as follows.

7.3. Preliminary Matters

- 7.3.1. Observer comments as summarised above submit that the applicant does not have sufficient legal interest to make the application. As per the documentation on file, the lands within the red line site boundary comprise four separate land folios. Although the application includes letters of consent from WCCC and Waterford Lettings Limited, the development site includes additional lands for which no consent to apply for permission has been submitted. In addition, third parties and observers comment that the development of the existing open space within the site boundary will remove an existing footpath across the area and extinguish an existing public right of way at this location.
- 7.3.2. These points are noted, however, the consideration of any disputes regarding land ownership or right of way are outside the scope of this planning assessment. As per section 34(13) of the Planning and Development Act 2000 (as amended), a person shall not be entitled solely by reason of a permission under this section to carry out any development.

7.4. Principle of Development

7.4.1. Relevant Zoning Objectives

The overall site has a stated area of 0.42 ha. The southern portion of the site comprising the existing detached bungalow and its grounds (estimated area 0.27 ha) is zoned 'Developed Residential' with the stated objective under the 2013 plan 'To protect and improve existing residential areas and their amenities and provide for appropriate residential infill opportunities where feasible'. These lands are zoned RS Existing Residential under the current development plan, with the stated objective to 'Provide for residential development and improve residential amenity'. The lands at the northern end of the site, adjacent to the roundabout (estimated area 0.15 ha), are unzoned under the 2013 development plan and are zoned OS Open Space under the current plan with the stated objective to 'Preserve and provide for open space and recreational amenities'.

Refusal reason no. 2 of the WCCC decision refers to the zoning objectives that apply at the site under the current development plan and states:

... The development includes the enclosing of this area of designated 'open space' to provide surface car parking associated with student accommodation. Having regard to the nature of the proposed use and the zoning objective it is considered that the proposed development would contravene materially the Waterford City & County Development Plan 2022-2028 and be contrary to the proper planning and sustainable development of the area.

In addition to the stated refusal reason, I note that third party submissions to WCCC and the observations on foot of the first party appeal comment that the provision of car parking at the 'open space' zoned area will result in overdevelopment of the site and the loss of a public amenity that has been maintained by local residents, also the loss of a right of way.

I note for the sake of completion that the 2013 plan does not explicitly provide for student accommodation under the land use zoning objectives, however residential development is acceptable in principle under the residential zoning objective, ref. development plan section 12.16 Schedule of Land Uses. The proposed student accommodation use is acceptable in principle under the current plan, ref. Table 11.2 Zoning Matrix, Volume 2 Development Management Standards, Section 11.0 Zoning and Land Use. The uses 'commercial car park' and 'student accommodation' are Not Permitted within the OS zone under the current development plan, as per Table 11.2.

Having regard to the zoning objectives that apply to the site under the current development plan, I consider that the proposed student accommodation is acceptable in principle at the RS zoned lands within the site, however the proposed car parking within the OS zoned lands is not permitted and would therefore contravene the relevant land use zoning.

7.4.2. Overconcentration of Student Accommodation

The main campus of the South East Technological University (SETU) Waterford is located c. 0.5 km to the northeast of the site. Submissions by local residents comment that there has been a significant amount of antisocial behaviour associated with rented student accommodation in the vicinity and that the development will result in a further concentration of same, with consequent adverse impacts on

families living in the area. The grounds of appeal submit that there are no student accommodation facilities within 250m of the site.

I note that the previous application for student accommodation on the southern part of the site (the existing bungalow and its grounds), i.e. within the residentially zoned lands, was refused permission under reg. ref. 15/608. However, the stated refusal reasons for that application as set out above do not refer to the issue of overconcentration of student accommodation. The current development plan, which has come into effect since that decision, includes specific policies on student accommodation, ref. H22 and H23 as set out above. These policies do not explicitly refer to the issue of 'overconcentration' of student accommodation. The development site is close to the SETU Waterford campus and, as submitted by the applicant, while there may be private rented accommodation for students in the vicinity, there is currently no other Purpose Built Student Accommodation (PBSA) nearby. I am therefore satisfied that the development will not result in an overconcentration of student accommodation in principle. Potential impacts on residential amenities are considered separately below.

7.4.3. Nature of Student Accommodation Use

Third parties state concerns about the use/ occupation of the development outside of term time. Student accommodation is defined under section 2 of the Planning and Development Act 2000 (as amended) as follows:

"student accommodation" means a building or part thereof used, or to be used, for the sole purpose (subject to paragraph (b) of providing residential accommodation to students during academic term times, whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not used, or to be used,—

(a) as permanent residential accommodation, or

(b) as a hotel, hostel, apart-hotel or similar type accommodation other than for the purposes of providing residential accommodation to tourists or visitors outside of academic term times;

The development, if permitted, would be subject to the above definition, which provides for specific uses outside of the academic term. The use of student

accommodation as visitor / tourist accommodation outside term time is also supported by Government Circular PL 8/2016 on 'Identifying Planning Measures to Enhance Housing Supply', which states that a flexible approach should be applied in respect of any planning conditions related to use / occupation of student accommodation, which recognises the need to establish a steady rental income for such student accommodation throughout the year and recognise that student accommodation complexes can play an important role in providing affordable accommodation for tourists and visitors in major urban areas during peak summer demand periods. This use is therefore acceptable in principle. Further details of this type of use, in terms of a Student Management Plan as provided for in Circular PL 8/2016, could be resolved by condition if permission is granted.

7.4.4. Consistency with the South West Neighbourhood Design Framework

Appendix 6 of the 2022 development plan sets out the City South West Neighbourhood (University / Ballybeg / Kilbarry/ Lacken) Design Framework. The framework area comprises five districts/ character areas. The development site is within the Kilbarry and Lacken character area, with the Lacken Road forming the boundary to the University District character area to the immediate north of the site. The observation submitted by M. O'Mhurchu comments that the subject site should not be developed ahead of more suitable sites within the area designated as the 'University District' under the Design Framework. However, the first party appeal submits that the character area boundary should not result in a blanket exclusion of land uses in the areas. I note that the Design Framework generally provides guidance for specific opportunity sites or tracts of undeveloped lands, such as those between the Kilbarry Road, Lacken Road and Outer Ring Road to the south of the development site. The Framework has a non-statutory status and provides for a mix of land uses and accommodation types, in the context of the development of local infrastructure and amenities. I therefore do not consider that the provision of student accommodation at the subject site would be inconsistent with the overall objectives of the Design Framework. Specific provisions of the Framework are considered in further detail below with regard to density, building height and visual impact.

7.5. Residential Density

7.5.1. Section 3.2 of the Development Management Standards for residential development set out in Volume 2 of the current City Development Plan provides guidance on residential density, referring to national planning policies on compact urban development as per the National Planning Framework and section 28 Guidelines as discussed above. However, the guidance provided on residential density in these national planning policy documents does not specifically apply to student accommodation, given the nature and format of same. Both the section 28 Sustainable Residential Development Guidelines and the accompanying Urban Design Manual are silent in relation to student accommodation. While the parameter of units/ha can provide a broad indication of the intensity or form of development on a site, in this instance the student units/apartments provided are in clusters of between six and 17 no. bedrooms with communal living/kitchen/ dining rooms, and clearly these cannot be equated to standard residential houses or apartments (which for the most part are one, two, three, four or possibly five bed units – larger units than this are the exception rather than the rule and are not generally incorporated within larger scale residential schemes). The Apartment Guidelines apply to apartment developments and set out standards for same including in relation to units/ha at specific urban locations (i.e. central and/or accessible urban locations, intermediate urban locations and peripheral and/or less accessible urban locations). Given the specific format of student accommodation, with bedrooms clustered around a shared living/kitchen area with open space provided in the form of communal areas, the application of the standards within the Apartment Guidelines is not feasible, nor is it intended. In relation to locational requirements, the guidelines consider specific locations that are suitable for particular type and/or densities of development. In relation to same, even it were considered that the Apartment Guidelines apply to student developments when considering locational criteria, it is not possible nor desirable to apply the density criteria within the guidelines to student developments. Moreover, when considering the appropriate mix of units to be provided within a particular scheme (SPPR 1 of the Guidelines refer), Section 2.21 of the guidelines notes that the parameters as set out in SPPR 1 do not apply to PBSA and note that development plans may specify appropriate standards for student accommodation. Section 3.5 of the guidelines also states that the floor area

parameters as set out in SPPR 3 of the guidelines do not apply to purpose built and managed student housing.

7.5.2. The quantitative standards of plot ratio and site coverage are therefore considered to be more relevant to the consideration of residential density in the provision of student accommodation. The development has a stated plot ratio of 0.78 and a stated site coverage of 24.66%. The South West Neighbourhood Design Framework does not provide specific guidance on residential density within the Kilbarry and Lacken District Character Area. Table 3.1 of Volume 2 of the 2022 development plan indicates that plot ratios of 2.0 are generally accepted in urban areas, however higher plot ratios will be permitted where exceptional design standards are achieved and in accordance with relevant section 28 guidelines. A maximum of 85% of the existing site coverage will be permitted for brownfield sites in urban areas. The stated plot ratio and site coverage figures are therefore within the recommended development plan parameters. However, third party observers submit that the overall density of the development has been underestimated given that the plot ratio and site coverage figures provided by the applicant are based on the overall site area, including the open space zoned lands at the northern end of the site. I refer to Appendix A of the Sustainable Residential Development in Urban Areas Guidelines, which provides guidance on the assessment of residential density and defines net density as including only those areas which will be developed for housing and directly associated uses, such as access roads within the site, car parking areas, incidental open space and landscaping and children's play areas where these are to be provided. It excludes land uses that serve the wider area including public open spaces and significant landscape buffer strips. I accept that, on this basis, the OS open space zoned lands (which serve the wider area) should be excluded from the density calculations and that the proposed density is therefore higher than the figures provided by the applicant.

7.5.3. With regard to the qualitative assessment of residential density, I consider that the general guidance provided in the Apartment Guidelines and the Sustainable Residential Development in Urban Areas Guidelines is applicable to student accommodation and I have referred to this guidance in the following assessment of design and layout, the quality of residential accommodation and potential impacts on adjacent residential amenities. In addition, policy objective DM05 of the 2022

development plan, as set out above, refers to various matters to be taken into consideration with regard to residential density including proximity to public transport, neighbourhood and district centres, infrastructure capacity, quality of design and layout and the extent to which the site may, due to its size, scale and location, propose its own density and character, having regard to the need to protect the established character and amenities of existing adjoining residential areas. The site is c. 0.5 km from the SETU campus and I note that the Waterford Metropolitan Area Transport Strategy (WMATS) includes the provision of a primary cycle route and bus priority routes between the site and the city centre and SETU at the Kilbarry Road. The development site is therefore considered to be generally suitable for higher density development, subject to further consideration of the qualitative issues of impacts on visual and residential amenities and the quality of student accommodation, as discussed below.

7.6. Building Height

- 7.6.1. The current City Development Plan does not provide specific detailed guidance on building height but refers to the section 28 Urban Development and Building Heights Guidelines. Section 3.6 of same states that development at suburban/edge locations in urban areas should include an effective mix of two, three and four storey development which integrates well into existing and historical neighbourhoods and four storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. The development site has a prominent location adjoining the Ballybeg roundabout on one of the main routes into the city centre and therefore is considered to meet the criteria for four storeys. I also note in this regard section A3.6 of the City South West Neighbourhood Design Framework Design Framework which states that 'landmark buildings' should be incorporated into the design of any new developments at key locations and stating:
- In the development of Landmark Building their design as opposed to building height should be a key determinant. Their design should be unique and distinctive from surrounding buildings in architectural treatment and use of materials. To further distinguish their place-making function, Landmark Buildings should include high quality public realm treatment in terms of surrounding street planting, furniture, lighting and materials etc.*

7.6.2. Having regard to these relevant national and local planning policies on building height, I consider that up to four storeys could be accommodated at the development site, subject to a high quality of design and public realm. The proposed five storey development would exceed this guidance and, as discussed elsewhere in this assessment, I am not satisfied that the development provides an acceptable standard of design or landscaping such as would make a quality contribution to the public realm at this location or successfully integrate with existing surrounding residential areas.

7.7. Impacts on Visual and Residential Amenities

- 7.7.1. Refusal reason no. 1 states that the development would by reason of its overall scale, height and design be out of scale with its surroundings, fails to make a positive contribution to the urban neighbourhood and streetscape at this location and would thus be contrary to relevant development plan policy objectives. Refusal reason no. 3 states that the development would constitute an over-dominating presence in relation to the adjoining residential property, give rise to overlooking, loss of privacy and thus would seriously detract from the residential amenities of these properties and would depreciate the value of property in the vicinity.
- 7.7.2. Development plan policy H23 states that proposed student accommodation must have regard to effects on the amenities of the area, including residential amenity. Observer comments submit that the development is visually obtrusive and will have adverse impacts on adjacent residential amenities by way of overlooking and overshadowing.
- 7.7.3. The proposed block is designed such that the higher 3-5 storey elements are located at the Ballybeg roundabout end of the site, away from adjoining residential properties at Briot Drive to the west and Coumlocha / Briot Grove to the south, as per the cross sections on file. The facades of the proposed block are finished in aluminium louvers and coloured cladding, with areas of glazing facing the Ballybeg roundabout. The western elevation of the block is c. 4-6m from the western site boundary and c. 11-17m from the opposing facades of the rear elevations of houses at Briot Grove. The southern elevation is c. 4m from the southern site boundary and c. 13m from the side gable of Coumlocha, the adjacent one off house to the south of the site. The proposed western elevation includes only high level glazing at ground and first floor

levels and no glazing to the upper floors, which will prevent overlooking of the rear gardens to the west at Briot Drive. West facing windows to the upper floors of the connecting element of the block are c. 37 m from the western site boundary, which is considered adequate to avoid direct overlooking. Most of the windows to the southern elevation are angled to face southeast and to obviate overlooking to the south. There are several first floor windows to the proposed southern elevation that will look directly south, including windows lighting bedrooms nos. 58 and 59 and the communal kitchen/ living/dining area at the western end of the block, however these will be c. 13m from the southern site boundary and will not directly overlook the side window at the first floor of Coumlocha. I am satisfied on this basis that the development will not result in direct overlooking of adjacent residential properties.

- 7.7.4. Given the scale of the development and its proximity to site boundaries, it will undoubtedly change the outlook from adjacent properties, including the removal of existing vegetation. These impacts could be ameliorated by the provision of satisfactory boundary treatments and landscaping, however the application provides limited information on these matters. In terms of wider visual impacts, I note the comments of observers that the appearance of the development is out of keeping with surrounding suburban style housing. The site has a prominent location at a gateway to Waterford and the Ballybeg roundabout is characterised by open space, low density housing, Waterford fire station and with some commercial development visible in the distance. The subject site therefore presents an opportunity to develop a landmark building that would add to the character of the area, as envisaged in the City South West Neighbourhood Design Framework and as per development plan policy objective DM05. However, I do not consider that the proposed building and, in particular, the provision of a large area of car parking facing the roundabout, will result in a satisfactory quality of design or contribution to the public realm such that it is in accordance with development plan policy H22 or with the stated vision for the area as set out in the Design Framework. While I note the submitted landscaping design, this mainly addresses the provision of a communal amenity space at the centre of the student accommodation block and does not indicate any public open spaces, landscaping or amenities that would contribute to the wider public realm of the area or integrate the development with existing adjacent residential areas.

7.7.5. Observers and third party submission to the planning authority also state concerns that the development will result in overshadowing of adjacent residential facades and rear gardens. The application does not provide any detailed shadow analysis that would allow for a full assessment of this matter. However, given that the building will have considerable bulk (up to five storeys) to the east / northeast of existing residential properties, I am not satisfied, on the basis of the information available, that the development will not result in overshadowing and consequent adverse impacts on residential amenities.

7.7.6. Third parties have raised concerns about potential impacts on residential amenities associated with anti-social behaviour at the complex. PBSA is usually managed in accordance with a Student Accommodation Management Plan, which provides details of the proposed management and supervision of residents of the development, including security and out-of-hours management at the scheme, however the subject application does not include any details of same. I consider that the submission and implementation of such a plan, which may be required by condition, would address concerns raised by local residents.

7.8. Quality of Student Accommodation

7.8.1. The proposed layout provides clusters of single bedrooms served by communal social/ kitchen/ dining areas as follows:

Floor	Social Area	Bedrooms	Total no. of Rooms
Ground Floor	46.87 sq.m.	Bedrooms nos. 01-13	13
	46.87 sq.m.	Bedrooms nos. 14-26	13
1 st Floor	46.87 sq.m.	Bedrooms nos. 27-32, 36-40	11
	49.2 sq.m.	Bedrooms nos. 33-35, 41-43	6
	46.86 sq.m.	Bedrooms nos. 44-48, 51-56	11
	69.6 sq.m.	Bedrooms nos. 49, 50, 57-59	5
2 nd Floor	49.2 sq.m.	Bedrooms nos. 60-76	17
3 rd Floor	49.2 sq.m.	Bedrooms nos. 77-87	11
4 th Floor	49.2 sq.m.	Bedrooms nos. 88-94	7
Total			94

The development also provides other communal areas, services and amenities including the following:

Area, Location	Sq.m.
External communal amenity space	322.08 sq.m.
Ground floor reception	10.42 sq.m.
Ground floor communal social / living area	48.6 sq.m.
Ground floor laundry area	24.6 sq.m.
Ground floor gym	63.86 sq.m.

7.8.2. I have several concerns in relation to the design and layout of the development and to the quality of the proposed student accommodation. The site layout indicates a single communal open space at the centre of the block, as detailed in the submitted landscaping scheme. The space is limited in scale and is long and narrow, being open on the western side only, and is therefore likely to be overshadowed at various times of the day /year (the extent of overshadowing cannot be ascertained in the absence of a detailed shadow analysis). The remainder of the external space at the site is dominated by the surface car park at the roundabout, which will not make any contribution to the amenities of the development or of the wider area.

7.8.3. The internal layout of the development contains clusters of rooms / communal kitchen/living/ dining areas that serve between five and 17 no. bedrooms. This inconsistent provision of communal areas is considered to be inadequate. I note (for guidance purposes only) the student accommodation provisions in section 15.13.1 of the current Dublin City Development Plan 2022-2028, which recommend that study bedrooms in student accommodation are grouped in 'house' units of 3-8 bedrooms outside campus locations, with shared kitchen/living/dining rooms to be provided based on a minimum 4 sq.m per bed space in the 'house' unit in addition to other internal /external communal spaces. The provision of single communal areas for 11, 13 and 17 rooms, as set out above, is considered inadequate on this basis. The proposed single rooms have a stated area of c. 12.1 sq.m. with a bathroom measuring 2.9 sq.m., which is generally acceptable in view of the guidance provided in the Dublin City Development Plan, however I would have concerns about the extent to which the rooms will achieve adequate daylight and sunlight given that they

are all single aspect with windows facing east/west only (external facades) or in particular the rooms facing the internal courtyard and in the absence of any detailed daylight or sunlight analysis.

- 7.8.4. To conclude, therefore, I do not consider that the development will provide a satisfactory standard of student accommodation.

7.9. Traffic and Transportation

- 7.9.1. Development plan policy H22 states that PBSA should be provided on campus or in suitable locations that are easily accessible to relevant educational institutions/ campuses by way of walking, cycling and high quality, convenient public transport. The site is generally considered to have an accessible location given its proximity to SETU Waterford and the city centre and the proposed / existing provision of public transport and cycle routes at the Kilbarry Road as per WMATS.
- 7.9.2. The development provides 48 no. car parking spaces. The provision is considered excessive given the proximity to public transport and to SETU Waterford and given that the development plan does not provide specific car parking standards for student accommodation. The provision of a reduced quantum of car parking would also reduce traffic generated by the development. Table 7.3 of development plan Appendix 2 Development Management Standards states a cycle parking requirement for student accommodation of 1 visitor cycle parking space per 5 bedrooms and 1 long stay space per 2 bedrooms. This entails a total requirement of c. 66 spaces. The development provides a total of 78 no. cycle parking spaces, of which 56 no. spaces are provided in the building and 22 no. spaces in the car park area. This is considered acceptable subject to conditions.
- 7.9.3. The proposed layout indicates that the existing access located at the south eastern corner of the site would be replaced by a new vehicular/cycle/ pedestrian access closer to the Ballybeg roundabout. I note the report on file by WCCC Roads and Transportation, which the applicant to demonstrate sight distances at the entrance, in accordance with DMURS, also a revised layout for the car park to address possible uncontrolled car parking and details of autotrack for refuse collection. I note that refusal reason no. 4 of the WCCC decision refers to traffic hazard at the access. The proposed access is considered to be unacceptable in principle given its location at lands zoned OS to be used as open space, as discussed above.

7.10. Drainage, Flood Risk and Site Services

7.10.1. The development will connect to the existing surface water infrastructure in the area. The submitted Engineering Services Report provides details of the existing surface water network and of the proposed surface water drainage design. The proposed surface water drainage design includes a 20% climate change allowance and incorporates SuDS measures such as blue roofs and permeable paving to achieve an attenuated discharge as per GSDS requirements. The submitted Flood Risk Assessment details that the site is entirely within Flood Zone C and therefore has a low probability of experiencing a flood event. There is no history of flooding at the development site or in the immediate vicinity. I note that the planning authority states no concerns in relation to flood risk at the site. I am satisfied that the development is not at risk of flooding and will not result in any increased risk of downstream flood impacts. There is an existing wastewater sewer and an existing watermain at the development site. The development will involve a new connection to the existing foul sewerage network and public watermain. The documentation on file does not include any technical comment on drainage issues from WCCC, or any Confirmation of Feasibility or Statement of Design Acceptable from Irish Water. However, the proposed water supply and foul drainage arrangements are generally considered acceptable given that this is a serviced site and subject to conditions in relation to these matters.

7.11. Appropriate Assessment

7.11.1. Having regard to the nature and scale of the proposed development being a student accommodation block containing 94 no. bedspaces at a zoned and serviced site in an existing built up area, and noting the distances to European Sites as set out above, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the European Sites during either the construction or operational phases of development, with regard to their conservation objectives. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. The WCCC Habitats Directive Screening Assessment on file is also noted in this regard.

7.12. Planning Assessment Conclusion

7.12.1. The proposed provision of student accommodation on the RS Existing Residential zoned lands at the development site is considered to be acceptable in principle under the subject zoning objective and to be generally in accordance with development plan policy objectives on student accommodation, ref. H22 and H23. However, the proposed provision of an associated car parking area on the OS Open Space zoned lands in the northwestern part of the site is considered to materially contravene the relevant zoning objective. While the development site is considered to be generally suitable for higher density residential development due to its proximity to SETU Waterford (0.5 km) and to cycle routes and public transport at the Kilbarry Road as per WMATS, and with regard to the criteria set out in development plan objective DM05, the proposed development is not considered to comply with relevant qualitative and quantitative criteria due to (i) I am not satisfied that the development provides an acceptable standard of design or landscaping such as would make a quality contribution to the public realm at this location; (ii) the applicant has not adequately demonstrated that the development will not have significant adverse impacts on residential amenities by way of overshadowing and (iii) the development is not considered to provide an adequate standard of student accommodation. The development is therefore considered to contravene development plan policies H02 and H20 on infill and residential development and policies H22 and H23 on student accommodation.

8.0 Recommendation

8.1. Having regard to the documentation on file, the submissions and observations, the site inspection, and the assessment above, I recommend that permission be REFUSED for the reasons and considerations set out below.

9.0 Reasons and Considerations

1.	<p>The northwestern section of the site is zoned OS Open Space under the Waterford City & County Development Plan 2022-2028 with the stated objective to 'Preserve and provide for open space and recreational amenities'. The proposed development includes the enclosing of this area of designated 'open space' to provide surface car parking associated with student accommodation. Having regard to the nature of the proposed use and the zoning objective it is considered that the development would contravene materially the Waterford City & County Development Plan 2022-2028 and be contrary to the proper planning and sustainable development of the area.</p>
2.	<p>Having regard to the design and layout of the development and the proposed treatment of the public and communal spaces within the scheme, is considered that the proposed development will not provide an acceptable standard of design or landscaping such as would make a quality contribution to the public realm at this location as envisaged in the City South West Neighbourhood Design Framework and as per policy objective DM05 of the Waterford City & County Development Plan 2022-2028. In addition, the development is not considered to provide an adequate standard of student accommodation and is therefore also considered to contravene development plan policy objective H22. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
3.	<p>Having regard to the orientation, bulk and scale of the development relative to adjacent residential properties to the south and east, the Board is not satisfied, on the basis of the documentation submitted with the application, that the development would not have a significant adverse impact on residential amenities by way of overshadowing. The development is therefore considered to contravene policy objectives H02, H20 and H23 of the Waterford City & County Development Plan 2022-2028 and would,</p>

	therefore, be contrary to the proper planning and sustainable development of the area.
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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.

Sarah Moran
Senior Planning Inspector

14th November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Demolition of existing dwelling and the construction of a 5-storey student accommodation building with 94 bed-spaces.		
Development Address	A site at Lacken Road, Kilbarry, Waterford		
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	X
		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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		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 (if relevant)
			Conclusion
No	X	N/A	N/A
			No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____