



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316101-23

<b>Development</b>	205 no. bedspaces student accommodation and all ancillary site works.
<b>Location</b>	Rossa Avenue, Bishopstown, Cork. ( <a href="http://www.rossaavenuelrd.ie">www.rossaavenuelrd.ie</a> )
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	22/41677
<b>Applicant(s)</b>	Nyle General Partner Limited.
<b>Type of Application</b>	Large-Scale Residential Development
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mark and Mary Phelan Catherine and James Kelly Mary Feely
<b>Observer(s)</b>	Andrius Buivydas Bill and Tom Cronin David Hawe and Sarah Murphy

Tim and Nuala O'Donovan

David Otter

**Date of Site Inspection**

22<sup>nd</sup> May 2023

**Inspector**

Elaine Power

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## **1.0 Site Location and Description**

- 1.1. The subject site is located on Rossa Avenue in Bishopstown, c. 4km south west of Cork city centre. The surrounding area is generally suburban in nature with the Munster Technological University (MTU) campus located c. 100m north west of the site.
- 1.2. The site is rectangular in shape and has a stated area of 0.49ha. It currently accommodates student accommodation, 'Courtville Apartments' which comprises a predominately 2-storey terrace with associated surface car parking on the northern portion of the site and a 2-storey dwelling on the southern portion of the site. The boundary treatment to the dwelling is generally trees and vegetation, while the boundary treatment at the existing student accommodation comprises walls and railings.
- 1.3. There are 2 no. existing vehicular accesses to the student accommodation, the main entrance is from the sites northern boundary and a secondary access from the sites eastern boundary. There is a gated entrance to the dwelling from the sites eastern boundary and a disused entrance along the sites southern boundary.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the demolition of an existing detached house and Courtville Student accommodation and the construction of a Purpose Built Student Accommodation (PBSA) scheme with 205 no. bedspaces and internal communal amenity space. The bedspaces are provided in 15 no. 3-storey, 7-bed, townhouses (105 no. bedspaces), 1 no. 3-storey, 6-bed townhouse (6 bedspaces) and 3 no. 4-storey apartment - Buildings A, B and C (94 no. bedspaces).
- 2.2. Pedestrian and cycle access is proposed from both the sites western boundary with Rossa Avenue and the eastern boundary with Courtville Road. 4 no. surface level car parking spaces and a loading bay are proposed at the sites northern boundary with Courtville Road. The scheme includes 104 no. cycle parking spaces, landscaping, boundary treatments, lighting, ESB substation, bin storage and all ancillary works necessary to facilitate the development.

2.3. Key Development Statistics are outlined below:

	<b>Proposed Development</b>
<b>Site Area</b>	0.49 ha
<b>Bedspace</b>	205 no. bedspaces in 31 no. units
<b>Density</b>	80 units per ha
<b>Plot Ratio</b>	1: 1.75
<b>Height</b>	3 storey townhouses 4 storey apartments blocks
<b>Other Uses</b>	Internal Communal Amenity Space (264sqm)
<b>Communal Open Space</b>	1,257sqm
<b>Car Parking</b>	4 no. spaces
<b>Bicycle Parking</b>	104 no. spaces

### 3.0 Planning Authority Pre- Application Opinion

3.1. The Planners Report notes that an LRD pre-planning consultation took place on the 22<sup>nd</sup> September 2022. Representatives of the prospective applicant and the planning authority were in attendance. A Letter of Opinion (LRD Pre-Planning Number LRD 001-22) was issued to the applicant on the 19<sup>th</sup> October 2022 stating that further consideration and amendment was required to constitute a reasonable basis on which to make an application for permission for the proposed LRD. The issues summarised as requiring further consideration and justification are summarised as (1) Height and Massing (2) Landscape and Visual Impact and (3) Student Demand and Concentration. It also requested that 16 no. items of specific information be submitted. A copy of the Opinion was submitted with the planning authority report.

### 4.0 Planning Authority Decision

#### 4.1. Decision

Permission was granted subject to 36 no. standard conditions.

#### 4.2. Planning Authority Reports

##### 4.2.1. Planning Reports

*Planners Report dated 16<sup>th</sup> January 2023*

The report includes a summary of the LRD pre-planning meetings, site location and description, relevant planning history, proposed development, interdepartmental reports, consultees and third party submissions and the policy context. The key planning considerations of the planning report are summarised below.

***Principle of Development:*** The site currently includes purpose built student accommodation. therefore, the principle of the proposed use is accepted.

***Purpose Built Student Accommodation:*** The planning authority assessed the application against the criteria provided in Objective 3.8 and Objective 11.6 of the development plan and considered that the proposed development is compliant with the provisions of the development plan.

***Overall Design and Layout:*** The proposed 3-4 storey building height complies with the height target for this inner urban suburb as set out in Table 11.2 of the development plan. The height is consistent with surrounding developments in particular, 4-storey Parchment Square, 5-storey Melbourne Point and 5-storey Edenhall. It is also noted that permission was granted under 19/38558 for a 3-storey building fronting onto Rossa Avenue.

The proposed density of 80 units per ha would comply with the standards set out in Table 11.2 of the development plan.

The report of the City Architect is noted, which has no objection to the scale and massing and supports the focal points of the proposed 4-storey book end corner blocks, A, B and C. The architecture is of a consistent language of brick with vertical emphasis in fenestration.

Due to the location and orientation of the road, the overall impact of the development on the street scene is limited to the immediate surrounding environment. It is considered that the overall development fits well into the landscape from medium to longer range views.

Due to the separation distance, the proposed development would not adversely impact on the setting of the Bishopstown Park ACA.

The landscaping treatment helps to integrate the buildings into the surrounding landscape.

The proposed developments effect on sunlight reception in the neighbouring amenity areas are within the recommendations of the BRE Guidelines.

Overall, the height, density, scale and massing are acceptable at this location.

**Use:** The accommodation would be used for tourists outside of term.

**Residential Amenity:** Any grant of permission includes the implementation of Student Management Plan to prevent any adverse impacts on residential amenity.

**Sustainable and Active Travel – Transportation:** The scheme strongly supports sustainable and active travel with a short walk to the Munster Technological University, to bus stops (route no. 201, 205, 219 and 220) and the provision of 104 no. secure bicycle parking within the site. The pedestrian and cycle and internal layout are in accordance with DMURS. No objections from the Traffic Regulation and Safety section.

**Infrastructure:** Submissions regarding sewer flooding and capacity issues of the wastewater network are noted. The report from Uisce Eireann confirmed that the proposed connections are feasible without infrastructural upgrades. The report of the Drainage Division raised no objection to the proposed development.

**Climate Resilience:** As required by section 12.20 of the development plan climate resilience has been addressed by the applicant. Final details should be agreed by way of condition.

**Placemaking:** The applicants Landscape and Visual Impact Assessment are noted.

**Environmental Impact Assessment:** It is considered that there is no real likelihood of significant effects on the environment, and it is concluded that an EIA is not required.

**Appropriate Assessment:** Having regard to the nature, scale and location it is considered that the proposed development would not affect the integrity of the Cork Harbour SPA (004030) or the Great Island Channel SAC (001058). Therefore, a Natura Impact Statement is not required.

**Conclusion:** The proposed scheme complies with national, regional and local plans and strategies. The purpose built student accommodation would help to meet the increasing demand within Cork City, reducing pressures on the private rental market,. The site is located within walking distance of Munster Technological University, public bus services and cycle lanes.

The planning authority are satisfied that the proposed scheme would be managed in accordance with the Student Accommodation Management Plan and would not adversely impact on the residential amenity of the adjoining properties.

#### 4.2.2. **Other Technical Reports**

*Drainage Report:* No objection subject to conditions

City Architect: The report notes design of the scheme and raises no objection.

*Traffic: Regulation and Safety Report:* No objection subject to conditions

*Environment Report:* There is a mixed hedge of low value on the western boundary, along with a number of trees within the site. The removal of vegetation will not devalue the visual appeal of the local environment.

The provision of open space in the form of a central courtyard and 2 no. roof terraces and the landscaping is satisfactory. Hours of access to the roof terrace needs to be clarified.

*Contributions Report:* Recommends conditions.

*Housing Report:* Part V social and affordable housing obligations are not applicable to student accommodation.

*Infrastructure Report:* The site is located along a sustainable transport route, CSW-U14 as detailed in the Cork Cycle network Plan. There is no impact on BusConnects.

*Environment Report:* No objection subject to conditions

#### 4.3. **Prescribed Bodies**

*Irish Aviation Authority (IAA):* No observations.

*Uisce Eireann:* A water and wastewater connection is feasible without infrastructural upgrades.



*Cork Airport:* No comments other than to recommend consultation with the IAA and IAA-ANSP.

*Transport Infrastructure Ireland (TII):* No observations

*Inland Fisheries Ireland (IFI):* It appears that it is proposed to dispose of effluent into the public sewer. Irish Water / Cork City Council should be satisfied that there is sufficient capacity in existence so that the proposed scheme does not overload either hydraulically or organically existing treatment facilities, result in polluting matter entering waters or cause or contribute to non-compliance with existing legislative requirements.

#### 4.4. **Third Party Observations**

133 no. third party submissions were received by the planning authority. The concerns raised are similar to those of the appeals and observations which are outlined below.

### 5.0 **Planning History**

#### 5.1. ***Subject site***

No relevant planning history

#### 5.2. ***Surrounding Sites***

***Reg. Ref. 18/37845*** – Permission was granted in 2018 for the demolition of an existing dwelling and the construction of 7 no. 2-storey dwellings located to the east of the subject site and accessed from Courtville Road. This development is currently under construction.

***Reg. Ref. 14/36050***: Permission was granted in 2014 to demolition of an existing dwelling and the construction of 3 no. 2-storey dwellings on a site located to the site of the subject site and accessed from Courtville Road. This scheme has not been constructed.

***ABP – 310105-21 Strategic Housing Development:*** Permission was granted in 2021 for the demolition of existing structures on site and the construction of 40 no. student

accommodation apartments with a total of 243 no. bedspaces at Wilton Road, c. 1.8km north east of the subject site.

## 6.0 Policy Context

### 6.1. ***Cork City Development Plan 2022-2028***

The subject site is zoned ZO 01, Sustainable Neighbourhoods with the associated land use objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Table 2.2 Core Strategy states that the south west suburbs of Cork City have a baseline (2016) population of 40,237 which equates to 19.1% of the total population of Cork city. The south west suburbs have a target population growth of 5.9% (2,388 no. persons).

The relevant objectives are outlined below: -

***Objective 3.8: Purpose-built Student Accommodation:*** *Cork City Council will seek to ensure that student housing demand is met by Purpose-Built Student Accommodation as far as possible, provided that:*

- a. Student accommodation is 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 redevelopment schemes of brownfield sites;*
- b. At the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood;*
- c. The scheme is of a high quality and meets the needs of students*

***Objective 11.6: Purpose-built Student Accommodation:*** *Development proposals for purpose-built student accommodation will be assessed against the following criteria:*

- a. The proposed use is consistent with the land use zoning objective;*

- b. The proposed development provides adequate external communal space for the needs of the development, with a purpose built student bed space being considered equivalent to a mainstream studio for the purposes of this calculation;*
- c. The quantum of bed spaces does not undermine the ability of Cork City Council to achieve its HNDA targets.*
- d. The quantum of purpose-built student accommodation development does not result in a neighbourhood with a disproportionate proportion of residents being students in order to ensure residential amenity and a balanced community;*
- e. The proposed development includes ancillary uses (e.g. health services / café / convenience shop) at ground floor level in locations not served by convenient services;*
- f. Accommodation is provided to the quantitative standards set out in National Guidelines for student accommodation;*
- g. The proposed development includes internal communal facilities sufficient to meet the needs of the development. Schemes should include communal facilities appropriate to the scale of the development, including communal lounges; games rooms; bookable study rooms; gym; and TV / cinema room;*
- h. The proposed development includes ancillary facilities adequate to meet the needs of the development, including refuse facilities, car parking and cycle parking;*
- i. The building / complex is designed to minimise impacts on the surrounding area (e.g. by building noise mitigation strategies and configuration of external amenity spaces);*
- j. At least 10% of bed spaces are designed for disabled students;*
- k. Facility Management Plans will be required to provide a clear framework for the management of the facility to meet the needs of students and the wider neighbourhood;*
- l. Schemes should provide for potential future adaptability for alternative uses, for example mainstream residential use, should such a scenario ever arise. Planning*

*applications should include a “Building Adaptation to Alternative Use Strategy” to ensure that this has been considered at design stage.*

Relevant Policies objectives of the plan include SO 1: Compact Liveable Growth; SO 2: Delivering Homes and Communities; SO 3: Transport and Mobility; Objective 11.1: Sustainable Residential Development; and Objective 11.4: Daylight, Sunlight and Overshadowing (DSO).

## **6.2. *Regional Spatial and Economic Strategy for the Southern Region***

The site is located with the ‘Cork Metropolitan Area Strategic Plan’. The RESE incorporates Metropolitan Area Strategic Plans (MASP) to ensure coordination between local authority plans. A key component of the RSES is building partnerships and a collaborative approach between the cities and metropolitan areas to realise combined strengths and potential, and to support their development as a viable alternative to Dublin.

Section 2 notes that Cork City is a university and learning city with a student population of more than 35,000.

*RPO 2: Cork City:* Seek delivery of the following subject to the required appraisal, planning and environmental assessment processes.

- a. To strengthen the consolidation and regeneration of Cork City Centre to drive its role as a vibrant living, retailing and working city, the economic, social and cultural heart of the Cork Metropolitan Area and Region.
- b. Seek investment to achieve the infrastructure led brownfield regeneration of the Cork City Docklands and Tivoli as high quality, mixed use sustainable waterfront urban quarters, transformative projects which set national and international good practice standards in innovation, green and quality design, exemplary urbanism and place making.
- c. Seek investment to achieve regeneration and consolidation in the city suburbs. Seek high quality architectural and urban design responses to enhance the uses of the waterfront and all urban quarters.

d. To strengthen the attributes and opportunities for the city centre, including transformative initiatives such as the City Centre Strategy and other initiatives as identified by the City Development Plan (existing and future).

f. Seek to achieve High Quality Design to reflect a high-quality architectural building stock in all urban quarters.

*RPO 10 : Compact Growth in the Metropolitan Area:* To achieve compact growth, the RSES seeks to:

a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.

b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP...

### 6.3. ***National Planning Framework***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place.

At Section 6.6 - housing, the framework refers specifically to student accommodation. It notes that accommodation pressures are anticipated to increase in the years ahead and indicates preferred locations for purpose-built student accommodation proximate to centres of education and accessible infrastructure such as walking, cycling and public transport. It also notes that the National Student Accommodation Strategy supports these objectives.

Relevant Policy Objectives include: -

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose-built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. It states that 6,816 spaces were available in Limerick in 2017 and projects that 9,000 would be required there in 2019 and 9,798 in 2024. A progress report issued in November 2019 reported that 8,229 PBSA bed spaces were completed by the end Q3, 2019, 5,254 further bed spaces were under construction, with planning permission granted for another 7,771 and sought for 2,359.

#### 6.5. ***Section 28 Ministerial Guidelines***

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009.

- 'Design Manual for Urban Roads and Streets' 2013.

#### 6.6. ***Other relevant guidance:***

- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016): Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods.
- Guidelines on Residential Developments for 3<sup>rd</sup> Level Students - Section 50 Finance Act, Department of Education and Science, 1999
- Matters Arising in Relation to the Guidelines on Residential Developments for 3<sup>rd</sup> Level Students (Section 50 Finance Act 1999), Department of Education and Science, 2005.
- Report on Student Accommodation: Demand and Supply, Higher Education Authority, 2015

### 7.0 **The Appeal**

#### 7.1. **Grounds of Appeal**

- 7.1.1. 3 no. third party appeals were received from Mark and Mary Phelan, Catherine and James Kelly and Mary Feely. The grounds of the appeal are summarised below:

##### ***Principle of Development***

- No objection in principle to the redevelopment of the site.
- The subject site is zoned ZO-01 Sustainable Residential Neighbourhood. The proposed size, scale and nature of the development is not compatible and conflicts with the strategic vision for the city.
- The proposed scheme fails to protect and sustain the existing residential amenities.

##### ***Design Approach***

- The scale and height of the proposed development is excessive and out of character with the surrounding area. The height would dominate the skyline.
- The proposed scheme results in overdevelopment of the site and would devalue properties in the surrounding area.
- The density is excessive for the subject site.
- The design and layout are not in accordance with the provisions of the Urban Design Manual and the Sustainable Residential Guidelines
- The single storey bungalows that characterise the surrounding streets is a distinctive feature and has created a sense of place and represents a finite resource which must be recognised and protected. The proposed scheme is less than sensitive to this established character.
- There is no need to demolish the existing student accommodation.
- There is sufficient space within the college campus to provide student accommodation.
- Loss of green spaces and hedges would negatively impact on wildlife and biodiversity, including bats, which are a protected species.

### ***Residential Amenity***

- Noise and Nuisance have not been addressed by the planning authority and a standard condition was applied in this regard.
- The proposed scheme would overshadow and have an overbearing impact on existing properties.

### ***Use***

- The use as tourist accommodation is not mentioned in the site notices. Concerns that the Management Plan would not be relevant during the out of term use of the accommodation.



### ***Transportation***

- There is a requirement for car storage within the site. the lack of car parking within the site will result in overspill car parking onto the surrounding road network.
- The use of the accommodation for tourists outside of term time will generate a demand for car parking.
- Concerns that access for emergency vehicles would be impeded by on-street car parking.
- Safety concerns due to overspill car parking. The road safety audit was carried out over the summer months when the existing student accommodation was not occupied.

### ***Infrastructure***

- Concerns that there is insufficient capacity within the public foul sewer to accommodate the development and potential negative impact on existing properties.
- The existing public water main is known to leak.

### ***EIA Screening Report***

- The EIA Screening Report is entirely insufficient and incomplete as the impact on Human Beings has not been adequately considered or assessed.
- The photomontages shown in Section 2.8.2 of the EIA Screening Report do not include the closest dwellings to the site and no contiguous section drawings have been submitted. This omission renders the EIA Screening Report insufficient and incomplete with regard to the assessment on human beings.
- The lack of capacity within the wastewater network would negatively impact on human beings and has not been adequately assessed in the EIA Screening Report.

### ***AA Screening Report***

- Appropriate screening assessment was not performed covering all aspects of run off from the site. A stage 2 assessment is required.

### ***Other Issues***

- Concerns raised regarding the LRD process.
- Concerns that the planning authority did not adequately assess the scheme.

## **7.2. Applicant Response**

- 7.2.1. The applicants response to the third party appeal welcomes the decision of Cork City Council to grant permission for the scheme and sets out the sites context and the demand for student accommodation. The response to the grounds of appeal are summarised below: -

### ***Impact on Residential Amenity***

- A shadow study was submitted with the Daylight and Sunlight Assessment Reports, which conclude that there would be no impact in terms of Daylight or Sunlight on the surrounding properties.
- The site is located in close proximity to a number of buildings of comparable scale. Cork City Councils Height Strategy is outlined in Table 11.2 of the development plan which suggests a target of 3-5 storeys at this location, subject to protecting residential amenity.
- The Building Height Guidelines state that there is a need to increase densities in our cities and suburbs. The applicant provides an assessment of the scheme against the criteria set out in Section 3.2 of the Building Height Guidelines and concludes that the scheme meets the key performance criteria for increased height.

### ***Compliance with Planning Policy***

- From a zoning perspective it is considered that the use of the site as student accommodation is consistent with the land use objective. This was accepted by the planning authority.

### ***Quantum of Car Parking / Traffic Management***

- The quantum of car parking is fully compliant with the maximum standards set out in Table 11.3 of the development plan.
- No car parking spaces are proposed to serve the students who will occupy the development, given the good public transport accessibility and the sites proximity to MTU.
- It is envisioned that the 4 no. car parking spaces and loading bay would be used for drop off / collection of students and to facilitated moving in or out a the start and finish of academic terms.
- The spaces would be managed to ensure that no students are parking for long time periods. The lack of long term car parking would be a condition of all tenancy agreement with students. A Travel Plan will be provided to all students to support sustainable modes of travel.
- This would be a professionally managed development and student move in times would be scheduled and co-ordinated to facilitate short term stay set down parking.
- The planning authority raised no objection to the car parking arrangements.

### ***Wastewater Capacity***

- The Confirmation of Feasibility from Uisce Eireann confirmed that there was available capacity to serve the proposed development in terms of wastewater and water. The Drainage Division of the planning authority raised no objection to the proposed scheme. Therefore, it is considered that there is capacity within the public network to accommodate the proposed development.

### ***Use of Development***

- The scheme would be operated in accordance with the definition of student accommodation in Section 13(d)(b) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 as a building used to

accommodate students, but also includes residential accommodation that is used as tourist or visitor accommodation outside of the academic term. During the summer months that accommodation would be subject to the same management and operational procedures outlined in the Student Management Plan.

- Overall, the tourist / short stay accommodation during the summer months does not constitute a change of use.

### **7.3. Planning Authority Response**

No comments received.

### **7.4. Observations**

7.4.1. 5 no. observations were received. The concerns raised are similar to those of the appeal which are outlined below. Additional concerns raised are summarised below:

- The proposed scheme would result in a transient population.
- Concerns that the private amenity space, particularly the cinema could be rented out to use as a lecture hall, which would increase footfall around the complex.
- Concerns regarding overlooking and noise from the rooftop gardens.
- The footpaths surrounding the site are narrow and do not have the capacity for the additional movements that would be generated by the proposed scheme. This would result in a traffic hazard.
- Additional pedestrian movements on Rossa Avenue would have a negative impact on existing residents.
- The traffic counts were carried out in the summer months (July / August) and during Covid, which is inappropriate as it does not reflect the traffic congestion experienced on the surrounding road network.
- The duration of the construction phase has not been provided by the applicant. The negative impact on existing residents during the construction phase had not been addressed.

- Insufficient social infrastructure to accommodate the increase in population.
- The proposed development would result in an increase in littering in the area, which is already a problem.

## 7.5. Further Responses

7.5.1. A further response was received from Mark and Mary Phelan. The response primarily addressed a recent refusal of permission at Spring Lane ( Reg. Ref.TP23/41723). The response is summarised below:

- The recent refusal of permission reflects a different level of scrutiny, critique and analysis by the planning authority that was not provided in the subject appeal.
- The first reason for refusal at the Spring Lane site applies to the subject site, as having regard to pattern and character of the surrounding area and the restricted nature of the site the proposed development by reason of its height, design, prominent location and contextual relationship to adjoining residential properties would seriously injure the visual amenities of the area.
- The second reason is also relevant as it relates to the excessive scale and proximity of development to existing residential properties, the development would have an overbearing impact, would result in a reduced level of privacy and would seriously injure existing residential amenity.

## 8.0 Assessment

8.1. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan. It has full regard to the planning authority's report, third party appeals and observations and submission by prescribed bodies. I am satisfied that no other substantial planning issues arise and consider that the main issues in this appeal can be dealt with under the following headings:

- Compliance with Development Plan Policy
- Quantum of Development

- Design Approach
- Alternative Uses
- Residential Amenity
- Transportation
- Water Services
- Ecology

## 8.2. ***Compliance with Development Plan Policy***

- 8.2.1. Objective 3.8 of the development plan sets out guidance for Student Accommodation. It recommends that student housing demand is met by Purpose Built Student Accommodation (PBSA). This is subject to the following criteria (a) accommodation is 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 redevelopment schemes of brownfield sites; (b) At the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood; and (c) that the scheme is of a high quality and meets the needs of students.

### *Suitability of Location*

- 8.2.2. Objective 3.8 (a) 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 redevelopment schemes of brownfield sites.
- 8.2.3. The proposed development comprises the demolition of the existing student accommodation scheme 'Courtville' and the construction of purpose built and professionally managed off-campus student accommodation. The site is located in Bishopstown, c. 100m south east of MTU. It is, therefore, highly accessible by walking and cycling. The site is also located c. 2.8km south west of UCC, which is also within a reasonable walking and cycling distance from the subject site. The bus route 205 provides connectivity between the subject site (Rossa Avenue) and UCC. This route operates 15 minutes in the peak period. Further details on public transport in the surrounding area is outlined below in Section 8.7 Transportation.

- 8.2.4. It is noted that the third party submissions considered that student accommodation should be provided within the college campuses in the city, however, having regard the above, it is my view that the subject site is an appropriate and accessible location for student accommodation and is in accordance with the provisions of Objective 3.8 (a).

*Neighbourhood Level*

- 8.2.5. Objective 3.8 (b) states that at the neighbourhood level, the development should contribute to a mixed and inclusive neighbourhood. The surrounding area is suburban in character with low density housing and a neighbourhood shop located c. 500m south of the subject site. As noted above, the site is also located within c. 100m of the MTU campus. The applicant submitted a Student Accommodation Demand and Concentration Report which indicates that the proposed scheme would increase the percentage of students living within a 1km area of the site from 24.2% to 26%. Having regard to the existing student accommodation within the site I am also satisfied that the proposed scheme would not result in an unbalanced population and having regard to the proximity to MTU and the targets set out in the development plan to increase PBSA it is my opinion that the surrounding area has capacity to absorb PBSA. I am satisfied that the proposed development is in accordance with the provisions of Objective 3.8 (b) and would result in a mixed and inclusive neighbourhood.
- 8.2.6. Objective 3.8 (c) notes that the scheme should be of a high quality and meets the needs of students. As outlined below in Section 8.4 Design Approach it is my view that the proposed development represents a high quality contemporary scheme. The internal and external facilities and amenities provided within the scheme are also considered to be in accordance with the provisions of the Guidelines on Residential Development for Third Level Students (Section 50 guidelines).
- 8.2.7. Overall, I am satisfied that the proposed scheme is in accordance with the provisions of Objective 3.8. The planning authority also considered that the site was in compliance with Objective 3.8.
- 8.2.8. Objective 11.6: Purpose-Built Student Accommodation of the development plan also sets out a number of criteria that PBSA should be assessed against. There is some

overlap between the criteria, and between the criteria addressed above relating to Objection 3.8, however, in the interest of clarity they are addressed individually.

#### *Compliance with Zoning Objective*

- 8.2.9. Objective 11.6 (a) states that the proposed use should be consistent with the land use zoning objective. The subject site is zoned ZO 01, Sustainable Neighbourhoods with the associated land use objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses. Section 12.24 further states that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents. Therefore, student accommodation, which is a residential use is permissible under this zoning objection. It is also noted that the site currently accommodates student accommodation. Therefore, I am satisfied that the principle of the student accommodation is in accordance with the zoning objective for the site and with Objective 11.6 (a).

#### *External Communal Space*

- 8.2.10. Objective 11.6(b) states that the proposed development should provide adequate external communal space for the needs of the development, with a purpose-built student bed space being considered equivalent to a mainstream studio for the purposes of this calculation.
- 8.2.11. The development plan does not provide any guidance on communal open space for the apartments. The Apartment Guidelines set out a standard of 4sqm of communal open space per studio, however, the guidelines also explicitly state that they do not apply to student accommodation.
- 8.2.12. It is proposed to provide 1,257sqm of open space. This is broken down into a central courtyard (911sqm), a roof terrace (183sqm) at Apartment Building A and a roof terrace (163sqm) at Apartment Building B. The Architectural Design Statement notes that 820sqm would be provided as communal open space which equates to 4sqm per bedspace and 437sqm would be provided as public open space, which equates to 11.3% of the site area. The location of the public open space has not been indicated



on the documentation submitted, however, it is assumed that it would be provided within the central courtyard.

- 8.2.13. I have no objection to the quantity or quality of the open space provision within the scheme and consider it to be compliant with Objective 11.6 (b), however, if permission is being contemplated final detailed design of the ground floor level / courtyard public and communal open space, including how these spaces would be physically separated, should be agreed with the planning authority.

#### *Compliance with HNDA targets*

- 8.2.14. Objective 11.6 (c) states that the quantum of bed spaces should not undermine the ability of Cork City Council to achieve its HNDA targets. Table 3.6 of the development plan is reflective of the targets set out in the HNDA for PBSA bedspaces. It estimates that there is a requirement for an additional 3,500 bedspaces by 2028, which is the lifetime of the plan. The development plan envisions that 1,500 of these bedspaces would be provided by UCC, 1,400 would be provided by MTU and 600 would be provided by the private sector. The proposed scheme incorporates 205 no. bedspaces and in my opinion, would support the targets set out in the HNDA. Therefore, I am satisfied that the provision of PBSA is in accordance with the provisions of the HNDA and would be in accordance with Objective 11.6(c).

#### *Housing Mix*

- 8.2.15. Objective 11.6 (d) states that the quantum of purpose-built student accommodation development should not result in a neighbourhood with a disproportionate proportion of residents being students in order to ensure residential amenity and a balanced community. The applicant submitted a Student Accommodation Demand and Concentration Report which utilised the CSO 2016 Small Areas (SA) information. The study area comprised 36 no. small areas within a 1km radius of the subject site. These are identified in Figure 2 of the report. The analysis found that 24.2% of the population in the study area are students. It notes that this includes persons aged between 15-18, that would typically residing in the family home and attending secondary school are also included in these figures.

- 8.2.16. The information submitted indicates that the student concentrations vary throughout the study area, ranging from 8% at Leeddale Road to 95% immediately north of MTU, where there is existing PBSA developments. The small areas and the percentage of PBSA bedspaces are illustrated in Appendix 1 of the applicants report. Overall, very few small areas (6 no.) experience concentrations greater than 30%. The small area where the subject site is located has an average student population of 17%. The proposed development would increase the percentage of students living within the subject site's small area from 17% to 55.8%, and marginally increase the wider study area's student concentration percentage by 1.8% to 26%.
- 8.2.17. It is also noted that there is an existing student accommodation scheme on site to be demolished. The information submitted does not clearly identify the number of existing bedspaces within the existing scheme. However, having regard to the layout of the scheme, which includes 7 no. own door units, it is assumed that the scheme contains a minimum of 40 no. bedspaces, which would be lost during the redevelopment of the site.
- 8.2.18. Having regard to the information submitted which is evidence based and robust I am satisfied that the proposed scheme would not result in a disproportion of the residents within a 1km area of the subject site being students and is, therefore, in accordance with the provisions of Objective 11.6 (d). In addition, given the sites proximity to MTU I agree with the applicants Student Accommodation Demand and Concentration Report that the surrounding area has the capacity to accommodate higher percentages of students. It is noted that the planning authority raised no concerns regarding the mix.
- 8.2.19. In addition to the above, Section 3.38 of the development plan notes that University College Cork and Munster Technological University make a significant contribution to Cork's economy and labour market and states that *it is important that their attractiveness and potential growth are supported by the appropriate provision of student accommodation*. The development plan acknowledges that a significant quantum of student bedspaces has been recently completed or is under construction in the city, and the targets for PBSA set out in Table 3.6 are over and above this quantity of purpose-built student bedspaces. Table 3.6 of the development plan sets out a target of 580 no. additional student bedspaces to be provided in 2024, which is

the estimated opening year of the proposed scheme. It is my opinion that the proposed scheme would support the targets set out in the development plan and would not result in an oversupply of PBSA in the city.

#### *Ancillary Uses*

8.2.20. Objective 11.6 (e) notes that the proposed development should include ancillary uses (e.g. health services / café / convenience shop) at ground floor level in locations not served by convenient services.

8.2.21. The proposed scheme does not include any non-residential uses. The subject site is located in Bishopstown, in the south west suburbs of Cork City and is, therefore, well served by facilities and amenities. Section 2.1 of the applicants Planning Statement identifies services and facilities within the surrounding area and Figure 2.2 identifies some of these services and facilities on a map, including walking times. I am satisfied that the proposed scheme is in accordance with the provisions of Objective 11.6 (e). The planning authority also note that there are ample ancillary uses in close proximity to the site and the provision of on-site ancillary uses are unnecessary.

#### *Compliance with National Guidance*

8.2.22. Objective 11.6 (f) states that the proposed accommodation should be provided to the quantitative standards set out in National Guidelines for student accommodation.

8.2.23. The Guidelines on Residential Development for Third Level Students (Section 50 guidelines) set out the following guidance:

- Single study bedroom 8sqm
- Single study bedroom with en-suite shower, toilet and basin 12sqm
- Twin study bedroom 15sqm
- Twin study bedroom with en-suite shower, toilet and basin 18sqm
- Single Disabled study bedroom, with en-suite disabled shower, toilet and basin 15sqm

8.2.24. The proposed single rooms with en-suite are a minimum of 12sqm and the accessible bedrooms have a minimum of 19.8sqm. The guidelines also state that the shared

kitchen/dining/living room space shall be based on a minimum of 4 sqm per bedspace. All rooms are in excess of the size standards set out in the Section 50 guidelines.

- 8.2.25. In the interest of clarity it should be noted that the Apartment Guidelines explicitly state that they do not apply to student accommodation. Therefore, there are no national design standards regarding the provision of acceptable accommodation for students other than those issued under Section 50 of the 1999 Finance Act.
- 8.2.26. The guidelines also note that communal facilities to cater for the needs of students should be provided. This is also reflected in Objective 11.6 (h), which recommends that the proposed development includes ancillary facilities adequate to meet the needs of the development, including refuse facilities, car parking and cycle parking. The scheme incorporates bin storage, bicycle storage and drop off car parking spaces. A detailed assessment of car and cycle parking is provided below. The scheme also incorporates laundry facilities and a reception area. I am satisfied that sufficient facilities have been provided to serve the proposed use and that the proposed development is in compliance with the provisions of Guidelines on Residential Development for Third Level Students (1999), the subsequent supplementary document (2005) (Section 50 guidelines) and Objective 11.6 (f) and (h).

#### *Internal Communal Facilities*

- 8.2.27. Objective 11.6 (g) notes that the proposed development should include internal communal facilities sufficient to meet the needs of the development. Schemes should include communal facilities appropriate to the scale of the development, including communal lounges, games rooms, bookable study rooms, gym, and TV / cinema room.
- 8.2.28. It is proposed to provide 264sqm of communal services and facilities at ground floor level. These include a lounge / games area, study rooms, meeting room, lounge, cinema room, laundry room, toilets and bike storage at Building A, a reception and lounge at Building B and bin storage at Building C. I am satisfied that sufficient internal communal space has been provided to serve the proposed use and that the proposed uses are in accordance with the provisions of Objective 11.6 (g).

### *Residential Amenity*

- 8.2.29. Objective 11.6 (i) notes that the building / complex should be designed to minimise impacts on the surrounding area (e.g. by building noise mitigation strategies and configuration of external amenity spaces). The impact of the proposed scheme on existing residential amenities is addressed in Section 8.6 Residential Amenity below.

### *Universal Accessibility*

- 8.2.30. In accordance with Objective 11.6 (j) 10% (20 no.) of the bedspace are universally accessible. Full details of the room sizes are provided in the Housing Quality Assessment.

### *Student Management Plan*

- 8.2.31. Objective 11.6 (k) notes that Management Plans will be required to provide a clear framework for the management of the facility to meet the needs of students and the wider neighbourhood. A Student Accommodation Management Plan was submitted with the application. The report notes that the proposed student accommodation would be managed by an experienced management company with responsibility for all maintenance and upkeep of the services within the development. It notes that management staff would maintain contact with neighbouring residents and would be contactable at all times to assist with any issues that arise. I am satisfied that once the measures outlined in the plan are implemented it would avoid any potential negative impacts from occupants on surrounding properties and neighbourhoods. It is recommended that a condition be attached to any grant of permission that the final details of the Student Accommodation Management Plan be agreed with the planning authority. I am satisfied that the information submitted is in accordance with the provisions of Objective 11.6 (k)

### *Future Adaptability*

- 8.2.32. Objective 11.6 (l) notes that schemes should provide for potential future adaptability for alternative uses, for example mainstream residential use, should such a scenario ever arise. Planning applications should include a "Building Adaptation to Alternative Use Strategy" to ensure that this has been considered at design stage.

8.2.33. In accordance with Objective 11.6 an Alternative Use Strategy was submitted with the application. It states that both the apartment units and the townhouses have been designed to ensure they could be converted to private residential accommodation in the future, if required. Having regard to the layout I am satisfied that that there is sufficient flexibility within the design to ensure that the units could be adapted at a later date. Therefore, the proposed design is considered to be in accordance with Objective 11.6 (I).

### *Conclusion*

8.2.34. Having regard to the information outlined above, it is my view that this is a suitable location for student accommodation and that the proposed development is in accordance with the provisions of Objective 11.6 and Objective 3.8 of the development plan and the provisions of the National Student Accommodation Strategy. It is also noted that the planning authority raised no concerns regarding the proposed use.

## **8.3. *Quantum of Development***

8.3.1. Table 11.2 of the development plan sets out density and building height standards for the city. The subject site is located within the Inner Urban Suburbs as indicated on Map 8 South – Western Suburbs – Volume 2 of the development plan. Table 11.2 of the development plan sets out a density range of 50 – 100 units per ha for the south west corridor. The proposed scheme comprises 31 no. student clusters (16 no. townhouses and 15 no. apartments) on a 0.49ha site (red line boundary) with a net developable area of 0.39 ha. In accordance with the Cork City Urban Density, Building Height and Tall Building Study, the density is assessed off the net developable area and not the gross. This would result in a density of c. 80 units per ha. It is noted that both the applicant and the planning authority also consider the scheme to have a density of c. 80 units per ha. It is acknowledged that there is no standard for assessing density for a student accommodation scheme, however, in my view this approach is reasonable.

8.3.2. Concerns are raised by third parties that the height and scale of the scheme are excessive for the subject site. While it is acknowledged that the proposed scheme this is significantly denser than the adjoining suburban housing it is my view that the proposed scheme should be viewed in the changing context of Bishopstown, which

has experienced a transition from a low density, single and two storey suburban area to a more urban area, with a mix of different types of dwellings and uses.

- 8.3.3. It is my view that the density is acceptable and in accordance with provisions of Table 11.2 and Objective 3.5 Residential Density to promote compact growth by encouraging higher densities throughout Cork City.
- 8.3.4. In addition, Objectives 4, 13, 33 and 35 of the National Planning Framework and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.
- 8.3.5. In conclusion, it is my opinion that the proposed development does not represent overdevelopment of the site. The proposed quantum of development is appropriate in this instance having regard to national policy, the site's size, the nature of the development and the area's changing context. It is also noted that the planning authority raised no concerns regarding the density of the development.

#### 8.4. ***Design Approach***

- 8.4.1. The proposed development comprises the demolition of the existing Courtville Student accommodation and an existing detached house and the construction of a purpose built student accommodation scheme. The buildings to be demolished on site do not contain any features of architectural merit. Therefore, I have no objection to their demolition to facilitate the development of the site.
- 8.4.2. The proposed scheme comprises 205 no. bedspaces. The applicant has described the accommodation as 16 no. townhouses (111 no. bedspaces) and 3 no. 4-storey apartment - Buildings A, B and C (94 no. bedspaces). Concerns are raised by third parties that the height and scale of the scheme are excessive at this suburban location.
- 8.4.3. The layout provides for 2 no. perimeter blocks with a central courtyard. The blocks are separated by a pedestrian / cycle route which provides east – west connectivity through the site. The block on the southern portion of the site accommodates Apartment Building A and 10 no. townhouses and the block on the northern portion of the site accommodates Apartment Buildings B and C and 6 no townhouses. The

subject site is triangular in shape and the 3 no. 4-storey apartment buildings bookend the 3-storey townhouses. Although the blocks provide a continuous frontage there is no connectivity between the townhouses or the apartment buildings. Each townhouse and each apartment building have a separate entrance from the public road and from the internal courtyard.

- 8.4.4. Apartment Block A is located in the southern portion of the site. It is 4-storeys in height and accommodates a lounge / games area, study rooms, meeting room, lounge, cinema room, laundry room, toilets and bike storage at ground floor level and 6 no. apartments at first to third floor. The apartments generally comprise a communal kitchen / living / dining room and 8 no. bedspaces. It is noted that apartment 6 at third floor level contains 5 no. bedspaces. This is due to a set back at third floor level at the sites eastern boundary. Communal Open space is proposed at the roof top level / fourth floor of Apartment Building A.
- 8.4.5. Apartment Block B is located at the north western portion of the site. It is 4-storeys in height and accommodates a reception / lounge and office and 1 no. apartment (6 no. bedspaces) at ground floor level and 6 no. apartments at first to third floor. There are 2 no. apartments at each level which contain either 5 no. bedspaces or 8 no. bedspaces. Communal Open space is proposed at the roof top level / fourth floor of Apartment Building B.
- 8.4.6. Apartment Block C is located in the north east portion of the site. it is also 4-storeys in height. It accommodates bin storage and a substation at ground floor level, 1 no. studio apartment (43.9sqm) at first floor level and 1 no. 3-bed duplex unit (108sqm) at second and 3<sup>rd</sup> floor levels.
- 8.4.7. The townhouses generally comprise a ground floor level communal kitchen / living / dining room with 1 no. bedspace, 3 no. bedspaces at first and second floor levels. As noted above, the scheme has been designed in accordance with the Guidelines on Residential Development for Third Level Students (Section 50 guidelines).
- 8.4.8. The units do not include any private open space / balconies. The scheme incorporates 1,257sqm of open space. This is broken down into a central courtyard (911sqm), a roof terrace (183sqm) at Apartment Building A and a roof terrace (163sqm) at Apartment Building B. I have no objection to the quality or quantity of the open space



within the scheme. However, as noted above a condition should be attached to any grant of permission that the boundary treatment between the proposed communal and public open space be agreed with the planning authority.

- 8.4.9. The scheme includes a minimum c. 2m wide footpath around the sites boundary and the buildings are set back c. 1.5m from the footpath, with a defensible / landscape strip provided to the front of the buildings. A public plaza area is proposed at the sites southern boundary, adjacent to the entrance of Apartment Building A. This area would be hard landscaped with a tree and public seating area. The proposed works to the public realm are welcomed.
- 8.4.10. The scheme has a contemporary design approach with a vertical emphases. The apartment buildings would predominantly be finished in a red brick and have a flat roof, and the townhouses would be finished in an off-white brick with a gable ended pitched roof. It is also proposed to clad an element of the third floor level of the eastern elevation of Apartment Block A. I have no objection to the contrasting brick colours and consider that it would be reflective of a contemporary architectural design approach. The proposed materials are also considered to be high quality and robust. The submitted elevations also indicate the provision of 'green walls'. The landscape and visual impact assessment includes details of how this planting would be incorporated into the design. To ensure a high quality finish and continuous maintenance of this feature within the scheme it is recommended that a suitable landscaping condition be attached to any grant of permission.
- 8.4.11. Third parties raised specific concerns that the height of the scheme was excessive at this location. Table 11.2 sets out building height targets. It recommends a lower target of 3 storeys and an upper target of 4 storeys for the south west corridor. SPPR 4 of the Building Height Guidelines also require that a greater mix of building heights and typologies be provided in suburban locations with the avoidance of mono-type building typologies. Section 3.4 of the Guidelines states that newer housing development at the suburban edges of towns and cities, typically now include townhouses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). The scheme ranges in height from 3-4 storeys and is, therefore, in accordance with the provisions of the development plan and the Building Height Guidelines.

- 8.4.12. Section 11.27 of the development plan states that well-conceived designs for new buildings should be informed by the prevailing urban characteristics of the neighbourhood they would inhabit. The existing buildings on site are generally 2-storeys and the surrounding properties are generally single and 2-storey residential dwellings. The photomontages submitted with the application indicate that the scheme would be highly visible from short and medium distant views. While it is acknowledged that the proposed scheme would introduce a new feature in the skyline, it is my opinion that the visual impact is generally in keeping with the expanding urban area of Bishopstown, which has experienced a transition from a low density, two storey suburban area to a more urban area, with a mix of different types of dwellings with particular reference to Parchment Square and Melbourn Point Student Accommodation Schemes, which are 4-5 storey buildings located to the north of MTU, c. 600m from the subject site with frontage onto Rossa Avenue and Model Farm Road. Edenhall Student Accommodation scheme is also 5-storey in height with frontage onto Model Farm Road and Rossa Avenue, located c. 900m north of the subject site. The recently approved (19/38558) 3-storey Learning Resource Centre within the MTU campus also fronts onto Rossa Avenue. Having regard to these recent schemes in the wider area, it is my view that the area surrounding the site is in transition and undergoing a major change in its profile of development and that the proposed development would reinforce that changing profile.
- 8.4.13. I am satisfied that the height, form and massing of the blocks are appropriate at this urban infill site and that the proposed scheme successfully integrates into the streetscape, would aid with placemaking and legibility and, therefore, would make a positive contribution to the wider area. It is also my view that the development would not negatively impact on the visual amenities or character of the area.
- 8.4.14. In conclusion, having regard to the infill nature of this site, to the high quality design and layout of the scheme and the landscaping proposals, the proposed development successfully integrates into the streetscape and would support the consolidation of the urban environment and is in accordance with the provisions the development plan. It is my view that the existing visual amenities would not be negatively impact by the proposed development. In addition, having regard to the Guidelines on Urban

Development and Building Heights, I am satisfied that the proposed development represents a reasonable response to its context.

- 8.4.15. It is noted that in the response to the appeals from Mark and Mary Phelan noted a recent refusal of permission for a residential development at Spring Lane (Reg. Ref.TP23/41723) and considered that the same reasons for refusal should apply in this instance. Spring Lane is located c. 6km north east of the subject site, in Blackpool and on former industrial lands. In my opinion the assessment and reasons for refusal relating to that application are not relevant to the subject development.

## 8.5. ***Alternative Uses***

- 8.5.1. The Student Management Plan notes that the accommodation would be made available outside of academic terms for tourists and other visitors. Concerns are raised in the third party appeals and the observations regarding that the use of the accommodation for tourists or other visitors outside of term time would have a negative impact on the residential amenity in terms of overspill car parking and noise and nuisance.
- 8.5.2. The use of PBSA schemes for tourists and other visitors outside of term time is consistent with DHPCLG Circular PL8/2016 APH 2/2016 (July 2016) which indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods. The Student Accommodation Management Plan submitted with the application also sets out recommendations for the management of the scheme during both term time and the summer period. It is noted that the scheme would continue to be professionally managed during the out of term period and all recommendations with in the Management Plan would apply. I have no objection to the proposed scheme being used outside of the academic term for tourist or visitor accommodation and I am satisfied that the proposed development is in compliance with Circular PL8/2016. Appendix 1 of Circular PL8/2016 sets out a sample condition relating to the use of student accommodation. If permission is being contemplated it is recommended that a similar condition be attached.

## 8.6. ***Residential Amenity***

### *Overlooking and Overbearing Impact*

- 8.6.1. The subject site is located on a triangular shaped site. It is generally bound to the north and east by Courtville Road and to the west by Rossa Avenue. These roads are characterised by low density suburban housing. Concerns are raised by third parties that the proposed development would result in overlooking and have an overbearing impact on the adjacent dwellings.
- 8.6.2. The proposed scheme comprises 2 no. perimeter blocks. The northern elevation of Apartment Buildings B and C and 4 no. townhouses (BT3 – BT6) front onto Courtville Road at the sites northern boundary. The northern elevation of the scheme is set back c. 5.8m from the public road. The front elevation of Apartment Block A is located c. 14m from the gable end of no. 64A Rossa Avenue, which is a 2-storey dwelling. The townhouses are located c. 17m from the gable end of no. 1 Roslyn Court, which are also 2 storey dwellings. Apartment Block C is located c. 17m from the front elevation of a single storey detached dwelling fronting onto Courtville Road. While it is acknowledged that the proposed scheme would be highly visible from these existing dwellings it is my opinion that due to the separation distances, the orientation of the dwellings and relatively limited height of the proposed scheme it would not result in an overbearing impact or any undue overlooking of dwellings to the north of the subject site.
- 8.6.3. The eastern elevation of Apartment Blocks A and C and 4 no. townhouses (AT6 – AT10) front onto Courtville Road at the sites eastern boundary. This elevation of the scheme is set back 3m from the public road. There are 3 no. existing single storey dwellings, a derelict dwelling and planning permission (construction is ongoing) for 7 no. 2-storey dwellings opposite the subject site. The 4 storey element of Apartment Building A would be located c. 32m from the front elevation of an existing dwelling. The 4-storey eastern elevation of Apartment Building C would be located c. 19m from the front elevation of an existing dwelling. The townhouses would be located c. 16m from the front elevation of an existing single storey dwelling. The submitted section drawings illustrates the separation distances between the existing dwellings and proposed scheme. While it is acknowledged that the proposed scheme would be

highly visible from the front elevation of these existing dwellings on Courtville Road it is my opinion that due to the separation distances, the orientation of the dwellings and relatively limited height of the proposed scheme it would not result in an overbearing impact or any undue overlooking.

- 8.6.4. The 3 storey element of Apartment Building A would be located c. 11m from the gable end of a house previously approved (18/37845) and currently under construction and the 4-storey element would be located c. 14m from this dwelling. Section 7.7 of the Architectural Design Statement acknowledges the proximity of the proposed units and notes that the windows in the proposed student accommodation scheme have been positioned to ensure they do not directly oppose the first floor bedroom windows of the previously approved house. This is also illustrated in Drawing no. 19138/P/300. While the limited (11m) separation distance between the proposed scheme and the previously approved house is noted, I am satisfied that due to the design of the scheme and its relatively limited height that it would not result in an overbearing impact or any undue overlooking.
- 8.6.5. The western elevation of Apartment Blocks A and B and 8 no. townhouses (AT1 – AT6 and BT1-BT2) front onto Rossa Avenue at the sites western boundary. This elevation of the scheme is set back c. 4.8m from the public road. There are 5 no. dwellings and a public green space on the opposite side of Rossa Avenue. The western elevation of Apartment Building A is located opposite a green space and a public road (Elton Lawn). The townhouses are located c. 23m from the front elevation of 3 no. single storey dwellings on Rossa Avenue. The 4-storey western elevation of Apartment Building B is located a minimum of c. 23m from the front elevation of 2 no. dwellings on Rossa Avenue. While it is acknowledged that the proposed scheme would be highly visible from these existing dwellings it is my opinion that due to the separation distances, the orientation of the dwellings and relatively limited height of the proposed scheme it would not result in an overbearing impact or any undue overlooking.
- 8.6.6. The scheme comprises 2 no. perimeter blocks with a central courtyard. Due to the triangular shape of the site, there are no directly opposing internal windows within the scheme. There are some limited separation distances at the corners of the blocks. In particular, between the windows in Townhouse BT2 and Apartment Building B and between Townhouse A T5 and A T7 were the separation distances fall below 10m.

However, these windows are provided at an angle to each other, and, therefore, do not directly oppose each other. Given the urban location, the nature of the scheme and the relatively limited number of units impact, I have no objection to the proposed layout. It is also noted that the planning authority raised no concerns in this regard.

- 8.6.7. Overall, It is my opinion that the proposed separation distances between the blocks and the existing buildings achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of the communal spaces. While the concerns of the third parties are noted it is my view that proposed scheme would not result in undue overlooking or result in an overbearing impact on any existing properties.

#### *Daylight, Sunlight and Overshadowing*

- 8.6.8. It is noted that a number of third parties raised concerns regarding potential overshadowing and loss of light resulting from the proposed development. In this section of my report I address the policy criteria in relation to potential impacts on daylight, sunlight and from overshadowing, upon neighbouring sites and the potential conditions for future occupiers of the development.

#### *External Daylight, Sunlight and Overshadowing*

- 8.6.9. Criteria under Section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice (2<sup>nd</sup> edition)' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17037:2018 'Daylight in Buildings'. While the Building Height Guidelines refer to the 2<sup>nd</sup> edition BRE guidance, I note that a more recent edition ref. BR 209 2022 was published last year, however, this has not altered the methodology for the assessment of neighbouring occupiers' daylight, sunlight and overshadowing, and my assessment will refer to the most recent guidelines published in 2022 (3<sup>rd</sup> edition). Objective 11.4 Daylight,

Sunlight and Overshadowing of the development plan requires that the potential impact on existing properties also needs to be assessed. Section 11.96 states that development should be guided by the principles of 'Site Layout Planning for Daylight and Sunlight, A guide to good practice' (Building Research Establishment Report, 2011) and any updated guidance. These standards have, therefore, informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy.

8.6.10. The applicant submitted the following documents, describes the performance of the proposed scheme against the BRE guidelines and BS EN 17037/EN17037.

- Daylight Reception Analysis Report
- Effect on Daylight Reception Analysis Report
- Sunlight Reception Analysis Report
- Effect on Sunlight Reception Analysis Report
- Sunlight Analysis Illustrations (Appendix A)

8.6.11. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The applicant carried out a VSC analysis 13 no. residential properties immediately adjacent to the site. The windows assessed are identified in Image 5.1 of the applicants Effect on Daylight Reception Analysis Report. The analysis, which is provide in Section 5.3 of the report, indicates that all windows assessed would be compliant with the BRE Guidelines for VSC. Therefore, the impact on VSC for the existing dwellings would be negligible.

8.6.12. The BRE guidelines also recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The applicants Effect on Sunlight Reception Analysis Report assessed the impact of the scheme on the private amenity spaces of adjacent dwellings. While it is noted that the proposed scheme may have a minor impact on some existing amenity spaces, no significant loss of sunlight would

occur. Table 5.2 of the report demonstrates that all existing areas of private open space achieve the BRE recommended target.

- 8.6.13. The concerns raised by third parties are noted, however, having regard to the information submitted, which is comprehensive, robust and evidence based, I am satisfied that the impact on surrounding properties would be negligible. It is noted that the planning authority raised no concerns in this regard.

*Internal Daylight, Sunlight and Overshadowing*

- 8.6.14. The criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with guides 'like' the 2011 BRE 'Site Layout Planning for Daylight and Sunlight', with measures to be taken to reduce overshadowing in the development. While the Apartment Guidelines also provided recommendations for assessing levels of natural light it is noted that the guidelines explicitly state that they do not apply to Student Accommodation Schemes. Objective 11.4 Daylight, Sunlight and Overshadowing of the development plan also requires that new residential units shall have access to appropriate levels of natural / daylight and ventilation and that the potential impact on existing properties also needs to be assessed. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Paragraph 1.6 of the BRE guidelines state that the advice it contains should not be used as an instrument of planning policy.
- 8.6.15. The applicants Daylight Reception Analysis Report describes the performance of the proposed apartment blocks in the development against both the second (2011) and third (2022) edition of the BRE guidelines in relation to daylight. I am satisfied that the data and methodology presented in the applicant's submitted report is sufficient for the purposes of my assessment.
- 8.6.16. The 2011 BRE guidelines sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. Table 5.1 of the applicant's report has provided analysis against the higher target i.e. 2%. The assessment was targeted



to rooms which were perceived to receive less daylight. These rooms are illustrated in figures 5.1 and 5.2. I am satisfied that this provides a reasonable representation of the rooms within the scheme and that the units selected represent the worst case scenario. The information provided in Table 5.1 indicates that the scheme has an 100% compliance with the recommended target of 2% for KLD rooms and 1% for bedrooms and in some instances significantly exceeds the recommended target. Therefore, I am satisfied that all of the rooms within the apartments would receive adequate daylight.

- 8.6.17. The 2022 BRE guidelines and the UK National Annex BS EN17037 provides guidance of target illuminance levels. The target minimum Daylight Factor method assesses the ratio of direct illumination between outside and inside the space. This is calculated with an overcast sky which does not take into account orientation. The target minimum daylight factor for Dublin based on the UN National Annex is 100 lux for a bedroom; 150 lux for a living room; and 200 lux for a kitchen. The information provided in Table 5.1 indicates that the scheme has an 100% compliance with the targets set out BS EN17037:2021+A1 UK National Annex target values for Dublin. Therefore, I am satisfied that all of the rooms within the apartments would receive adequate daylight.
- 8.6.18. The BRE guidelines also states that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. Section 2.3 of the applicant's Sunlight Reception Analysis Report indicates that all areas of public and communal open space assessed within the scheme achieve the BRE target.

### *Conclusion*

- 8.6.19. Overall, I am satisfied that the proposed student accommodation and associated communal open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for their occupants. While the concerns of the third parties are noted I am satisfied that the impact on VSC for existing properties and overshadowing of private amenity spaces would be negligible. It is also noted that the planning authority raised no concerns regarding overshadowing.

## *Noise and Nuisance*

8.6.20. Concerns are raised by third parties that the proposed scheme would result in noise and nuisance for existing residents. The Construction and Environmental Management Plan notes that the construction phase would be c. 18 months. While it is acknowledged that this phase of development would result in noise and disturbance for local residents I am satisfied that any impacts would be local and temporary in nature and that the implementation of a Construction Management Plan would mitigate against any potential impacts.

8.6.21. Concerns raised in the observations regarding undue noise from the roof terraces. The roof terraces at Apartment Buildings A and B are located a minimum of c. 15m from the nearest adjacent property. The Student Management Plan notes that the roof terraces would be available to occupants between 8am – 8pm Monday to Friday and 4 hours on Saturday and Sunday. It is my view that the operational phase of the development would not give rise to levels of noise that would be inappropriate in a residential context within a suburban area. It is also noted that this scheme would be professionally managed and any concerns regarding noise disturbance from future occupants would be addressed through the Student Accommodation Management Plan. It is recommended that a condition be attached to any grant of permission that the final details of the operational hours be agreed in writing with the planning authority.

## **8.7. *Transportation***

8.7.1. The subject site is located on the eastern side of Rossa Avenue, Bishopstown, c. 4km south west of Cork City centre. Rossa Avenue is c. 7m in width with a dedicated north bound cycle lane and a continuous footpath on the western side of the road, which connects Curraheen Road to Model Farm Road. There is currently no footpath along the sites eastern boundary and a portion of its western boundary with Rossa Avenue. The proposed development would provide a continuous 2m wide footpath along the sites entire boundary. The scheme also includes pedestrian crossing points to the north, south and east of the site with dished kerbs and buff coloured tactile paving. I have no objection to the location of the crossing points, however, as the works

incorporate the public footpath on Rossa Avenue, if permission is being contemplated it is recommended that the final details be agreed with the planning authority.

- 8.7.2. Concerns are raised that the surrounding footpaths are too narrow to accommodate additional pedestrian movements. Having regard to the nature of the scheme and the proximity to Munster Technology University I am satisfied that the majority of pedestrian movements would be towards the MTU campus, c. 100m west of the subject site. The subject site would improve pedestrian infrastructure, with new 2m wide footpaths around the sites entire boundary, which is welcomed. The existing footpaths along Rossa Avenue, which also provide connectivity to local neighbourhood shop at the junction with Curraheen Road are a minimum of c. 1.2m in width. It is my opinion that having regard to the suburban character of the area and the number of pedestrian movements likely generated by the proposed scheme that the existing and proposed pedestrian infrastructure would not endanger public safety by reason of a traffic hazard.
- 8.7.3. Rossa Avenue is well served by public transport, with a bus stop within 140m of the subject site. This stop is served by routes 201, 205, 219 and 220x. The 205 is the most frequent service with a bus every 15 minutes in the peak period, connecting Kent Station to MTU. Rossa Avenue is also served by less frequent routes, in this regard the 201 connects Cork University Hospital to Lotabed in north east cork city with 8 no. services in each direction. The 219 connects MTU to Mahon Point with 12 services / 1 no. bus per hour in each direction. The 220x connects Ovens to Crosshaven with 1 no. service Monday – Friday. The bus stop on Model Farm Road, located c. 700m from the subject site is served by the 220, which connects Ovens to Carrigaline. This services operates every 15 min in the peak. The bus stop on Curraheen Road, located c. 500m from the subject site is served by the 208 which connects Curraheen to Lotabeg. This services operates every 10 min throughout the day. In addition, Curraheen Road is the preferred option for BusConnects route F, which would provide high frequency connectivity from Bishopstown to the city centre.
- 8.7.4. Having regard to the above, I am satisfied that the site is highly accessible by walking and cycling and public transport and that access to high frequency (every 10 minutes) public transport is available within 500m of the site on Curraheen Road. It is also my view that the site would most likely benefit from improved levels of public transport

service provision via Bus Connects in the short to medium term. The planning authority state that the scheme strongly supports sustainable and active travel.

### *Road Capacity*

- 8.7.5. The third party observations note that there is already traffic congestion on the surrounding road network and that the proposed development would exacerbate the current situation.
- 8.7.6. The proposed scheme includes 4 no. car parking spaces at the sites northern boundary. To ascertain the existing capacity of the surrounding road network a baseline traffic assessment was carried out. The applicants TTA notes that the assessment was undertaken in June and July. Therefore, traffic counts would not reflect the typical peak hour traffic volumes. The applicant utilised traffic counts at 2 no. junctions from the planning application for the MTU Learning Resource Centre and factored to 2022 using TII's predicted growth rates, with the MTU development rates added. Although not stated by the applicant, the planning application appears to relate to Reg. Ref. 19/38558. The TTA submitted with this application and available on [www.corkcity.ie](http://www.corkcity.ie) website states that the traffic counts were carried out the junctions of Rossa Avenue / Melbourn Road and Rossa Avenue / MTU entrance in February 2019, which is pre-covid restrictions. The predicted baseline peak figure for each junction is provided in Table 4 of the applicants TTA. Concerns raised in the observations that the applicants TTA is not reflective of current traffic issues is noted, however, I am satisfied that the applicants approach provides a reasonable representation of traffic movements in the immediate area of the site.
- 8.7.7. Having regard to the nature of the development and the relatively limited number of vehicular trips potentially generated by the scheme (4 no.) I am satisfied that the impact of the development on the wider road network would be negligible and agree with the applicant that a detailed traffic assessment is not required. The concerns raised by third parties regarding traffic congestion and the capacity of the surrounding road network are noted. However, it is my view that within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes on the road network are within the norms of a busy urban environment. Having regard to the sites zoning objective, its proximity to MTU, the city centre and

public transport and overall national, regional, and local policy to consolidate the urban area, it is my view that the potential traffic generated by the proposed development would have a negligible impact on the surrounding road network. It is also noted that the report of the planning authority raised no objections to the impact of the proposed development on the capacity of the road network.

### *Car Parking*

- 8.7.8. Concerns are raised in the third party appeals and observations that insufficient car parking as has been provided within the scheme which would result overspill car parking onto the surrounding road network. During my site visit on the 22<sup>nd</sup> May 2023 it was noted that car parking on the surrounding road network is restricted by double yellow lines and bollards protecting the cycle lane on Rossa Avenue, therefore, there is no potential for overspill car parking onto roads immediately adjoining the subject site.
- 8.7.9. Table 11.13 sets out maximum car parking standards. The subject site is located in Zone 2 (city suburbs) which has a maximum standard of 1 no. car parking space per 20 bedspaces in a student accommodation scheme. Therefore, a maximum of 10 no. spaces is permissible. It is proposed to provide 4 no. set down only spaces at the sites northern boundary. The scheme does not include a car club space, however, as this scheme would be professionally managed it is my opinion that should demand arise for a car club within the scheme this could be arranged and operated by the management company. Therefore, it is not necessary to address this by way of condition.
- 8.7.10. Having regard to the nature the proposed scheme, which is a professional managed student accommodation scheme, the distance (c. 100m) to the MTU and the good quality cycling and pedestrian infrastructure in the area and proximity public transport provision in the form of bus, it is my view that the future occupants are unlikely to generate a significant demand for car parking. Therefore, I am satisfied that the proposed car parking provision is acceptable in this instance and is in accordance with the provisions of Objective 11.6 (h.). It is also noted that the proposed level of car parking is generally in accordance with the provisions of the development plan Table

11.13. and that no concerns regarding the level of car parking were raised by the planning authority.

### *Cycle Parking*

- 8.7.11. Table 11.14 of the development plan sets out standards for bicycle parking. There is a requirement of 0.5 no. spaces per bed space in a student apartment. Therefore, there is a requirement for 103 no. spaces. It is proposed to provide 104 no. spaces. While the quantum of cycle parking is welcomed, I have some concerns regarding the quality of the spaces with the bicycle storage area. The information submitted indicates that all bicycle spaces would be provided in a 67sqm storage area accessed from the central courtyard. The drawings (proposed bike storage) indicates that the bikes would be stacked. While I have no objection in principle to stacked bike storage for long term use of residents. The spaces are shown with less than 150mm width between each stacked bicycle storage space. It is my view that insufficient space has been provided to allow for the efficient and effective use of the cycle parking storage areas. It is also recommended that additional visitor bike storage could be provided within the central courtyard. If permission is being contemplated it is recommended that a condition be attached that the final details of the cycle parking storage areas be submitted to and agreed in writing with the planning authority. It is noted that this may result in a reduction in the overall number of bicycle parking spaces or the loss of 1 no. ground floor apartment (townhouse no. 17) to allow for the expansion of the cycle parking area.

## **8.8. Water Services**

- 8.8.1. The existing public foul network consists of sewers under Rossa Avenue to the west of the site and under Courtville Road to the east of the site, which flows by gravity to a pumping station to the south-east of the site. The existing uses on site connect to this public network and it is envisioned that the proposed scheme would connect to the public networks.
- 8.8.2. Concerns are raised by third parties that there is insufficient capacity within the public foul sewer to accommodate the development and potential negative impact on existing properties. The submission from Inland Fisheries Ireland (IFI) also states that there should be sufficient capacity in the foul network so that the proposed scheme does not

overload either hydraulically or organically existing treatment facilities, result in polluting matter entering waters or cause or contribute to non-compliance with existing legislative requirements.

- 8.8.3. The site is zoned for development through the land use policies of the Cork City Development Plan 2022-2028. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also that the proposed development is for a relatively small student accommodation scheme (205 no. bedspaces) on serviced lands in an urban area, which is currently in use as student accommodation and a single residential dwelling. As such the proposed scheme would not generate significant demands on the existing municipal sewers for foul water. It is also noted the submission from Uisce Eireann states that a wastewater connection is feasible without infrastructural upgrades.
- 8.8.4. The development would be connected to the existing public water main which is located under Rossa Avenue and under Courtville Road to the north and east of the site. It is noted that the uses on site are currently connected to this water main. The submission from Irish Water notes a new connection to the existing network is feasible.
- 8.8.5. The existing public storm water network consists of pipes under Rossa Avenue to the west of the site and under Courtville Road to the east of the site. The existing uses on site connect to this public network. It is proposed that the surface water within the site would discharge to the public sewer via one main connection. The scheme incorporates a rain water harvesting and an attenuation tank in the central courtyard. However, due to the nature of the site and the design and layout of the proposed scheme a number of SuDs measures were not considered suitable in this instance. The SuDs measures considered are outlined in Section 4 of the applicants Water Services Report. The planning authority raised no objection to the surface water drainage proposals.
- 8.8.6. In conclusion, Having regard to the information submitted I am satisfied that there are no constraints within the public networks.

## 8.9. ***Ecology***

- 8.9.1. Concerns are raised by third parties that the loss of green spaces and hedges would negatively impact on wildlife and biodiversity, including bats.
- 8.9.2. The subject site is located within the urban area of cork city. Figure 3 of the applicants AA Screening Report identifies the site habitats. In this regard the site incorporates built land cultivated land, linear woodland or scrub, highly modified non-native woodland, improved grass land and cultivated land. In general, the northern portion of the site comprises almost entirely manmade surfaces and buildings and the southern portion of the site is made up of mosaic of manmade buildings and structures and an overgrown garden area.
- 8.9.3. The AA Screening Report states that a field survey was carried out on the 27<sup>th</sup> April 2022 by the applicants Ecologist. There were no rare or protected species or protected habitats recorded on the site and there were no signs of roosting bats. It is also considered that the site is of negligible value to bats.
- 8.9.4. Having regard to the present condition of the site, with no special concentrations of flora or fauna, to the information submitted by the applicant which is robust and evidence based and having carried out a site visit, I am satisfied that the development of the site would not negatively impact on biodiversity and would have no impact on any bat species. I draw the Boards attention to the AA section of my report (Section 10) where the potential impact of the proposed development on designated European sites in the area is discussed in detail. It is noted that the planning authority raised no objection regarding the loss of vegetation within the site.

## 9.0 **Environmental Impact Assessment**

- 9.1.1. An Environmental Impact Assessment Screening Report was submitted with the application. I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.



9.1.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 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.
- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

9.1.3. The proposed development comprises the demolition of an existing detached house and Courtville Student accommodation and the construction of a purpose built student accommodation scheme with 205 no. bedspaces and internal communal amenity space. It is proposed to construct a 205 no. bedspaces units on a site with a stated gross area of c. 0.49ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There are no excavation works proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required.

9.1.4. Concerns are raised in the third party appeals that the EIA Screening Report is entirely insufficient and incomplete as the impact on Human Beings has not been adequately considered or assessed with particular regard to the visual impact and the lack of capacity within the wastewater network.

9.1.5. I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report. The lands are not recorded as a high value landscape and are located within an established urban area. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site,

with indirect effects on the setting of the existing area. Such temporary negative visual effects are unavoidable and not unusual in the urban context where change is continuous.

- 9.1.6. The proposed height, scale and massing of the development would constitute an change in the local suburban landscape, which would change the character of the site and influence the character of the locality. However, due to the schemes response to the context and to relevant national and local policy its effects on townscape character can be considered this impact would not be significant on this urban environment.
- 9.1.7. From an environmental perspective, I am satisfied that the identified impacts would be avoided, managed, and mitigated by the measures which form part of the layout and design of the proposed scheme. It is also noted that the Planning Authority raised no objection to the visual impact of the scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.
- 9.1.8. Having regard to the present condition of the site, with no special concentrations of flora or fauna, to the information submitted by the applicant which is robust and evidence based and the landscape proposals I am satisfied that the development of the site would not negatively impact on biodiversity and would have no impact on any bat species.
- 9.1.9. I have also assessed in detail the impact of the scheme on the existing wastewater network in the planning assessment of my report. It is envisioned that the proposed scheme would connect to the public networks under Rossa Avenue and the public road 'Courtville' to the east of the site, which flow by gravity to a pumping station to the south-east of the site. The existing uses on site connect to this public network.
- 9.1.10. The site is zoned for development through the land use policies of the Cork City Development Plan 2022-2028. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also that the proposed development is for a relatively small student accommodation scheme (205 no. bedspaces) on serviced lands in an urban area, which is currently in use as student accommodation and a single residential dwelling. As such the

proposed scheme would not generate significant demands on the existing municipal sewers for foul water. It is also noted the submission from Uisce Eireann states that a wastewater connection is feasible without infrastructural upgrades.

- 9.1.11. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Cork City Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.
- 9.1.12. I have completed an EIA screening determination as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report. It is also noted that the Planners Report states that it is considered that there is no real likelihood of significant effects on the environment, and it is concluded that an EIA is not required.
- 9.1.13. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 10.0 **Appropriate Assessment**

### 10.1. ***Introduction***

- 10.1.1. The applicant has prepared an AA Screening Report as part of the application. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### 10.1. ***Compliance with Article 6(3) of the Habitats Directive***

- 10.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and, therefore, is subject to the provisions of Article 6(3).
- 10.1.2. The applicant has submitted a Screening Report for Appropriate Assessment prepared by MWP, Engineering and Environmental Consultants. The report provides a description of the proposed development, the site location and surrounding environment and identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that there will be no significant direct or indirect impact on qualifying habitats or species associated with any Natura 2000 sites. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

## 10.2. **Stage 1 AA Screening**

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

## 10.3. **Brief Description of the Development**

- 10.3.1. A description of the project is provided in Section 4.4 of the applicants report. The proposed development is also summarised in Section 2 of my report. In summary, the proposed development comprises 205 no. student bedspaces on a c. 0.49 ha site in Bishopstown, c. 4km south west of Cork city centre. The surrounding area is generally suburban urban in nature with a Munster Technological University located c.100m north west of the site. The site is serviced by public water supply and foul drainage networks. Foul effluent and surface water will drain to the existing public network under Rossa Avenue to the west of the site and Courtville Road to the east of the site. The Curraheen River is located c. 250m south west of the subject site and the River Lee is located c. 1.5km north of the subject site. The development site is located in a heavily urbanised environment close to noise and artificial lighting. The site currently accommodates a student accommodation scheme and a single dwelling. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

## 10.4. **Submissions and Observations**

- 10.4.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised above.
- 10.4.2. The planner's report includes an AA Screening which concludes the following:

*Having regard to the nature, scale and location it is considered that the proposed development would not affect the integrity of the Cork Harbour SPA (004030) or the*

*Great Island Channel SAC (001058). Therefore, a Natura Impact Statement is not required.*

## 10.5. **Zone of Influence**

10.5.1. The proposed development is not located within or immediately adjacent to any European Site. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source-Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

10.5.2. Table 2 of the applicant's report considers that the following 6 no. European Sites are within the Zone of Interest (15km).

<b>Cork Harbour SPA (004030) c. 6.5km from the subject site</b>	
<i>Conservation Objective</i>	To maintain the favourable conservation condition of the species for which the SPA has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Little Grebe ( <i>Tachybaptus ruficollis</i> ) [A004] Great Crested Grebe ( <i>Podiceps cristatus</i> ) [A005] Cormorant ( <i>Phalacrocorax carbo</i> ) [A017] Grey Heron ( <i>Ardea cinerea</i> ) [A028] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Wigeon ( <i>Anas penelope</i> ) [A050] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054]

	Shoveler ( <i>Anas clypeata</i> ) [A056] Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Lapwing ( <i>Vanellus vanellus</i> ) [A142] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Common Gull ( <i>Larus canus</i> ) [A182] Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183] Common Tern ( <i>Sterna hirundo</i> ) [A193] Wetland and Waterbirds [A999]
<b>Great Island Channel SAC (001058) c. 13km from the subject site.</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330]

10.5.3. The proposed development has no potential source pathway receptor connections to any other European Sites.

10.5.4. I consider that only Cork Harbour SPA (004030) and Great Island Channel SAC (001058) could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

## 10.6. ***Screening Assessment***

- 10.6.1. The Conservation Objectives and Qualifying Interests of the Cork Harbour SPA and the Great Island Channel SAC are outlined in the table above.

## 10.7. ***Consideration of Impacts***

- 10.7.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

- 10.7.2. Surface water from the proposed development would discharge to the public network. The habitats and species of Natura 2000 sites are between 6.5km and 13km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either designated site. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites the public storm network. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of the Natura 2000 sites from surface water run-off can be excluded given the distant and interrupted hydrological connection within the urban area, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites (dilution factor).

- 10.7.3. The scheme includes attenuation measures which would have a positive impact on storm water drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. They are not mitigation measures in the context of Appropriate Assessment. The proposal includes SUDS / attenuation measures which will restrict surface water run-off into the public sewer on the Rossa Avenue and Courtville Road. As such the proposal will not generate significant demands on the existing municipal sewers for surface water.



- 10.7.4. The foul discharge from the proposed development would drain, via the public sewer, and ultimately discharge to Cork Harbour. Therefore, there is potential for an interrupted and distant hydrological connection between the subject site and the Cork Harbour SPA and Great Island Channel SAC due to the wastewater pathway. It is noted that the Carrigrennan WWTP, which serves the Cork City settlement, is within its design capacity. Further details are available on [www.water.ie](http://www.water.ie). I am satisfied that the proposed development would not comprise the operational capability of the WWTP. Therefore, the impacts from the proposed development would be negligible given the current operating conditions at the WWTP.
- 10.7.5. It is also noted that the subject site is identified for development through the land use policies of the Cork City Development Plan 2022 – 2028. This statutory plan was adopted in August 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 205 no. bedspace student accommodation, on serviced lands in the urban area which currently accommodates a student accommodation scheme and a dwelling. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.
- 10.7.6. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.
- 10.7.7. The Construction and Environmental Management Plan, Construction and Demolition Resource Waste Management Plan and the Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.
- 10.7.8. It is evident from the information before the Board that on the basis of 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 on file, the

information submitted as part of the applicant's Appropriate Assessment Screening report 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 Cork Harbour SPA (004030) and Great Island Channel SAC (001058), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

#### 10.8. ***Cumulative In-Combination Effects***

- 10.8.1. It is anticipated that there will be no predicted in-combination effects given the nature and scale of the proposed development and the distance to any European sites.

#### 10.9. ***AA Screening Conclusion***

- 10.9.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 10.9.2. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Cork Harbour SPA (004030) and the Great Island Channel SAC (001058) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### 11.0 **Recommendation**

It is recommended that permission be granted subject to conditions.

## 12.0 Reasons and Considerations

Having regard to

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Cork City Development Plan 2022 - 2028
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;
- e) The National Student Accommodation Strategy issued by the Department of Education in July 2017
- f) Guidelines on Residential Development for 3<sup>rd</sup> Level Students (Section 50 Finance Act 1999);
- g) Circular PL 8/2016, APH 2/2016 issued by the Department of Housing, Planning, Community and Local Government in 2016;
- h) The 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 2018; and
- j) Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Recommended Order

**Appeal** by: Catherine and James Kelly of 9 Melbourn Mews, Bishopstown, Cork; Mark and Mary Phelan of Clonkeale, Rossa Avenue, Bishopstown Cork; and Mary Feeley of Rossa Avenue, Bishopstown, Cork against the decision made on 24<sup>th</sup> day of February 2023 by Cork City Council to grant subject to conditions a permission to Nyle

General Partner Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:**

The proposed development comprises the demolition of an existing detached house and Courtville Student accommodation and the construction of a purpose built student accommodation scheme with 205 no. bedspaces and internal communal amenity space. The bedspaces are provided in 31 no. clusters, comprising 15 no. 3-storey, 7-bed townhouses (105 no. bedspaces), 1 no. 3-storey, 6-bed townhouse (6 bedspaces) and 3 no. 4-storey apartment - Buildings A, B and C (94 no. bedspaces). Pedestrian and cycle access is proposed from the sites western boundary with Rossa Avenue and the eastern boundary with Courtville Road. 4 no. surface level car parking spaces and a loading bay are proposed at the sites northern boundary with Courtville Road. The scheme includes 104 no. cycle parking spaces, landscaping, boundary treatments, lighting, ESB substation, bin storage and all ancillary works necessary to facilitate the development.

**Decision:**

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

**Matters Considered:**

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

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

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Cork City Development Plan 2022 - 2028
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;

- k) The National Student Accommodation Strategy issued by the Department of Education in July 2017;
- l) Guidelines on Residential Development for 3<sup>rd</sup> Level Students (Section 50 Finance Act 1999)
- m) Circular PL 8/2016, APH 2/2016, issued by the Department of Housing, Planning, Community and Local Government in 2016
- e) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- f) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- g) Submissions and observations received; and
- h) The inspectors report.

### **Appropriate Assessment:**

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 on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and 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, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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

The Board considered that the proposed development is 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.

## 14.0 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 used for:
  - a. student accommodation or accommodation related to a Higher Education Institute only, during the academic year; or
  - b. student accommodation or accommodation related to a Higher Education Institute or tourist / visitor accommodation only, during academic holiday periods.

The development 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

3. The proposed development shall be implemented as follows:
  - a. The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application,
  - b. Student units / apartments shall not be amalgamated or combined.

**Reason:** In the interests of the amenities of occupiers of the units and surrounding properties.

- 4 Prior to commencement of development the applicant shall submit for the written agreement of the planning authority all works to be carried out on the public road.

**Reason:** to ensure a satisfactory standard of works and in the interest of traffic safety.

- 5 Prior to commencement of development details of cycle parking and associated storage for cycling equipment shall be agreed in writing with the planning authority.

**Reason:** In the interest of proper planning and sustainable development of the area.

- 6 The roof terraces shall be available to occupants between the hours of 8am - 8pm Monday – Sunday, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential amenity.

- 7 Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Electric charging facilities shall be provided for bicycle 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 residential amenity.

7. Prior to commencement of the development, details of all areas of boundary treatments to delineate public areas and communal open space and planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of public communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to 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

9. 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 residential amenities of property in the vicinity and the visual amenities of the area.

10. Proposals for an apartment naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning



authority's written agreement to the proposed name(s).

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

11. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

12. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

13. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

14. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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.

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.

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

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice

for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

19. 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 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.

20. 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.

***Conclusion***

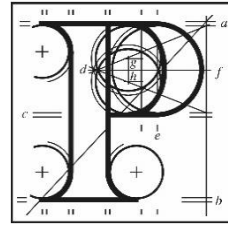
I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Elaine Power

Senior Planning Inspector

31<sup>st</sup> May 2023



An  
Bord  
Pleanála

**Appendix 1:**  
**EIA - Screening Determination**

## A. CASE DETAILS

<b>An Bord Pleanála Case Reference:</b> ABP-316101		
<b>Development Summary</b>	Construction of 205 no. student bedspaces	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1.</b> Was a Screening Determination carried out by the PA?	<b>Yes</b>	The PA was satisfied that the proposed development is not likely to have significant effects on the environment and it considered that EIA and the preparation of an EIAR was not required for this project
<b>2.</b> Has Schedule 7A information been submitted?	<b>Yes</b>	As part of the EIA Screening Report submitted with the application
<b>3.</b> Has an AA screening report or NIS been submitted?	<b>Yes</b>	A Stage 1 AA Screening Report was submitted with the application
<b>4.</b> Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	<b>No</b>	No
<b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing	<b>Yes</b>	<ul style="list-style-type: none"> <li>Appropriate Assessment Screening Report and the Ecological Impact Assessment had regard to the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC)</li> </ul>

on the project been carried out pursuant to other relevant Directives – for example SEA		<ul style="list-style-type: none"><li>• The EIA Screening Report had regard to Directive 2011/92/EU and the amending Directive 2014/52/EU) and to the SEA carried out for the Cork City Development Plan 2022 – 2028.</li><li>• The Construction and Demolition, resource and Waste Management Plan had regard to the EU Waste Framework Directive (2008/98/EC).</li><li>• The Operational Waste Management Plan had regard to the WEEE Directive, 2002/96/EC</li><li>• It is noted that the proposed development is not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under the Seveso Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU.</li></ul>	
<b>B. EXAMINATION</b>		<p><b>Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?		The development comprises the construction a student accommodation scheme on zoned and serviced lands. From an environmental perspective the nature and scale of the proposed	No

	development is not regarded as being significantly at odds with the surrounding pattern of development.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development is located within the urban area. There are no excavation works proposed.	No
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such urban development. The development of this urban site will not result in any significant loss of natural resources or local biodiversity	No
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.  Significant operational impacts are not anticipated.	No
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No significant risk identified.	No



<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.  No significant operational impacts are anticipated.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.  The site is not considered to be at risk of flooding.  There are no Seveso / COMAH sites in the vicinity of this location	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Redevelopment of this site as proposed will result in an increased population at this location. This is not regarded as significant given the urban location of the site, the previous student accommodation and residential use on the site and the surrounding pattern of land uses.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No. This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change.  Other developments in the wider area are not considered to give rise to significant cumulative effects.	No

2. Location of proposed development		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>e) 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</li> </ul>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites. This site does not host any species of conservation interest.</p>	No
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>Having regard to the present condition of the site, with no special concentrations of flora or fauna, to the information submitted by the applicant which is robust and evidence based and the landscape proposals I am satisfied that no impacts on such species are anticipated.</p>	
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No such features arise in this urban location</p>	
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features arise in this urban location</p>	
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No such features arise in this urban location. The development will implement SUDS measures including attenuation of surface water, to control run-off.</p>	No

<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No risks are identified in this regard.	No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local urban road network. There are sustainable transport options available to future residents in terms of bus. 4 no. car parking spaces and a loading bay are proposed on the site. No significant contribution to such congestion is anticipated.	No
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No. The development would not be likely to generate additional demands on sensitive land uses or community facilities in the area.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No trans boundary considerations arise	No
<b>3.3</b> Are there any other relevant considerations?	No	No
<b>C. CONCLUSION</b>		
No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		

Having regard to: -

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) and 15 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- The location of the site on lands zoned ZO 01 with the associated land use objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses in the Cork City Development Plan 2022-2028. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- 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 amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary Construction Environmental Management Plan, the Construction and Demolition, resource and Waste Management Plan, the Operational Waste Management Plan and the Appropriate Assessment Screening.

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 \_\_\_\_\_

Date \_\_\_\_\_