



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319190-24

#### Development

Demolition of the former St. Joseph's convent and construction of a 450 bedspace purpose-built Student Accommodation development in 3 no. apartment blocks ranging in height from 2-5 storeys, including 42 apartments ranging in size from 3-6 bedrooms (226 bedspaces) and 224 studio apartments. The development will be served by open space, internal student amenities, bin stores, bike store, ESB substation, roof mounted plant, cycle and car parking spaces, and accessed from Model Farm Road by a new vehicular/ pedestrian access. LRD website: [www.stjosephslrd.ie](http://www.stjosephslrd.ie)

#### Location

Former Saint Joseph's Convent,  
Model Farm Road, Cork

#### Planning Authority

Cork City Council

#### Planning Authority Reg. Ref.

23/42499

#### Applicant(s)

LyonsHall Limited

<b>Type of Application</b>	Largescale Residential Development
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party vs Decision
<b>Appellant(s)</b>	Lyonshall Limited
<b>Observer(s)</b>	<ol style="list-style-type: none"> <li>1. Bertie and Patricia Pope</li> <li>2. Gerard O'Mahony</li> <li>3. Paul Canty</li> <li>4. Mary V Canty</li> <li>5. Alan Costello</li> <li>6. Ian O'Donoghue and Emily Reilly</li> <li>7. Padraig McCarthy and Penny Huggard</li> <li>8. Killian and Stephanie Kelly</li> <li>9. Vailima Management Company</li> <li>10. Darley Developments</li> <li>11. Maurice Leahy and Jacqueline Sandner</li> <li>12. Aidan and Hillary Kelleher</li> <li>13. Dan and Ann Byrne</li> <li>14. Rosaleen O'Connor</li> <li>15. Breda O'Driscoll</li> <li>16. Cathal V O'Donovan</li> <li>17. Claire Buckley</li> <li>18. Rita Mullarkey and Patrick Mahon</li> <li>19. Diarmuid Brennan</li> <li>20. Siobhan Brennan</li> <li>21. Paul Desmond</li> </ol>

22. Woodlawn Residents  
Association

23. Mark O'Regan

24. Anne Murphy

**Date of Site Inspection**

7<sup>th</sup> May 2024

**Inspector**

Phillippa Joyce

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on Model Farm Road, c.3km southwest of Cork City centre, c.1.5km west of University College Cork (UCC), and c.1.7km east of Munster Technological University (MTU) (crow-fly distances).
- 1.2. The site is rectangular in configuration with a stated area of 0.8ha. The site comprises two distinct parts, northern and southern portions, which are separate properties divided by a retaining wall with hedgerow and fencing. The northern portion accommodates the former St. Joseph's Convent nursing home (a large 1-2 storey building currently in residential use) and its grounds (entrance, surface car parking, grass lawns, trees and hedgerow boundaries). The property is accessed through an existing entrance from Model Farm Road.
- 1.3. The southern portion is presently vacant, comprising infill material with grass scrub, hardstanding, and hedgerows, trees, and steel fence boundaries. This part of the site is accessed from Model Farm Road via a private roadway which runs along the western site boundary adjacent to the Lee Garage premises.
- 1.4. The receiving area is predominantly residential in nature, characterised by established low-rise, low-density housing. To the north of the site, on the opposite side of Model Farm Road, is Vailima estate (recently constructed 2-3 storey detached dwellings) and Merton estate (2 storey dwellings, under construction), adjacent to the northeast/ east is Laburnum House B&B (2 storey detached property with additional residential structures to the rear), to the east is Woodlawn estate (2 storey semi-detached dwellings), and to the south is Laburnum Lawn (residential street with 2 storey semi-detached dwellings). Adjacent to the west of the site is the Lee Garage premises.
- 1.5. The topography of the site and receiving area are notable. The ground levels across the site rise steadily by c.7m from the northern boundary on Model Farm Road (c.17m OD) to the southern boundary abutting properties on Laburnum Lawn (c.24m OD). The topography of the receiving area is similarly marked with levels rising in a westerly direction by c.12m from Dennehy's Cross to the east (c.13m OD) along Model Farm Road to the junction with Bishopstown Avenue (c.24m OD). The site is on the rising hill of Model Farm Road.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing building on site (c.997sqm), site development works (partial grass, trees, and hedgerows removal, and ground excavation), and the construction of a purpose-built student accommodation (PBSA) development.
- 2.2. The PBSA scheme provides for 450 bedspaces (comprising 42 shared apartments and 224 studio apartments), student amenity facilities, and ancillary services in three buildings (Blocks 1-3) which range in height from 2-5 storeys. The proposal includes for new hard and soft landscaped open spaces, a new vehicular/ pedestrian access from Model Farm Road and set down area, car and cycle parking, refuse areas (including in a separate building, Block 4), surface water drainage (inclusive of SuDs features), and connections to public water supply and drainage services.
- 2.3. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme. These are extrapolated from the application form, plans and particulars with the appeal, and where there have been discrepancies and/ or conflicts in written documents, I have relied on the relevant plan(s) and corresponding document.

**Table 1: Key Statistics**

<b>Site Area</b>	0.8ha (0.79ha under applicant's control, 0.1ha under Cork City Council control)
<b>Floor Areas (gross floor spaces)</b>	Total Floor Area = c.13,623sqm Residential = 9,765sqm Residential Amenity/ Management Area = c.629sqm Plant/ Services = c.215sqm
<b>Residential component</b>	266 apartment units
<b>Net Density</b>	563 bedspaces per ha (as per Schedule of Accommodation)
<b>Building Height</b>	Block 1 = 4-5 storeys (principal height c.16.28m) Block 2 = 4-5 storeys (principal height c.18.68m) Block 3 = 2 storeys (principal height c.6.68m)

<b>Aspect</b>	Single Aspect = 266 (100%)
<b>Open Space</b>	c.2,231sqm
<b>Car Parking</b>	4 spaces (3 accessible-only spaces, 1 staff use), set down /drop off area
<b>Cycle Parking</b>	240 spaces (resident and visitor)

**Table 2: Summary of Student Accommodation Unit Mix**

<b>Unit Type</b>	<b>Studio Apartments</b>	<b>Cluster Apartments</b>	<b>Study Bedrooms</b>	<b>Total no. of Bedspaces</b>	<b>Total no. of Apartments</b>
<b>Block 1</b>					
<b>Ground floor</b>	9	2	11 (5, 6)	<b>20</b>	<b>11</b>
<b>1<sup>st</sup> floor</b>	25	4	19 (3, 5x2, 6)	<b>44</b>	<b>29</b>
<b>2<sup>nd</sup> floor</b>	25	4	21 (5x3, 6)	<b>46</b>	<b>29</b>
<b>3<sup>rd</sup> floor</b>	25	4	17 (3x2, 5, 6)	<b>42</b>	<b>29</b>
<b>4<sup>th</sup> Floor</b>	10	0	0	<b>10</b>	<b>10</b>
<b>Total</b>	<b>94</b>	<b>14</b>	<b>68</b>	<b>162</b>	<b>108</b>
<b>Block 2</b>					
<b>Ground floor</b>	24	6	36 (6)	<b>60</b>	<b>30</b>
<b>1<sup>st</sup> floor</b>	26	6	36 (6)	<b>62</b>	<b>32</b>
<b>2<sup>nd</sup> floor</b>	27	6	36 (6)	<b>63</b>	<b>33</b>
<b>3<sup>rd</sup> floor</b>	27	6	32 (4x2, 6x4)	<b>59</b>	<b>33</b>
<b>4<sup>th</sup> Floor</b>	26	2	8 (4)	<b>34</b>	<b>28</b>
<b>Total</b>	<b>130</b>	<b>26</b>	<b>148</b>	<b>278</b>	<b>156</b>
<b>Block 3</b>					
<b>Ground floor</b>	0	1	5	<b>5</b>	<b>1</b>
<b>1<sup>st</sup> floor</b>	0	1	5	<b>5</b>	<b>1</b>
<b>Total</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>10</b>	<b>2</b>
<b>Overall Totals</b>					
<b>Total Bedspaces</b>	<b>224</b>	<b>-</b>	<b>226</b>	<b>450</b>	<b>-</b>

<b>% of Total</b>	<b>49.78%</b>	<b>-</b>	<b>50.22%</b>	<b>100%</b>	<b>-</b>
<b>Total Apartments</b>	<b>224</b>	<b>42</b>	<b>-</b>	<b>-</b>	<b>266</b>
<b>% of Total</b>	<b>84.21%</b>	<b>15.79%</b>	<b>-</b>	<b>100%</b>	<b>-</b>

- 2.4. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by a several reports and supporting documentation (full list in the applicant's Cover Letter, pgs. 3-4).

### 3.0 Planning Authority Opinion

- 3.1. A pre-application LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 15<sup>th</sup> May 2023 between the applicant and the planning authority regarding the proposed development.
- 3.2. The planning authority issued its LRD Opinion on 9<sup>th</sup> June 2023 in accordance with section 32D of the 2000 Act. The Opinion indicates that the documentation submitted under section 32B of the 2000 Act as part of the pre-application meeting required further consideration and amendment to constitute a reasonable basis for an application for permission for the proposed LRD.
- 3.3. Pursuant to article 16A(7) of the Planning and Development Regulations 2001, as amended (2001 Regulations), the applicant was notified that the following information would be required:
1. Rationale and justification for scheme.
  2. Justification for density, height, massing, and siting.
  3. Justification for height and visual impact on residential amenity (existing and future residents).
  4. Proposals to address drainage issues arising from nature of existing infrastructure, i.e., combined sewer.
  5. Advised of specific information required to be submitted for an application (19 items, pgs. 32-36 of the LRD Opinion).



- 3.4. The application includes a Statement of Response from the applicant on the LRD Opinion. The response addresses the points of information identified by the planning authority. For the Board's information, a record of the pre-application meeting is included as Appendix A in the planning authority's LRD Opinion.

## 4.0 Planning Authority Decision

### 4.1. Decision

- 4.1.1. The planning authority refused permission for the proposed development on 6<sup>th</sup> February 2024 for four reasons, as follows.
1. *The proposed development is considered to be excessive in height, scale and massing having regard to the provisions of the Cork City Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 and the context of the site. The excessive height, scale and massing of the proposed development would fail to act as an appropriate design response to its context. The proposed development has failed to successfully answer questions posed in the Design Checklist – Key Indicators of Quality Design and Placemaking' as set out in Appendix D of the Sustainable Residential Development and Compact Settlement Guidelines 2024 and has not demonstrated that it could successfully integrate with the local context. The development would therefore, if permitted, be visually overbearing and out of scale and character with the pattern of development in the area, would erode the legibility of this area, and would fail to successfully integrate into/enhance the character of the area or make a positive contribution to place-making, contrary to the Guidelines, the objectives of the Cork City Development Plan 2022-2024 and the proper planning and sustainable development of the area.*
  2. *Having regard to the height, massing and scale of the development and its proximity to adjoining dwelling houses it is considered that the proposed development would seriously injure the residential amenities of property in the vicinity by reason of visual over-bearance and loss of light and overlooking impact, contrary to the proper planning and sustainable development of the area.*
  3. *Having regard to the density of the proposed development, the high number of student bed spaces and the high proportion of studio units and the scale and location of same, the potential over-shadowing of the amenity spaces given the height and inadequate separation distances between blocks and proximity to boundaries, and the potential overshadowing of apartment units*

*within the site, the proposed development would represent over-development of this site relative to density standards outlined in the Cork City Development Plan 2022-2028 and the Sustainable Residential Development and Compact Settlements Guidelines 2024, would fail to provide an adequate standard of living for future occupiers and would result in an imbalanced neighbourhood profile contrary to the proper planning and sustainable development of the area.*

4. *Having regard to:*

*(a) the visual envelope within which the site sits;*

*(b) the proximity of Protected Structure P.S.958 - the Church of the Descent of the Holy Spirit which is identified as a Local Landmark building within Volume 3 of the Cork City Development Plan 2022-2028; and*

*(c) important linear views to this building as identified in the development management process;*

*the proposed development would, by reason of its height, scale and massing significantly alter and overly dominate the built context in which the site sits, have an adverse impact on the setting of the Protected Structure contrary to the (DoELG) the Guidelines for Planning Authorities on Architectural Heritage Protection 2004 (re-issued 2011) and would negatively impact and/ or result in the loss of important linear views, contrary to Objective 6.4 (sic, 6.14) and Paragraph 6.30 of the Cork City Development Plan 2022-2028 and the proper planning and sustainable development of the area.*

## 4.2. **Planning Authority Reports**

### 4.2.1. **Planner's Report**

The planner's report includes an assessment of the proposed development in respect of the following issues:

- Environmental Assessments: need for AA and EIA are screened out, site not located in flood zone A/ B.
- Compliance with the Zoning Objective: student apartment uses acceptable in principle.
- Density: density calculated at 354dph, applicant incorrectly calculated density at 112dhp, site categorised as City-Suburban as per Compact Settlement Guidelines, a density of c.150 may be appropriate.

- Purpose Built Student Accommodation: assessment as per Objective 3.8 and Objective 11.6 with mixed results, key issues are proposal accounts for total provision allowed for as per Table 3.6 until 2028, result in an oversupply when permitted but not constructed PBSA is accounted for, result in disproportionate number of students in the area, concern regarding the number studio apartments proposed and the proportion of same and future adaptability not clear.
- Building Height: at 5 storeys proposal exceeds 2-4 storey range for the Outer and Inner Urban Suburbs and materially contravenes the upper height targets.
- Visual Overbearance: sections and photomontages indicate the proposal would not sit comfortably within the context of the surrounding development and would negatively impact on existing residential amenities.
- Protected Structure/ Local Landmark Building: proposal fails to acknowledge and defer to the landmark status of the Church and its role in maintaining and reinforcing local distinctiveness, character and legibility.
- Placemaking/ Architecture/ Urban Design: concerns in relation to the siting of the front block onto Model Farm Road, the urban design strategy and architectural form does not complement the existing urban structure and would not promote a strong sense of identity.
- Visual Impact Assessment: disagrees with applicant's analysis of several of the impacts shown in View Receptors.
- Daylight/ Sunlight/ Overshadowing: considers the proposal will overshadow adjacent properties (windows analysed), questions findings in respect of loss of sunlight to their rear gardens, finds some proposed apartment units and important open spaces are overshadowed and (open spaces) offer poor amenity opportunities.
- Planned Future Transport Infrastructure: the BusConnects Cork, Ballincollig to City E route travels along Model Farm Road. Future road widening at the site to be agreed.

- Transportation, Mobility and Parking: notes range of existing bus services, accepts car parking provision, improvements arising from BusConnects highlighted in respect of footpaths and cycle lanes.
- Drainage Infrastructure and Water Services: water services infrastructure connects and capacity are noted.
- Parks and Landscaping: concerns regarding functionality, overshadowing and maintenance of open spaces.
- Environmental Issues: several reports relating to construction, servicing, and operation are noted.
- Phasing: constructed in a single phase.

#### 4.2.2. Other Technical Reports

Traffic – Regulation and Safety: No objection subject to conditions.

Urban Roads & Street Design (Planning): No objection subject to conditions.

Infrastructure: No objection subject to condition.

Drainage Division: No objection subject to conditions.

Environment: No objection subject to conditions.

City Architects: Notes high quality design but expresses concern regarding building height, overshadowing, and overbearance.

Conservation Officer: Refers to previous comments in the planning authority's LRD Opinion (concerns regarding height and scale, and the impact on the setting of/ views to the Church of the Descent of the Holy Spirit remain).

Parks: Concern regarding overshadowing and future maintenance of open spaces.

Housing: No objection, no Part V condition applies.

#### 4.3. Prescribed Bodies

Uisce Eireann: No report received (Confirmations of Feasibility for water supply, and for wastewater and surface water drainage (the latter with restricted flows) to the existing combined sewer in Model Farm Road, indicates that there is capacity in the public systems without requirement for any infrastructural upgrades, are included in the Infrastructure Report of the application).

Inland Fisheries Ireland: requests that Uisce Eireann/ the planning authority indicates whether there is sufficient wastewater capacity for the proposal so that the existing treatment facilities are not overloaded, polluting matters do not enter receiving waters, and compliance is maintained with existing legislative requirements.

DAA for Cork Airport: No comment to make.

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

- 4.4.1. The planning authority indicates that 61 submissions were received from third party observers during the assessment of the LRD application. Issues raised in the third party submissions continue to form the basis of the observations made on the first party appeal (excessive height, scale and density, inadequate on-site car parking, unacceptable access and servicing arrangements, adverse visual impact, overshadowing, overlooking, loss of residential amenity, noise nuisance, impacts of construction activity), which are outlined in Section 7.0 below.

### **5.0 Planning History**

#### Appeal Site

None.

#### West of the Appeal Site

*ABP 314952-22, PA Ref. R74022*

Decision made on 26<sup>th</sup> September 2023 that a proposed change of use from a premises for the sale and display of motor vehicles to use as a shop at Lee Garage, Model Farm Road is development and is exempted development.

*ABP 313906-22, PA Ref. 2140518*

Permission granted on 19<sup>th</sup> September 2023 for the demolition of existing shop and change of use of part existing show room to new shop at Lee Garage, Model Farm Road.

#### Student Accommodation Schemes

*ABP 316101-23, PA Ref. 2241677 (c.1.5km to the southwest of the site, not implemented)*

Permission granted on 6<sup>th</sup> July 2023 to Nyle General Partner Ltd for LRD application of 205 no. bedspace student accommodation at Rossa Avenue, Bishopstown, Cork.

*ABP 314277-22 (c.442m to the northeast of the site, no decision made to date).*

SHD application by Bellmount Development Ltd seeking permission for the demolition of existing buildings on site, construction of 206 no. student bedspaces at the Former Finbarr Galvin Motor Dealership, Fronting on to Victoria Cross Road and Orchard Road, Bishopstown, Cork.

At the time of assessment, a decision by the Board has not issued on the application.

*ABP 310105-21 (c.580m to the northeast of the site, not implemented)*

Permission granted on 18<sup>th</sup> August 2021 to Bellmount Development Limited for SHD application for the demolition of existing structures and construction of 243 no. bedspaces at Kellehers Auto Centre, Wilton Road, Victoria Cross, Bishopstown, Cork.

*ABP 307096-20 (c.1.6km to the east of the site, implemented)*

Permission granted on 25<sup>th</sup> August 2020 to the applicant for SHD application for the alteration and extension of previously permitted ABP-303437-19 for the demolition of existing structure and provision 554 no. student bed spaces at O’Riordan’s Joinery, Bandon Road, a portion of the Church of the Immaculate Conception, Lough Road, 74 Bandon Road and nos. 1 and 2 Ardnacarrig, Bandon Road, Cork.

## **6.0 Policy Context**

### **6.1. National Context**

- 6.1.1. The national policy context guiding future growth in Cork City and suburbs is determined by the National Planning Framework (NPF) and the requirements of several Section 28 Ministerial Guidelines. These require the consolidation of future development through increased densities and building heights.

#### National Planning Framework

- 6.1.2. Of relevance to the appeal case are several national policy objectives (NPOs) from the NPF including:

- NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 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.
- NPO 8: Ensure a targeted pattern of population growth in Cork City and suburbs of c.50-60% by 2040.
- NPO 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.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### Section 28 Ministerial Guidelines

6.1.3. Certain national planning guidelines are also of relevance to the proposed development in respect of policy relating to increased densities for residential development, densification of urban locations in proximity to public transport, and requirements for increased building heights. These include (my abbreviation in brackets):

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, (Compact Settlements Guidelines). Applicable to the proposed development includes:

- Section 3.2: guides that when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling.
- Section 3.3: contains Table 3.1 which defines categories of urban areas within Cork City. 'City – Urban Neighbourhoods' comprises four types of urban areas, sub-items (i)-(iv), compact medium density residential neighbourhoods around the City Centre, strategic and sustainable development locations, town centres designated in a statutory development plan, and lands around existing or planned high-capacity public transport nodes or interchanges.
- Section 3.3.6: presumes against very high densities that exceed 300dph on a piecemeal basis. Densities that exceed 300dph are open for consideration on a plan-led basis only and the opportunity for same is identified in a relevant statutory plan.
- Section 3.4: outlines a two-step density refining process of the City category, based firstly on a determination of accessibility (as per definitions in Table 3.8) and secondly on five site-specific criteria (impacts on character, historic environment, protected habitats and species, daylight/ sunlight of residential properties, and water services capacity).
- Section 3.4: contains **Policy and Objective 3.1** which requires the recommended density ranges set out in Section 3.3 are applied in the consideration of individual planning applications, and that these density ranges are refined further using the criteria set out in Section 3.4.
- Section 5.3: includes SPPRs 1-4 on separation distances, private open space, car and cycle parking, and policy on open space and daylight. As student housing is a form of shared accommodation, these residential standards are not directly applicable, in similarity with standards in the Apartment Guidelines (see below). However, these serve as an indication of requirements for conventional residential development.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023 (Apartment Guidelines).  
Applicable to the proposed development includes:



- Section 2.21: SPPR 1 (unit mix proportion) does not apply to student accommodation.
- Section 3.5: SPPR 3 (minimum floor areas) does not apply to student accommodation.
- Section 5.13: SPPR 7 (presumption against shared accommodation/ co-living developments) does not apply to student accommodation.
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines). Applicable to the proposed development include:
  - Section 1.9 requires building heights of at least 3 to 4 storeys, coupled with appropriate density, in locations outside city and town centre areas to be supported in principle at development management level.
  - SPPR 4 requires:
 

*It is a specific planning policy requirement that in planning the future development of ... edge of city...locations for housing purposes, planning authorities must secure:*

    - 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
    - 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
    - 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011 (Architectural Heritage Guidelines). Applicable to the proposed development includes:
  - Section 13.8.2 highlights that new development, both adjacent to and at a distance from, can affect the character and special interest of a protected

structure and impact on it in a variety of ways. A new development could have an impact even when it is detached from the protected structure due to its being visible in an important view of or from the protected structure.

- Section 13.8.3 guides that the extent of the impact of a proposal will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting. Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure, thus affecting their character. Proposals should not have an adverse effect on the special interest of the protected structure.

### Student Accommodation

- 6.1.4. The national policy context relating to student accommodation includes guidelines and circulars. These documents outline both the planning context for the provision and location of student accommodation, and more specific standards in terms of design and facilities.
- 6.1.5. Policy documents issued by the Department of Education include (my abbreviation in brackets):
- Guidelines on Residential Development for Third Level Students, 1999 (Student Accommodation Guidelines), and
  - Matters Arising on the Guidelines on Residential Development for Third Level Students, 2005 (amendment document):
- 6.1.6. The Student Accommodation Guidelines, and the subsequent amendment, provide guidance on site planning requirements, and specific requirements on the residential accommodation (arrangement, floor areas), communal facilities and amenities (types, floor areas, design), and internal design and layout (corridors, lifts).
- 6.1.7. Policy documents issued by the Department of Housing include:
- National Student Accommodation Strategy (NSAS), 2017,
  - Circular PL8/2016 APH2/2016, and
  - Circular NRUP/05/2021.

- 6.1.8. The NSAS emphasises the need to increase the supply of purpose-built student accommodation (PBSA) to meet the existing and increasing housing demand from both domestic and international students attending the country's Higher Education Institutions, and thereby also reducing the demand from students for accommodation in the private rental sector. The NSAS identifies that the demand for PBSA currently outstrips supply, and predicts this trend will continue to 2024. Of relevance to the appeal case, in the Cork area the NSAS estimates that by 2024 the supply of PBSA will be 5,490 bedspaces and the demand will be for 7,391 bedspaces, thereby representing a shortfall in provision of some 1,901 bedspaces.
- 6.1.9. The NSAS acknowledges that concerns may exist about the impact of PBSA on local communities, though states that if effectively managed the presence of students can have positive effects for both students and the community. The requirement for management plans for PBSA, indicating for example, security measures and management of anti-social behaviour, is highlighted.
- 6.1.10. The Circulars provide guidance on the nature of student accommodation, and direct planning authorities to ensure that student accommodation is not used for residential accommodation of a permanent nature, is safeguarded for use by students and other persons related to higher education institutes during the academic year, and is capable of being used for legitimate occupation by other persons/ groups during holiday periods when not required for student accommodation purposes.

## **6.2. Local Context**

### Cork City Development Plan 2022-2028

- 6.2.1. The relevant CDP map-based designations include the site being:
- Zoned as ZO 1 'Sustainable Residential Neighbourhoods' which seeks 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses' (Zoning Objective Map 8).
  - Designated as 'Outer Suburbs' (majority) and 'Inner Urban Suburbs' (southeastern corner) in respect of density and building heights (Density and Building Heights Map 8).

- Partially (southern portion) included in ‘Neighbourhood Development Site 9’ (Chapter 10, pg. 453) with development potential indicated as ‘residential with a minimum of 75 homes’.
- Located c.120m to the west of the Church of the Descent of the Holy Spirit at Dennehy’s Cross, which is designated as Protected Structure No. PS958 and as Local Landmark Building No. 9 (Table 3, Part 4: Linear Views of CDP Vol 3).
- Adjacent to the route of the Ballincollig to City Centre Core Bus Corridor (CBC 6) which runs along Model Farm Road, the site’s northern boundary (Figure 4.4, pg. 120).
- Not located within or adjacent to any other built or natural heritage, infrastructure, or other designation in the CDP 2022 CDP.

6.2.2. I identify the most relevant CDP policy and specific objectives to be:

- Chapter 3 Delivering Homes and Communities:
  - Paragraph 3.38 and Table 3.6 – the CDP’s Housing Strategy updates the NSAS targets for Cork City and projects a total of 2,630 bedspaces required for the remaining CDP period 2024-2028. Of this remaining total, 450 bedspaces could be provided by the private sector up until 2028.
  - Paragraph 3.42 – PBSA should be developed to the highest standards and incorporate cluster flats, studios, and disability flats with size variations.
  - Paragraph 3.43 – PBSA should provide adequate functional living space and layouts, including shared communal external and internal spaces.
  - **Objective 3.5 Residential Density** – higher densities to be achieved in accordance with the Cork City Density Strategy, Building Height and Tall Building Study whilst ensuring a balance between protecting the established character of the surrounding area and existing residential amenities, creating successful integrated neighbourhoods, and achieving high quality architectural, urban and public realm design.
  - **Objective 3.8 Purpose-Built Student Accommodation** – student housing demands are to be met providing that the PBSA is accessible by

walking, cycling or public transport to higher-level education campuses and ideally at location in the City Centre, City Docks, urban centres and mixed use redevelopment schemes of brownfield sites, contributes to a mixed and inclusive neighbourhood, are of a high quality and meet the needs of students.

- Chapter 6 Green and Blue Infrastructure, Open Space and Biodiversity:
  - Paragraphs 6.27, 6.28, and 6.30 View Management Framework – the development management process will be used to protect specific views and prospects which are not otherwise protected by CDP objectives. These include ‘linear views to landmark buildings’, both strategic and local. Local landmark buildings are important within the City’s neighbourhoods due to their local visual prominence, and important linear views to these buildings need to be considered.
  - **Objective 6.14 Cork City View Management Framework** – protect linear views, ensure that development proposals do not have an undue detrimental impact on these views, and consider local landmark buildings in the scoping of views to identify the potential impacts of development proposals.
- Chapter 10 Key Growth Areas and Neighbourhood Development Sites:
  - Objective 10.100 Neighbourhood Development Sites – development of these sites will be progressed through active land management, will benefit the local neighbourhood and support compact growth.
- Chapter 11 Placemaking and Managing Development:
  - Cityscape and Building Height:
    - Paragraph 11.28 Building Height – building height strategy is contained in Table 11.1 and will be applied in assessing development proposals (site is located in the Outer Suburbs (majority) and Inner Urban Suburbs (minority) with target heights of 2-4 storeys and 3-4 storeys respectively).

- Paragraph 11.44 Tall Buildings – five locations in the City are identified as suitable for tall buildings including the City Centre, City Docks, Mahon, Blackpool and Wilton.
- Paragraph 11.45 Definition of a Tall Building – proposed buildings which are equal to or more than twice the height of the prevailing building height (site is defined as having a prevailing height of 2-3 storeys).
- Paragraph 11.51 Tall Building Locations – only suitable in locations identified in the CDP, as tall buildings outside of these locations are not generally considered appropriate due to their being in conflict with the overall building height strategy for Cork.
- **Paragraphs 11.53-11.57 Assessing Impacts of Tall Buildings**– lists of criteria to address/ consider including visual, functional, environmental, microclimate, and cumulative impacts.
- Residential Development:
  - Paragraph 11.72 Residential Density – Table 11.2 indicates a density range of 40-60 for Outer Suburbs (majority of the site) and 50-100dph for the Inner Urban Suburb (minority). Density targets and prevailing character are to be the key measures in determining site-specific density.
  - Paragraph 11.81 – PBSA will be provided in locations outlined for same in Chapter 3.
  - Paragraph 11.125 – PBSA will be provided in accordance with targets and general locations in Chapter 3.
  - **Objective 11.6 Purpose-Built Student Accommodation** – will be assessed against criteria including: consistency with zoning, provision of adequate communal open space, HNDAs targets not undermined by the quantum of bedspaces, avoidance of a disproportionate number of student residents in a neighbourhood, inclusion of ancillary uses at ground floor level in locations where these do not exist, achievement of quantitative standards in the

Student Accommodation Guidelines, provision of sufficient internal communal facilities for the scale of the proposal, provision of ancillary facilities to meet needs of proposal, design of the proposal so as to minimise impacts on surrounding area, provision of specified number of bedspace for disabled students, provision of a Facility Management Plan, and provision of Building Adaptation to Alternative Use Strategy demonstrating design of proposal allows for future adaptation.

- Car and Bicycle Parking, Paragraph 11.234, Table 11.3 and Table 11.4 – site in Zone 2 (area served by BusConnects, most of city suburbs), standards applicable for student housing include 1 car parking space per 20 bedspaces and 0.5 cycle spaces per bedspace.
- Chapter 12 Land Use Zoning Objectives, Paragraph 12.24:
  - **Policy ZO 1.1** – central objective of ZO 1 is the provision and protection of residential uses and residential amenity.
  - **Policy ZO 1.2** – development in ZO 1 should generally respect the character and scale of the neighbourhood in which it is situated and developments, where the primary objective of this zone is not supported, will be resisted.

### 6.3. Natural Heritage Designations

- 6.3.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). There are no watercourses in or adjacent to the site, and Glasheen River is c.385m to the east and Curragheen (Maglin) River is c.453m to the north.
- 6.3.2. The designations in proximity to the appeal site (with corresponding boundaries) include (measured at closest proximity):
- Cork Lough pNHA (001081) is c.1.49km to the east.
  - Cork Harbour SPA (004030) is c.5.05km to the east.
  - Douglas River Estuary pNHA (001046) is similarly c.5.05km to the east.

- Great Island Channel SAC (001058) is c.11.79km to the east.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1. The applicant has lodged a first party appeal, the main issues raised can be summarised under the following headings:

#### Student Accommodation Demand, Concentration and Proposed Mix

- There is an existing demand for student accommodation, and the proposal will not result in a concentration in this area.
- Refers to enclosed correspondence from Building and Estates Office, UCC indicating the demand.
- Disagrees that the proposed development would result in an oversupply of student accommodation if the permitted but not built PBSA schemes are taken in consideration.
- Refers to ABP 316101-23 in which the number of student bedspaces granted would, in combination with the existing permitted developments, exceed the permissible number of 580 bedspaces identified for 2024 in Table 3.6 of the CDP.
- The total of student bedspaces indicated in Table 3.6 of 3,500 until 2028 should only be of relevance once this figure is exceeded.
- Calculates (as per the submitted Student Accommodation Demand and Concentration report) there is an undersupply of c.1,468 bedspaces in Cork in 2024.
- No CDP definition for 'disproportionate proportion' of student residents in an area.
- Refers to ABP 316101-23 in which a 1km radius for the study area was used and accepted.
- Use of CSO Small Area for analysis is contrary to established practice and not a true indication of student concentration.



- Proposed unit mix (number and proportion of studio apartments) is guided by the requirements of the future operators of the PBSA scheme.
- Operators consider there is a shortage of studio units which is having a detrimental impact on the market.
- Students want high-quality studios which offer privacy and their own kitchen facilities.
- Table 1.0 of the appeal lists the PBSA schemes built/ permitted in Cork indicating the total number of bedspaces (4,540), the total number of studio units (306), and the % proportion (c.6.7%).

#### Density of the Proposed Development

- Site is located in a City-Urban Neighbourhood location, for which the Compact Settlements Guidelines recommend densities of between 50-250dph.
- Site is immediately adjacent to existing bus stops that are to be retained in the Cork BusConnects STC E route.
- Due to the site's accessible nature and proximity to the BusConnects STC route, a density at or above the mid-density range (equating to 150dph) should be encouraged at the site.
- Disputes the planning authority's treatment of the 224 student studios as standard residential studio apartments, and not applying the direction in the guidelines that four student bedspaces equate to one dwelling.
- Rejects the planning authority's resultant calculation of a density of 354dph, stating there is no methodology in the guidelines for this methodology.
- Provides an example of density calculation in a conventional apartment scheme with similar key statistics to the proposal, applying the unit mix required in the CDP, which generates 131 apartments and yields a density of 164dph.
- Submits the density of the proposed PBSA is 142dph, applying the direction in the guidelines (450 bedspaces/ 4), which accords with the density at or above the mid-density range for City-Urban Neighbourhood locations of 150dph as per the guidelines.

### Responsive Built Form

- Design approach has been influenced by site characteristics and local context:
  - minimising the impact on adjacent residential properties,
  - providing an appropriate urban edge to Model Farm Road with provision for future BusConnects,
  - respecting the setting of the Church of the Holy Spirit, and
  - considering the future development potential of the adjacent Lee Garage.
- Design approach has been outlined and justified in the Architectural Design Statement.
- Acknowledges the proposed building heights of 5 storeys are 1 storey higher than the target ranges included in CDP Table 11.1 for the site (2-4 storeys) and submits that the proposed development sits comfortably within the area.
- Design approach to and the design of the scheme have been supported by the City Architect, the opinion of which has been disregarded in favour of that of the Conservation Officer.
- Proposed development and the range of information provided successfully address questions posed in the Design Checklist, Appendix D of the Compact Settlements Guidelines.

### Impact on Existing Residential Amenity

- Planning authority has applied unreasonable thresholds to what is 'an acceptable impact'.
- Balance is required for assessing overshadowing of adjacent properties associated with the development of an infill site.
- Clarifies that the Sunlight and Daylight Access Analysis report (SDAA) indicates that the rear gardens of adjacent properties to the northeast/ east are not affected by the proposal, (i.e., achieves BRE 2022 standard of 50% of amenity area receiving 2hrs of sunlight on March 21st).

- Suggests design amendments to the part of Block 2 which is opposite 17 Woodlawn, changing the eastern elevation of the building from 4 storeys to 3 storeys in height, omitting 8 bedspaces, complying with the 25 degree rule for affected windows (revised plans and particulars included in the appeal).
- Additional section drawings provided (which the planning authority said were omitted from the application) through the proposed development and 15, 16, and 21 Woodlawn.
- Rejects criticism of treatment of southern boundary with Laburnham Lawn properties (extent of ground works, overbearance, loss of views to the northern City ridge).
- Describes suggestion of duplex or bespoke lower density solution for the site as economically unviable, unnecessary, and contrary to principles of compact growth.

#### Impact on the Church of the Descent of the Holy Spirit

- Model Farm Road and Dennehy's Cross are not located among the 42 Architectural Conservation Areas included in the CDP.
- Views of the Church are not among the many protected views listed in the CDP.
- The Church is of local importance and the potential impact on the Church has been assessed from a visual impact perspective.
- Refers to the Landscape Visual Impact Assessment (LVIA) report in which 8 of the 16 viewpoints consider the Church (Views 3, 4, 5, 6, 8, 9, 13, and 15), the majority of which are found to have a slight neutral impact.
- Indicates the proposed development (heights) are acceptable in terms of mitigating or eliminating impacts on the most sensitive views, concludes there is no impact on the setting of the Church.
- Suggests the potential to omit the 5<sup>th</sup> floor of Block 1 on Model Farm Road to address concerns referred to in the planning authority report as raised by the City Architect (in the assessment of View 14) and the Conservation Officer (in the assessment of Views 6 and 13).

### Proposed Open Space

- Overshadowing of open spaces arises due to the shape of the site and even low buildings south of an amenity space would cast a shadow on same.
- Sunlight access to an open space needs to be weighed against other features such as passive surveillance, enclosure, security.
- Lower levels of sunlight are typical of medium to high density development and are becoming increasingly commonplace.

### **7.2. Planning Authority Response**

7.2.1. No response was received from the planning authority on the appeal.

### **7.3. Observations**

- 7.3.1. 24 observations have been made on the first party appeal by observers with addresses given in the vicinity of the appeal site including Woodlawn, Model Farm Road, Vailima, and Bishopstown Avenue.
- 7.3.2. For ease of reference for the Board, I have grouped the observations under similar headings as the appeal grounds and identified new items as necessary. The issues raised in the observations can be summarised as follows:

### Zoning of Site

- Site and area are zoned residential, and houses should be provided.
- Student accommodation does not come within the definition of residential.
- Zoning is for family houses.
- No opposition at the time of the applications for houses at Vailima and Merton estates as these were suitable family homes.
- Concerns regarding the nature of the use outside of the academic year.

### Student Accommodation Demand, Concentration and Proposed Mix

- Existing permitted private sector provision (902 bedspaces) combined with the proposed development (450 bedspaces) would exceed (1,356 bedspaces) the total student accommodation allowable in the CDP up until 2026.

- Proposed development exceeds the allowable private sector provision until 2028.
- The correspondence from UCC included in the appeal indicates a shortfall/ requirement of 800 bedspaces till 2030, which can be met through the permitted private sector provision.
- The proposal is not necessary.
- No demand for student accommodation at the site or in the area.
- Much more suitable locations, closer to the universities, will start a negative precedent for student accommodation in the area.
- There is sufficient supply of student accommodation/ summer rooms within 1 mile of both UCC and MTU with more coming on stream.
- No facilities to support students in this residential area.
- Such large number of temporary residents does not enhance a neighbourhood.
- Applicant relies on the SAP statistics in their initial analysis, but now dismisses the SAPs in the appeal grounds due to the results.
- High demand instead for conventional houses in Cork City.
- Disruption to a mature settled residential community due to anti-social behaviour, noise and disturbance.

#### Density of the Proposed Development

- Wholly inappropriate and excessive density.
- Density too high, any calculation exceeds the density allowed for in the CDP i.e. 40dph.
- Area designated for low to medium housing development, should comply with Neighbourhood Development Site 9 i.e., 75 homes.
- Density exceeds permissible ranges in the CDP, and in the Compact Settlement Guidelines.

#### Responsive Built Form

- Totally out of character, inconsistent, does not respect the established pattern of development.
- Incongruous, overly dominant, wholly incompatible with the character of the area.
- Height, scale and massing cannot be described as responsive.
- Hugely out of scale with the vernacular homes on Model Farm Road.
- Disputes the applicant's overreliance on positive comments attributed to the City Architect.
- Does not integrate well or provide appropriate transitions with adjacent buildings.
- Concerns regarding the adaptability of the proposed scheme for future uses.

#### Impact on Existing Residential Amenity

- Significant negative impact on adjoining properties, particular those to the east 18-24 Woodlawn.
- Will suffer a detrimental impact on value of property and day to day quality of life.
- Southern boundary between site and Laburnham Lawn properties is not as indicated, trees not as shown, hedgerow lower, separation distances less than stated, will result in overlooking and overshadowing.
- Applicant intentionally overlooks the nature and extent of the impacts on neighbouring sites on Model Farm Road.
- Overbearance for properties on Model Farm Road.
- Overshadowing and loss of daylight/ sunlight in back gardens.
- Overbearing visual impact, worse than indicated on plans.
- Serious loss of privacy from overlooking.
- Impact of public lighting on properties adjacent to boundaries.
- Create claustrophobic living conditions.
- Will dwarf living conditions in all surrounding households.

- Overwhelming negative, profound and seriously injurious to surrounding properties and amenities.
- Scale and magnitude will have a profound adverse effect on a quiet residential community.
- Students will use the green in Woodlawn due to the provision of open space in the scheme.
- Disrupt sense of community and area not equipped to handle such an influx of residents.

#### Impact on the Church of the Descent of the Holy Spirit

- Rejects applicant's claim of minimal visual impact.
- Will obstruct, impinge on views.
- Criticises the applicant's refusal to have regard to acknowledge the positions of the Conservation Officer and Planning Officer.
- Not protect or reinforce the unique character and built fabric of the area.

#### Traffic and Transportation

- Grossly insufficient and unsuitable car parking provision on site.
- Provision hardly merits comment, totally unrealistic, unreasonably presumptuous, naïve.
- Students have and drive cars (school children let alone college students).
- Will cause traffic chaos and congestion.
- Will result in illegal and dangerous parking on Model Farm Road and surrounding residential estates/ streets.
- Insufficient and inadequate footpaths and no cycle lanes at the site/ in the area.
- Dangerous and unsafe pedestrian and traffic conditions.
- Rejects suggestion of potential access through Woodlawn estate.
- Disputes the number and frequency of bus services referred to and relied upon.

- Will use up all capacity on bus services, leaving none for existing residents.
- Applicant has not provided the necessary analysis of bus services, frequencies, and carrying capacity to service the proposed development.

#### Other Matters

- Bats are known to fly in the area, no bat survey or assessment.
- Inadequate assessment of water framework and habitats directive.
- Disputes eastern site boundary, ownership of lands, and indication of a hedgerow/ fence line.

### **7.4. Further Responses**

7.4.1. No further responses received on the case file.

## **8.0 Planning Assessment**

### **8.1. Introduction**

8.1.1. Having examined the appeal details and all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal to be as follows:

- Student Accommodation
- Residential Density
- Height, Scale, and Massing
- Architectural Heritage
- Residential Amenity
- Other Matters

I propose to address each item in turn below.

8.1.2. In respect of the proposed development, I have carried out a screening for Appropriate Assessment (AA) and a screening determination for Environmental Impact Assessment (EIA) which are presented in sections 9.0 and 10.0 below.

### **8.2. Student Accommodation**



- 8.2.1. The planning authority's third refusal reason refers to the high number of student bed spaces, the high proportion of studio units, inadequate separation distances, potential overshadowing of apartments and open spaces, concluding the proposal would fail to provide an adequate standard of living for future occupiers.
- 8.2.2. In the appeal, the applicant disputes the planning authority's position on student accommodation demand, the number of bedspaces allowed for annually/ cumulatively in the CDP, concentration of student residents in the area, and the quantum of studio units in the scheme.
- 8.2.3. Observations on the appeal raise concerns relating to the demand, need, supply, location, support facilities, and impact on the community from the PBSA scheme.
- 8.2.4. From a review of the policy context and the information on the case file, I identify three key factors for determining the appropriateness of the PBSA scheme. These are the location, quantity, and quality of accommodation. Further, I assess the proposed development in greater detail against the requirements of the Student Accommodation Guidelines and those of the CDP in Tables 3, 4, and 5 below.

#### Location

- 8.2.5. With regard to location, CDP Objective 3.8 states student housing needs will be met providing PBSA is accessible by walking, cycling or public transport to higher-level education campuses. The site displays good levels of accessibility, being c.1.6km to UCC, c.1.7km to MTU, and c.3.2km to the City Centre (measurements are walking distances) and served by several bus routes to the City Centre, UCC and MTU (Architectural Design Statement, pg.11, and Mobility Management Plan, Figures 2.2-2.4, 4.1). An important accessibility characteristic of the site is that the planned BusConnects E route (Ballincollig to City) extends along Model Farm Road, the site's northern boundary.
- 8.2.6. While I acknowledge the accessible nature of the site, I do not consider the proximity to the BusConnects route automatically implies suitability for PBSA per se as it would also be advantageous for mid to high density conventional residential development. Further, I consider the key component of CDP Objective 3.8 is the statement '*and ideally*' when identifying preferred PBSA locations. Four such locations are specified, i.e., Cork City Centre, City Docks, urban centres, and mixed use redevelopment schemes of brownfield sites. The appeal site does not come

within the scope of/ qualify as these types of locations (I note the CDP includes zoning objectives which could be considered as commensurate with same). As such, I consider that there are alternative locations in the City which the CDP has determined as being more suitable and feasible than the appeal site to meet student housing needs.

#### Quantity

- 8.2.7. With regard to quantity, two issues require consideration. Firstly, the Housing Strategy/ HNDA of the CDP (Paragraph 3.38 and Table 3.6) projects 450 bedspaces of PBSA to be provided by the private sector for 2024-2028 (i.e., not associated with the two third level campuses at UCC and MTU). The proposal, in a single application, seeks to provide the total amount remaining for the CDP period. This is not appropriate, especially in the context of alternative and more suitable locations being identified in the City, as outlined above.
- 8.2.8. Secondly, CDP Objective 3.8 requires PBSA to contribute to a mixed and inclusive neighbourhood. I have concerns regarding the fundamental design of the scheme, the extent to which it is a PBSA as outlined in the Student Accommodation Guidelines, the high number of studio apartments proposed (224 apartments), the high proportion of studio to cluster apartments (84% to 16%), and the indication by the applicant that the scheme will be used for the tourist market outside of the academic year (c. beg-June to mid-September).
- 8.2.9. The Student Accommodation Guidelines do not envisage a studio apartment format (i.e., a single occupancy fully self-contained residential unit), describing study bedrooms in shared house units, which are the equivalent to the cluster apartments in the scheme. While I acknowledge that these guidelines are not mandatory, as they are not section 28 planning guidelines, their planning status is secured through reference in the Department Circulars and the requirement in CDP Objective 11.6(f) for proposed PBSA schemes to comply with same. I consider that the proposal does not sufficiently come within the description of PBSA, and has not had due regard to the qualitative and quantitative requirements of the Student Accommodation Guidelines and those of the CDP (outlined in Tables 3, 4, and 5 below).
- 8.2.10. I note that CDP policy in Paragraph 3.42 refers to '*cluster flats, studios, disability flats with size variations within any floorplate design*' and that other PBSA

applications have included studios apartments (see section 5.0 Planning History of this report), and lists in the applicant's Student Accommodation Demand and Concentration (SADC) report and the first party appeal. However, except for the above sentence, there is a brevity of information in the CDP (e.g., on quantum, proportions etc) in comparison with the detailed information provided in the Student Accommodation Guidelines. As such, while the inclusion of studio apartments in the proposal is not prohibited due to the stated policy in Paragraph 3.42, I do not consider the generally high number of studio apartments and the particularly high proportion these comprise in the scheme to be appropriate. Indeed, Table 1.0 provided in the applicant's first party appeal indicates to date the omission/ very low numbers of studio apartments in other PBSA schemes (i.e., these have been in line with the national policy context).

- 8.2.11. I consider the proposal to be more akin to a shared accommodation/ co-living development (for which there is a presumption against in SPPR 7 of the Apartment Guidelines) or a hostel operation. This is particularly the case when considering the context outlined in the appeal grounds regarding the PBSA scheme being operator-led.
- 8.2.12. Operating at full capacity, the scheme would accommodate 450 student (or tourist) residents. In the 2022 Census data, the site is located within Small Area Population (SAP) No.19, which records a population of 260 persons including a cohort of 32 students (c.12%). The proposal would result in a c.173% increase in SAP No.19's existing population. The increased population of SAP No.19 (710 persons) would be comprised of c.68% student residents. Due to the design and stated operation of the proposal, these future residents would be transitory in nature.
- 8.2.13. I have reviewed the applicant's SADC report and note criticisms in the appeal grounds regarding the size of the study area. However, I do not find the methodology employed in the analysis to be sufficiently responsive. The 1km radius for the study area is too large to allow the necessary level of nuanced analysis to consider the impact of student accommodation on a receiving community. Further, the selection of a 1km radius allows several locations to the north/ northeast of the site with existing high concentrations of student residents to be included in the baseline figures thereby influencing the subsequent proportion of student residents in the study area. In so doing, the increase of student residents associated with the

proposal does not appear to be so marked (a rise of 2.6% from 21.9% to 24.5%). Accordingly, in my assessment I have relied on the Census' smallest units of data, the Small Area Population (SAP).

- 8.2.14. Further, I have considered the applicant's position that their existing PBSA scheme on Bandon Road (see section 5.0 Planning History) serves as a precedent for the proposed development. I do not agree, highlighting to the Board the fundamental contextual differences for that site including: the CDP zoning (ZO 07 District Centre and ZO 01 Residential zonings), the existing pattern of development (urban streets, mixed uses, variation in the built environment, less vulnerable to change), the closer proximity to UCC and the City Centre, the location within 'Primary Urban Corridors & Principal Towns' which recommends higher density and building heights, and that the permission was granted prior to the Compact Settlements Guidelines coming into effect and setting upper density limits.
- 8.2.15. I question the suitability of the site in general for PBSA, and I certainly find the proposed development (general quantum and particular dominance of studio apartments) to be inappropriate for the site and receiving area. Accordingly, I do not consider that the scheme as proposed would adequately contribute to a mixed, inclusive neighbourhood and a balanced community as is required by CDP Objectives 3.8 and 11.6.

#### Quality

- 8.2.16. With regard to quality, CDP Objective 3.8 and Paragraphs 3.42-3.43 require PBSA to be of high quality and meet the needs of students. Related, the Student Accommodation Guidelines outline detailed qualitative requirements for PBSA to ensure an adequate level of amenity for students.
- 8.2.17. I have reviewed the plans and particulars submitted with the proposal and while I note there are some quality design elements (architectural treatment of the streetscape, communal/ amenity uses at ground floor levels which contribute to active frontages, external building finishes, hard and soft landscaping, public realm improvements on Model Farm Road), I identify shortcomings and/ or substandard design features affecting the overall quality of the PBSA scheme. These include the excessive and disproportionate number of studio apartments (as discussed above), the scale, nature and siting of communal facilities and student amenities, absence of

any supplementary floorspace (café, shop, medical services), inadequate car and cycle parking provision, restricted internal layouts (corridor design, dominance of single aspect apartments, insufficient refuse provision within blocks), and open spaces with substandard access to sunlight resulting in poor amenity outcomes for future residents.

### Assessment Tables

8.2.18. In the following tables, I assess the proposal against the qualitative and quantitative requirements of the Student Accommodation Guidelines (Tables 3 and 4 respectively) and those of Objective 3.8 and Objective 11.6 in the CDP (Table 5). There is an expected degree of overlap and cross-reference between the tables allowing for a comprehensive analysis.

**Table 3: Qualitative Requirements for Student Accommodation**

Requirement	Assessment
Accommodation provided in groupings of study bedrooms, referred to in the guidelines as 'house units.'	<p>The proposal comprises a total of 266 apartments, 42 cluster apartments (multiple occupancy) and 224 studio apartments (single occupancy). The 42 cluster apartments are the equivalent of the 'house units' referred to in the guidelines. These vary in size from 3 to 6 study bedrooms (bedspaces). These comply with the qualitative requirement. However, the cluster apartments only comprise c.16% of the scheme.</p> <p>The studio apartments dominate the proposed development, comprising c.84% of the scheme. The studio apartments are independent residential units, designed with one room measuring between c.20-28sqm, provided with kitchen/ dining/ living (KDL) space and a bathroom, direct access to corridors, not integrated with adjacent cluster apartments, and not served by a communal KDL area. The Student Accommodation Guidelines do not make provision for such a format.</p> <p>Overall, therefore the proposed development does not comply with the qualitative requirement.</p>
Study bedrooms arranged in units sharing a common entrance hall and kitchen/ dining/ living room.	<p>The cluster apartments include study bedrooms which are arranged with a shared entrance hall and communal KDL area. These comply with the qualitative requirement. However, the cluster apartments only comprise 16% of the scheme.</p> <p>Overall, therefore the proposed development does not comply with the qualitative requirement.</p>

<p>Units shall in turn share common entrances, access stairs and corridors, and ancillary facilities.</p>	<p>The cluster apartments share common entrances, are served by several stairwells/ lifts in the blocks and share ancillary facilities in the front (northern) part of the ground floor level of Block 1. However, the cluster apartments only comprise 16% of the scheme.</p> <p>Overall, therefore the proposed development does not comply with the qualitative requirement.</p>
<p>Communal facilities to service the needs of student residents.</p>	<p>Communal facilities are provided in the front part of the ground floor level of Block 1. The applicant indicates this space (referred to as residential amenity/ management area) measures c.629sqm and equates with c.1.4sqm per bedspace.</p> <p>I do not concur with the applicant's calculations (total floorspace and per bedspace) as the reception, entrance space, administration, post/ storage areas have been included, thereby categorising these as student amenities/ facilities.</p> <p>I identify the communal facilities available for students' amenity use as being the lounge, study room, games room, gym, and private dining room, and I calculate a combined area of 359.7sqm, which equates with 0.8sqm per bedspace.</p> <p>At full capacity, the proposed development could accommodate 450 student residents. I consider the scale, nature, and siting of the proposed communal facilities to be minimal, basic, and poorly laid out for the future resident population.</p> <p><u>Scale</u></p> <p>In terms of scale, the provision of c.360sqm of communal facilities floorspace equates with 0.8sqm per bedspace. While the guidelines, do not specify a minimum area, I consider such a minimal provision to be substandard. By way of comparison, the communal facilities floorspace to serve 450 residents is 2.75 times the floorspace provided for management/ reception use (c.134sqm at ground floor level of Block 1), is c.25.5% of the Block 1 ground floor level floorspace (c.1,410sqm), is c.6.5% of the floorspace of Block 1 (5,577sqm), and c.2.64% of the total floorspace in the scheme (c.13,627sqm).</p> <p>I consider these metrics reflect the minimal provision of communal facilities/ student residential amenities and maximisation of private residential floorspace in the scheme.</p> <p><u>Nature</u></p>

	<p>In terms of nature, there are only single rooms provided for study, games, lounge, and dining use. Due to the potential capacity of 450 student residents, I consider that several different scaled rooms serving these uses should be included in the scheme to provide student residents with a variety of options. The nature and extent of communal facilities being provided in Block 1 should be similarly provided in Block 2.</p> <p>Further, due to the excessive proportion of studio apartments, I consider the communal facilities to be particularly substandard and inadequate. That being, due to the high occurrence of single occupancy studios instead of cluster apartments with shared KDL rooms, I consider it likely that there would be a greater requirement for and demand on communal spaces and range of facilities where residents could congregate, socialise, and recreate.</p> <p>The proposal does not include for any supplementary floorspace such as a café, shop, or medical service.</p> <p><u>Siting</u></p> <p>In terms of siting, the communal facilities floorspace is only provided in the front part of the ground floor of Block 1. Blocks 2 and 3 have no communal facilities at ground floor levels. Thus, all student residents would be reliant on and congregate in one portion of Block 1. I consider that the proposed communal floorspace is not well sited within the scheme, nor easily accessible to all residents. The communal area is at a notable distance and remove from residents in the upper-most southerly sited apartments in Block 2, for instance. The siting of communal facilities is not inclusive or readily accessible and could result in isolation.</p> <p>I consider the communal facilities as proposed will not service the needs of students or ensure students have adequate levels of residential amenity. Overall, therefore the proposed development does not comply with the qualitative requirement.</p>
Secure bicycle storage within the site, facilities for the handling, storage and collection of refuse.	<p>The proposed includes a total of 240 cycle parking spaces in sheltered and open stands located at perimeters within the scheme, and proximate to entrances to the blocks. In respect of quantum, the proposed cycle parking spaces comply with the requirements of CDP Paragraph 11.234 and Table 11.4 (0.5 parking spaces per bedspace) with extra visitor spaces.</p> <p>SPPR 4 of the Compact Settlements Guidelines requires a minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction. While I acknowledge that this SPPR is</p>

	<p>applicable to conventional residential development, I consider it indicates the standard for cycle infrastructure to ensure the amenity for future residents of apartment blocks (similar to the proposal). Further, as the proposal omits general on-site car parking for student residents (3 accessible-only spaces provided) and relies on cycling as one of the primary modes of transport to serve the PBSA, I consider the standard to be of note.</p> <p>In my opinion, the quantity and particularly the quality of the cycle parking provision could be improved upon. The provision does not include a mix of cycle spaces (no larger/ cargo spaces, EV spaces, individual lockers), and the spaces are in shelters and not a dedicated facility of permanent construction (e.g., at ground floor level of the blocks).</p> <p>Two bin stores areas are provided, one within the ground floor of Block 1, proximate to the communal facilities and management/ reception area. The other is within Block 4, a separate single storey structure with plant and substation areas, sited along the western boundary of the site. While I note the extent of refuse provision, I consider that this could be improved upon with additional accessible and convenient services, particularly for those in Blocks 2 and 3.</p> <p>Overall, therefore the proposed development does not comply with the qualitative requirement.</p>
Entrance hallways and corridors well designed with good lighting and ventilation.	<p>Entrances and stairwells within the blocks have doors and windows providing opportunities for lighting and ventilation. However, the entrance hallways to the cluster apartments and studio units are directly accessible from the internal corridors, which themselves do not feature any windows (no lighting and ventilation).</p> <p>Corridors within the blocks are aligned centrally through the floor plans. Studio units are positioned on either side of the corridors, whereby the studios are single aspect. As such, the corridors have no windows (no opportunities for light or ventilation).</p> <p>Additionally, the corridors provide access to the cluster apartments which are typically positioned at the ends/ corners of the blocks. Accordingly, there are no opportunities for windows to serve the corridors as the study bedrooms in the cluster apartments are single aspect and the shared KDL room is dual aspect.</p> <p>Overall, therefore the proposed development does not comply with the qualitative requirement.</p>



**Table 4: Quantitative Requirements for Student Accommodation**

Requirement	Assessment
Each 'house unit' shall consist of a minimum of 3 bedspaces up to a maximum of 8 bedspaces.	The cluster apartments include between 3 and 6 bedspaces (study bedrooms). These comply with the quantitative requirement. However, the cluster apartments only comprise 16% of the scheme.  Overall, the proposed development does not comply with the quantitative requirement.
Each unit has a shared kitchen/ dining/ living room space based on a minimum of 4 sq. m per bedspace in the unit, in addition to shared circulation.	The cluster apartments each have an appropriately sized shared KDL room space based on the number of associated bedspaces (i.e., a minimum of between 12sqm for 3 bedroom apartments to 24sq for 6 bedroom apartments). These comply with the quantitative requirement. However, the cluster apartments only comprise 16% of the scheme.  Overall, the proposed development does not comply with the quantitative requirement.
Minimum floor areas include single study bedroom with ensuite of 12sqm, and single disabled study bedroom with ensuite of 15sqm.	The cluster apartments have study bedrooms (including accessible rooms) which are for single occupancy, typically measuring c.12sqm-12.8sqm, and accessible rooms measuring c.21-24sqm). These comply with the quantitative requirement. However, the cluster apartments only comprise 16% of the scheme.  Overall, the proposed development does not comply with the quantitative requirement.
Floor area of communal facilities and amenities facilities shall not exceed 12% of the total area of the development.	Total floor area is c.13,627sqm and 12% of the scheme is c.1,635sqm. I estimate the communal facilities/ student residential amenities at the front of the ground floor level of Block 1 to be c.360sqm, representing c.2.64% of the scheme.  This complies with the quantitative requirement.
Units per lift/ core should not exceed a maximum of 30.	The 2 <sup>nd</sup> floor level of the scheme has the greatest number of bedspaces/ units, i.e., 46 bedspaces in 29 units in Block 1, and 63 bedspaces in 33 units in Block 2. The 2 <sup>nd</sup> floor level of Block 1 is served by 2 lifts/ 3 stairwells, and Block 2 is served by 3 lifts and 3 stairwells.  This complies with the quantitative requirement.
Corridors do not extend more than 15	Corridors are at least 15m long with several slightly longer (maximum c.20m long).

metres from a widened "landing" area which should include natural lighting where possible.	<p>Due to the layout of the floor plans with studio apartments on each side of the corridors, there is no opportunity for windows (offering light and ventilation) along the length of the corridors. Windows are provided in the wider stairwell/ landing areas which the corridors connect with. I consider the design of the corridors could be improved upon.</p> <p>Overall, the proposed development does not comply with the quantitative requirement.</p>
At least 1 per 50 bedspaces designed for students with disabilities.	<p>34 studio apartments and 11 study bedrooms (bedspaces) in the cluster apartments are wheelchair accessible.</p> <p>The 42 cluster apartments comprise 226 bedspaces, and the provision of 11 accessible bedrooms meets the requirement for c.5 accessible bedspaces. These comply with the quantitative requirement. However, the cluster apartments only comprise 16% of the scheme.</p> <p>Overall, the proposed development does not comply with the quantitative requirement.</p>

**Table 5: Student Accommodation Policy**

<b>Objective 3.8 Purpose-Built Student Accommodation</b> The planning authority 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.	<p>The site displays good levels of accessibility, being in relatively close walking and cycling proximity to UCC and MTU, served by several existing bus services and the planned BusConnects E route.</p> <p>However, the site does not come within the scope of/ qualify as one of the four types of locations which the CDP identifies as preferable locations for PBSA. I consider that there are alternative locations in Cork City which are more suitable and feasible than the appeal site to meet the projected student housing needs for the remaining CDP period.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
b) At the neighbourhood level, the development contributes to a mixed	<p>The proposal could accommodate up to 450 student residents, representing a c.173% increase of the existing population of SAP No.19. The increased population of SAP No.19 (710 persons) would be comprised of c.68% student residents. Due to the design and operation</p>

and inclusive neighbourhood.	<p>of the proposal (for use by tourists outside of the academic year) the incoming population would be transitory in nature.</p> <p>The proposal does not include for any floorspace for additional uses (café, shop, medical services) that could be used by the wider community. I do not consider that the scheme would contribute to a mixed and inclusive neighbourhood.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
c) The scheme is of a high quality and meets the needs of students.	<p>The proposal has some quality design elements (architectural treatment of the streetscape, communal/ amenity uses at ground floor levels which contribute to active frontages, external building finishes, hard and soft landscaping, public realm improvements on Model Farm Road).</p> <p>However, I consider the proposal is not of sufficient quality and would not adequately meet the needs of students.</p> <p>I direct the Board to Tables 3 and 4 for qualitative and quantitative assessments of the PBSA scheme.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
<p><b>Objective 11.6 Purpose-Built Student Accommodation</b></p> <p>Development proposals for purpose-built student accommodation will be assessed against the following criteria:</p>	
a) The proposed use is consistent with the land use zoning objective.	<p>The proposed use, PBSA is a residential use that is permissible under the applicable zoning objective for the site, ZO 1 'Sustainable Residential Neighbourhoods'.</p> <p>However, the proposal does not comply with Policy ZO 1.1 as it does not provide an appropriate type and quantum of residential use, nor ensure the protection of residential amenity as both existing and future residential amenity would be adversely affected by the scheme. Neither does the proposal comply with Policy ZO 1.2 as the scheme fails to respect the character and scale of the neighbourhood in which it is proposed to be situated.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
b) The proposed development provides adequate external communal space for	<p>While adequate in terms of quantity (the total area of communal open space is indicated as c.2,231 sqm, though the inclusion of some spaces within the areas may be disingenuous, e.g. access route, set down area, planting) and containing some positive design elements (hard and soft</p>

<p>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.</p>	<p>landscaping, Central Courtyard design), I have concerns regarding the overall quality of the proposed areas of open space.</p> <p>The proposal includes six areas of open space sited throughout the scheme (referred to as the Northwest, Northeast, Central, East, West, and South Courtyards as per the Landscape Masterplan Dwg No. L200 and the Landscape Strategy).</p> <p>These six areas are assessed for sunlight access in the Sunlight and Daylight Access Analysis (SDAA) (the Courtyards correspond with spaces referenced 'OS1-6', pg.44).</p> <p>The SDAA indicates that three of the six areas achieve the BRE 2022 Guidelines standard of 50% of the space receiving 2hrs of sunlight on March 21st. These are OS1 (NW Courtyard) where c.98% of the area receives 2hrs of sunlight, OS4 (E Courtyard) achieves a rate of c.87%, and OS6 (S Courtyard) achieves c.85%.</p> <p>However of these results, I highlight that OS1 includes the paved access route and set down area, OS4 comprises a large area of new tree planting along the eastern boundary (indeed the southern part of this area with a usable seating area is shown to not get adequate sunlight), and OS6 is sited at a remove from the majority of the scheme along the southernmost part of the site and at a notably lower level than the southern site boundary (due to the reducing ground works and retaining wall with rising landscaping).</p> <p>While I note the sunlight achievement rates of the three areas, I do not consider these to be the most functional or accessible areas of open space, or to offer optimum recreational opportunities to future residents. Conversely, I find that the most accessible, functional, and quality-designed open space areas are also those which fail quite notably to achieve the BRE 2022 Guidelines recommended amount of sunlight. OS2 (NE Courtyard) achieves a rate of c.47%, OS3 (C Courtyard) achieves c.8%, and OS5 (W Courtyard) achieves c.6%. These areas, particularly the Central and West Courtyards are surrounded by and sited in close proximity to Blocks 1-3 (ranging in height from 2-5 storeys which cast notable shadows on the spaces, as illustrated in the Shadow Study images, pgs. 51, 53, 55, and 57 of the SDAA).</p> <p>These results indicate that the areas would be in shadow for an extended period/ the majority of March 21<sup>st</sup>, likely to experience adverse microclimatic conditions, and likely to be poorly utilised. I consider the rates of sunlight access to these three areas to be markedly substandard and to result in poor amenity outcomes for future residents due to their importance for amenity opportunities.</p>
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	<p>In terms of quality, I consider that the proposal does not provide adequate communal open spaces for the needs of the development.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
<p>c) The quantum of bed spaces does not undermine the ability of Cork City Council to achieve its HNDA targets.</p>	<p>The HNDA of the CDP (Paragraph 3.38 and Table 3.6) identifies capacity for 450 bedspaces for PBSA to be provided by the private sector in the City for the remaining CDP period (2024-2028).</p> <p>The proposal, in a single application, seeks to provide the remaining total amount which is not appropriate or acceptable. I do not concur with the argument made by the applicant in the appeal grounds, that the total figures in Table 3.6 are only relevant once they are exceeded, and consider that permitting the proposal would have the potential to undermine the achievement of the HNDA targets, for private sector student accommodation, in a balanced and proportionate manner.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
<p>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.</p>	<p>I direct the Board to my assessment response to Objective 3.8(b) above.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
<p>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.</p>	<p>The proposal includes for a basic provision of communal facilities and student amenities (in terms of scale, nature, and siting) and does not make any allowance for ancillary uses such as a café, shop, or medical service.</p> <p>The receiving area is predominantly residential in use with limited services. While there are cafes/ shop in relative proximity to the west of the site and further to the east of the site at Dennehy's Cross, I consider that as the PBSA scheme would have capacity to accommodate 450 residents, the inclusion of additional and ancillary uses would have been beneficial for their residential amenity.</p>

	Overall, the proposed development does not comply with the requirement of the objective.
f) Accommodation is provided to the quantitative standards set out in National Guidelines for student accommodation.	<p>I direct the Board to Tables 3 and 4 for qualitative and quantitative assessments of the PBSA scheme.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
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.	<p>The proposal includes each of the referred to types of communal facilities. However, I consider the scale, nature, and siting of the communal facilities to be minimal, basic, and poorly laid out for the future resident population.</p> <p>I direct the Board to Tables 3 and 4 for qualitative and quantitative assessments of the PBSA scheme.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
h) The proposed development includes ancillary facilities adequate to meet the needs of the development, including refuse facilities, car parking and cycle parking.	<p>The proposal omits general on-site car parking for student residents and includes 4 car parking spaces (1 for staff use, 3 accessible-only spaces). The CDP parking standards (Paragraph 11.234, Table 11.3) generate a requirement for 23 car parking spaces for the proposal. While I note the accessible nature of the site and the nature of student accommodation (reliance on walking, cycling and public transport as typical modes of transportation), I do not consider the near-total omission of student car parking (save for 3 accessible-only spaces) to be acceptable in this instance and at this location (the CDP indicates no car parking provision is appropriate for City Centre and inner-City locations).</p> <p>I consider that the distances to the City Centre, UCC, and MTU from the site are such that some student residents (and indeed tourists) would need/ choose to use private vehicles. In my opinion, it would be reasonable to anticipate that overspill car parking would occur in surrounding residential streets. I consider that the on-site parking</p>

	<p>provision is substandard and would result in poor amenity outcomes for future residents.</p> <p>I direct the Board to Table 3 for the assessment of cycle parking spaces and refuse services.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
<p>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).</p>	<p>The design of the proposal has considered the impact on the surrounding area (evident in the analysis in the Architectural Design Statement, the results in the sunlight and daylight impact assessment of adjacent residential properties in Laburnum Lawn in the SDAA, and in the siting of plant outlined in the Noise Impact Analysis (NIA)).</p> <p>I acknowledge that the potential negative impacts arising from construction phase activities, undue overlooking, and noise nuisance associated with increased residential activity at the scheme have been addressed in the design/ could be managed and/ or mitigated for.</p> <p>However, I consider that the height, scale, and massing of the proposal are excessive, out of character, and cause overshadowing and overbearance thereby altering the protected setting and linear views of the Church of the Descent of the Holy Spirit, injuring the architectural heritage and visual amenity of the receiving area, and negatively impacting on the residential amenity of adjacent properties.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>
<p>j) At least 10% of bed spaces are designed for disabled students.</p>	<p>34 studio apartments and 11 study bedrooms (bedspaces) in the cluster apartments are wheelchair accessible.</p> <p>The 42 cluster apartments comprise 226 bedspaces, and the provision of 11 accessible bedrooms fails to meet the requirement for c.23 accessible bedspaces. The proposal relies on the provision of 34-studio apartments to meet requirements for accessible accommodation which could result in isolation.</p> <p>The proposed development does not comply with the requirement of the objective.</p>
<p>k) Facility Management Plans will be required to provide a clear framework for the</p>	<p>An Operational Student Accommodation Management Plan has been prepared for the proposal.</p> <p>The Plan outlines the manner in which the PBSA will be managed with reference to security, maintenance, anti-social behaviour, complaints procedure, and travel movements. The contents of the Plan are noted.</p>

management of the facility to meet the needs of students and the wider neighbourhood.	The proposed development complies with the requirement of the objective.
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.	<p>An Adaptation to Alternative Use Strategy is included in the Architectural Design Statement, somewhat vaguely indicates the site layout, internal building design, and services allow other uses (none identified) to be considered and implemented in the future. The extent to which future adaptation has been considered at design stage is not apparent from the Strategy, and I consider that the contents of the Strategy could be improved upon.</p> <p>By way of observation, I consider that the design and layout of the proposal, with the high number of studio apartments, near-total omission of on-site car parking, limited high-performing open spaces, would be suitable for future adaptation to a hostel operation.</p> <p>Had the design and layout of the proposal aligned closer with the description of PBSA in the Student Accommodation Guidelines and provided more cluster apartments, that format would be more suitable for future adaptation to conventional apartments which could be made available to the market for rent or purchase.</p> <p>I consider the latter to be the preferable future alternative use for the site and receiving area.</p> <p>Overall, the proposed development does not comply with the requirement of the objective.</p>

## Conclusion

8.2.19. In conclusion, I find the location, quantity, and quality of the PBSA scheme to be unsuitable and inappropriate, excessive and disproportionate, and formulaic and substandard. I consider that the proposed development has had insufficient regard to the requirements of the Student Accommodation Guidelines and fails to comply with the requirements of CDP Objectives 3.8 and 11.6, and policy in Paragraphs 3.38 (Table 3.6), 3.42-3.43, 11.81, and 11.125. Permission should be refused for this reason.

## 8.3. Residential Density



- 8.3.1. The planning authority's third refusal reason centres on the scheme's high density relative to the density standards in the CDP and Compact Settlements Guidelines. The planning authority calculates the density of the scheme as 354dph (142dph using the applicant's methodology and states the applicant's 112dph calculation is incorrect). For density assessment purposes from the Compact Settlements Guidelines, the planning authority categorises the site as an accessible City-Suburban location.
- 8.3.2. In the appeal grounds, the applicant categorises the site as City – Urban Neighbourhood which allows a density range of 50-250dph, submits a density at or above the mid-density range equating to 150dph should be encouraged at the site, disputes the planning authority's density calculation and interpretation of the guidelines, submits the proposed density of 142dph is within the recommended range and is therefore acceptable.
- 8.3.3. Observations on the appeal describe the density of the scheme as inappropriate and excessive, stating the density exceeds permissible ranges in the CDP, and in the Compact Settlement Guidelines.

#### Residential Density of Proposed Development

- 8.3.4. The applicant and planning authority calculate different densities for the proposal. The differences arise largely due to the design approach taken by the applicant for the scheme and the interpretation of bedspaces in student accommodation. The Compact Settlements Guidelines provide guidance on calculating net densities for residential schemes (i.e., Appendix B, include local roads in the site area) and that for student housing, four bedspaces shall be the equivalent of one dwelling.
- 8.3.5. As outlined at length in the previous section, the studio apartment format (a single occupancy fully self-contained unit) is not a format envisaged in the national Student Accommodation Guidelines (studios are referred to in the local CDP policy). I consider the guidance in the Compact Settlements Guidelines for calculating student bedspaces applies to the shared occupancy 'house units' format, i.e., the basis for PBSA included for the Student Accommodation Guidelines.
- 8.3.6. While I note the applicant's appeal grounds regarding density calculation, I do not concur. I submit that the Compact Settlements Guidelines do not include a methodology that supports the applicant's method of calculation. The studio

apartment format proposed in this PBSA is a different residential typology, neither conventional PBSA (as per the Student Accommodation Guidelines) or apartments (as per the Apartment Guidelines, as the applicant's example of density calculation attempts to align with). As I have said above, it is akin to a co-living development or a hostel and requires to be assessed accordingly.

- 8.3.7. The site area is 0.8ha (inclusive of the front site boundary along Model Farm Road providing local access), and the proposal comprises 450 bedspaces in 224 studio apartments and 42 cluster apartments (226 bedspaces). Accordingly, I calculate the net density of the proposal as c.351dph ( $224+56.5 / 0.8 = 350.625$ ).

#### Refining Residential Density

- 8.3.8. Policy and Objective 3.1 of the Compact Settlements Guidelines require a two-step refining process for residential density. Firstly, a site is categorised according to its 'City' location (as per definitions in Table 3.1 of the guidelines) and its level of accessibility (as per Table 3.8) which determine an appropriate density range. Secondly, site-specific analysis is undertaken to further refine the residential density acceptable for the site. I have undertaken the two-step density refining process as outlined below.
- 8.3.9. The applicant and planning authority differ in the categorisation of the site for density assessment purposes, the former submitting the site is within 'City - Urban Neighbourhoods' with an appropriate density range of up to 250dph and the latter determining the site is an accessible location within 'City-Suburban' with an upper density range of 150dph.

#### Step 1 of the Process

- 8.3.10. In the first part of Step 1, I have considered the categories of 'City' locations. 'City - Urban Neighbourhoods' comprises four types of urban areas. While the site does not come within the scope of the sub-items (i)-(iii), I consider sub-item (iv) to be applicable. This sub-item includes lands around 'existing or planned high-capacity public transport nodes or interchanges'.
- 8.3.11. In the second part of Step 1, I have considered the accessibility of the site in relation to the planned public transport in the vicinity of the site, namely BusConnects. The guidelines define 'planned high-capacity public transport nodes' as including

locations within 500 metres walking distance of a planned BusConnects Core Bus Corridor stop. I highlight to the Board that the NTA (as initially identified in the Metropolitan Area Transport Strategy for Cork) has published the preferred route option and stop locations for the BusConnects E route (E: Ballincollig to City Sustainable Transport Corridor Preferred Route, November 2023). Map 27 of the route indicates a bus stop location at the northeastern corner (i.e., in immediate proximity) of the site's boundary on Model Farm Road. Accordingly, I identify the site as being within the category of 'City – Urban Neighbourhood'. For such locations, the guidelines state that densities in the range of 50dph-250dph shall generally be applied.

### Step 2 of the Process

- 8.3.12. In Step 2 of the refining process, I have analysed the impact of the proposed development on the five site-specific criteria. In respect of the character of the area, I find this to be defined by low rise, low density residential development. The predominance of residential uses at this location is reflected in the consistency of building heights (predominantly 2 storey), densities (detached or semi-detached dwellings on streets/ in estates), and styles (different construction dates of housing stock reflected in minor variations in architectural designs and finishes). Due to the uniform and conventional character of the area, I consider its built environment is vulnerable to change from inappropriate forms of development. I consider the density of the proposal (as expressed in its height, scale, and massing) is inappropriate thereby injuring the character of the area.
- 8.3.13. In respect of the historic environment, while there are no protected structures, architectural conservation areas or archaeological monuments at or adjacent to the site, it is located c.120m to the west of protected structure PS958 Church of the Descent of the Holy Spirit at Dennehy's Cross. The Church is also identified as Local Landmark Building No. 9 in the CDP, the linear views to which are a protected landscape designation. In linear views along Model Farm Road, when looking eastwards, the proposal (in particular Block 1) is visible in front of the Church, at times obscuring the views of the dome and steeples. In westward views, the proposal is visible behind the Church, at times projecting into the skyline (in particular the upper storeys of Blocks 1 and 2), at points equal to or above that of the dome and steeples. The receiving area is therefore a historically and visually

vulnerable environment. I consider the density of the proposal (as expressed in its height, scale, and massing) is excessive thereby injuring the architectural heritage and visual amenity of the receiving area.

- 8.3.14. In respect of protected habitats and species, site surveys undertaken for the Appropriate Assessment Screening Report (AASR) do not record any protected habitats or species at the site. The surveys identify habitats dominated by buildings and artificial surfaces (BL3). Further, in the northern portion of the site are amenity grassland (GA2), flower beds and borders (BC4) and non-native hedgerows/treelines (WL1/ WL2), and in the southern portion are some dry meadow and grassy verge habitat (GS2) which has recolonized less disturbed areas (ED3). Overall, the habitats on site are categorised as having low ecological value. The AASR determines there are no connections to or effect on any designated European sites. The Tree Survey and Arboricultural Assessment identify 14 trees and 8 hedgerows of varying quality, predominantly non-native species, and low value. As such, I consider there to be no impediment to the development of the site due to biodiversity.
- 8.3.15. In respect of daylight/ sunlight of residential properties, the Sunlight and Daylight Access Analysis (SDAA) assesses the impact of the proposal on 23 adjacent residential properties. The SDAA finds the proposal impacts on nine properties (sunlight access) and six properties (daylight access) with effects ranging between being in excess of imperceptible to significant. The SDAA analysis indicates one instance of significant effect due to the loss of sunlight to a ground floor window of 16 Woodlawn. I consider that the number of properties impacted upon, the frequency of impacts, and the range of effects in excess of imperceptible (i.e., not achieving the applicable standard/ within the acceptable degree of impact of the BRE 2022 Guidelines) to be notable. I consider the density of the proposal (as expressed in its height, scale, and massing) is obtrusive thereby injuring the residential amenity of adjacent properties through loss of sunlight and daylight.
- 8.3.16. Finally in respect of water services capacity, Uisce Eireann has provided Confirmations of Feasibility confirming that there is sufficient capacity for water supply, and wastewater and surface water drainage, and infrastructure upgrades are not necessary to facilitate the proposed development. The proposal incorporates

SuDS measures and on-site attenuation infrastructure, and the planning authority has not raised any issue regarding capacity of the surface water drainage system.

- 8.3.17. From the above, I identify three of the site-specific criteria as being vulnerable aspects of the receiving environment. Accordingly, in my opinion, an appropriate density for the site would be within the low to medium range of the required 50-250dph density range for City Urban Neighbourhoods. Indeed, I consider that the existing CDP density range of 50-100dph (i.e., the Inner Urban Suburbs) may prove to be appropriate, reflecting the proximity of the site to BusConnects E route. This range also aligns with the minimum density for the 'Neighbourhood Development Site 9' (which the southern portion of the site is located within), the development potential of which is indicated as a minimum of 75 dwellings (on a total site measuring 1.68ha, this would yield a minimum residential density of c.45dph).
- 8.3.18. In completing the two-step density refining process, I consider that the density of the proposed scheme is inappropriate, excessive, and obtrusive for the site. The proposed density of c.351dph surpasses the upper density limit of 250dph in the guidelines for City – Urban Neighbourhood locations (indeed section 3.3.6 of the guidelines presumes against schemes densities in excess of 300dph which are not plan-led and expressly supported in the CDP), far exceeds the applicable range of 40-100dph identified in Paragraph 11.72 (Table 11.2) of the CDP for Outer-Inner Urban Suburbs, and fails to adequately adjust to or reflect the nature of the site (i.e., residential zoning (not on a mixed use or urban centre zoning), restricted suburban infill site, and uniform surrounding built environment).

#### Conclusion

- 8.3.19. In conclusion, I consider that the development of the site at the proposed density is contrary to Policy and Objective 3.1 of the Compact Settlements Guidelines, and CDP Objective 3.5 and policy in Paragraph 11.72 (Table 11.2), would adversely affect the character of the area, the historic built environment, adjacent residential properties, and future residents of the scheme, thereby negatively impacting on the visual, architectural heritage, and residential amenities of the receiving area. Permission should be refused for this reason.

#### **8.4. Height, Scale, and Massing**

- 8.4.1. The height, scale and massing of the proposed development and the resultant adverse impacts on the receiving environment feature in each of the planning authority's four refusal reasons. Of relevance for this section, the first refusal reason finds that the proposal would be an inappropriate design response to its context, visually overbearing, out of scale and character with the pattern of development, and erode the legibility of the area. I consider the impacts on residential amenity and architectural heritage in the sections below.
- 8.4.2. The appeal grounds reject criticisms of the design of the proposed development, outlining the design approach taken (influence of site characteristics and local context), the range of information provided to justify the design approach (Architectural Design Statement, LVIA), which sufficiently address questions posed in the Design Checklist of the Compact Settlements Guidelines, and highlights the support for the design of the scheme from the City Architect.
- 8.4.3. Observations on the appeal describe the proposal as being hugely out of scale, inconsistent, disrespectful, incongruous, overly dominant, and incompatible with the character of the area, and that its height, scale and massing cannot be described as responsive.

#### Building Height Strategy

- 8.4.4. Building height policy in the CDP has incorporated the requirements (SPPRs) of the national Building Height Guidelines, for instance by providing general targets for heights linked to density across the City and identifying specific locations suitable for tall buildings.
- 8.4.5. The CDP policy for building height (and its relevance for the proposed development) includes the Building Height Strategy (BHS) presented in Table 11.1 (site is located in the Outer Suburbs (majority) and Inner Urban Suburbs (minority) with target heights of 2-4 storeys and 3-4 storeys respectively), Paragraph 11.28 which states the BHS will be applied in the assessment of development proposals, Paragraph 11.44 which identifies five locations in the City suitable for tall buildings (none of which include the appeal site), Paragraph 11.45 which defines tall buildings as those equal to or more than twice the height of the prevailing building height (both Blocks 1 and 2 rise to 5 storeys in height and are surrounded by conventional 2 storey dwellings, thus coming within the definition of tall buildings), and Paragraph 11.51

which guides that tall buildings proposed outside of the specified locations will not generally be considered appropriate due to their being in conflict with the overall building height strategy for Cork.

- 8.4.6. Paragraphs 11.53-11.57 outline the criteria for assessing impacts of tall buildings across applicable categories including visual, function, environmental and cumulative impacts. For clarity and ease of reference, I present my assessment of the impacts in tabular format below in Table 6. For the Board's clarity, references to the type and quality of an impact are from the EPA Guidelines on the information to be contained in Environmental Impact Assessment Reports, EPA, May 2022 (in particular Table 3.4 Description of Effects).

**Table 6: Assessing Impacts of Tall Buildings**

<b>Visual Impact</b>	
The views of buildings from long-range, medium-range and the immediate context should not be adversely affected by the building.	<p>A Landscape and Visual Impact Assessment (LVIA) and accompanying Verified Photomontages document have been prepared for the proposal. The photomontages document includes 16 viewpoints which the LVIA analyses. The viewpoints are a mix of short, mid, and long-range views taken from locations adjacent to the site, along public roads in the vicinity of the site, and from higher grounds to the north of the site (opposite side of the River Lee). In combination with the LVIA and photomontages, I have considered the potential impact on the visual amenity of the area through cross reference with the buildings' elevation drawings, contextual streetscape elevations, CGIs in the Architectural Design Statement, and models generated in the Sunlight and Daylight Access Analysis (SDAA).</p> <p>Of the 16 viewpoints, 7 viewpoints can be considered as long-range (Views 1, 2, 3, 4, 5, 15, and 16 are greater than 280m distance). Of these viewpoints, I generally concur with the categorisation of visual impact (as per LVIA, pg. 16) as ranging from imperceptible to slight in effect and neutral (though not positive) in quality.</p> <p>5 viewpoints can be considered as medium-range (Views 6, 7, 8, 9, and 14 are between 100m-280m distance). Except for View 9, the visual impacts are described as slight, moderate, and significant in effect, with positive qualities. I do not concur with the findings of slight or significant, instead I find the visual impacts to be moderate in effect.</p>

	<p>I do not concur with the findings of positives due to the relevancy/ subjectivity of reasons given (e.g. for View 8 as diluting the foreground dereliction, View 14 as enhancing the backdrop with sympathetic architectural scale), instead I find these to be negative.</p> <p>The remaining 4 viewpoints can be considered as short-range/ immediate context (Views 10, 11, 12, and 13 are less than 100m distance). The LVIA categorises the visual impacts as moderate and significant in effect and negative, neutral and positive in quality. I do not concur and find the visual impact at these views to be moderate negative in effect.</p> <p>I consider that the LVIA should have included additional photomontages of the views from/ around the front elevation of the Church of Descent of the Holy Spirit with the site/ proposal in medium, and long-range views, and from within the adjacent sites of Laburnham House and Lee Garage depicting the immediate context. I anticipate these would indicate the proposal being excessive and inappropriate for same (i.e., visual impact being moderate negative in effect).</p> <p>Overall, I conclude that the proposal, due to its height, scale, and massing, would be visually incongruous on the skyline, overly dominant in the streetscape, inconsistent with the character and scale of adjacent properties, and would negatively impact the visual amenity of the receiving area.</p>
Whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding.	<p>The proposal includes two tall buildings, Block 1 and Block 2, 4-5 storeys in design with heights of c.16.3m and c.18.7m, widths of c.43m and c.57m, and depths of c.63m and c.62m.</p> <p>Of the local area, I consider the proposed development dominates rather than reinforces the spatial hierarchy, which is characterised by conventional 2 storey dwellings. Due to the height, scale and massing of the proposal, existing developments adjacent to all site boundaries are dominated by Block 1 and Block 2, as evidenced in Views 10, 11, 12, and 13, and several cross-section contextual elevation drawings (including A, B, C, D, E, and H).</p> <p>At street level, Block 1 extends the full width of the site, except for the vehicular entrance which is covered by the upper storeys (first to fourth storeys). While access into the site is incorporated into the scheme's design, there are no through-routes which would create and improve legibility through the urban block. As the site entrance is gated and covered by the upper storeys, visual legibility through the</p>



	<p>block or a continuous visual link from Model Farm Road is not achieved. As such, the potential improvement of legibility to the urban block is limited.</p> <p>The existing dome of the Church of Descent of the Holy Spirit features in several viewpoints, and in terms of height, the proposed development is subservient only to the Church.</p> <p>Of the wider area, I find the proposal would not reinforce the spatial hierarchy or aid legibility but instead disproportionately dominate and challenge same. The Church's dome and steeples are singular rising features, while Blocks 1 and 2 rise up to 5 storeys in height and extend for a depth of c.125m (in combination). The depth of the site (c.140m) and the visual dominance of the buildings in combination area particularly evident in Views 10, 12, 13, and 14 and several cross-section contextual elevation drawings (including A, B, C, D, E, and H).</p>
Architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan.	I consider due regard has been given to the buildings' external finishes with the use of various coloured brick finishes, metal claddings, and perforated metal screens proposed to achieve an overall coherence in the scheme whilst also achieving distinction in the components of the blocks to ensure variation in the appearance of buildings. These are positively noted in terms of future maintenance, as opposed to for instance, use of painted render.
Proposals should take account of, and avoid detrimental impact to, the significance of Cork City's heritage assets and their settings.	I direct the Board to section 8.5 below of this report for my assessment of the impact of the proposal on the architectural heritage of the receiving area, primarily the Church of Descent of the Holy Spirit, having regard to its status as a protected structure and a local landmark building. Overall, I find the proposal has a detrimental impact on the setting of and views to the Church.
The buildings should positively contribute to the character of the area.	The character of the area is defined by low rise, low density residential development. There is a consistency of building heights (predominantly 2 storey), densities (detached or semi-detached dwellings on streets/ in estates), and styles (different construction dates of housing stock reflected in minor variations in architectural designs and finishes). Due to the uniform and conventional character of the area, I consider its built environment is vulnerable to change from inappropriate forms of development. Further, the area is

	<p>historically and visually vulnerable due to the protected setting of and linear views to the Church of the Descent of the Holy Spirit.</p> <p>I acknowledge the proposal includes some quality design elements (architectural treatment of the streetscape, communal/ amenity uses at ground floor levels which contribute to active frontages, external building finishes, hard and soft landscaping, public realm improvements on Model Farm Road).</p> <p>However, I consider that the proposal is at too marked a variance in its height (principal heights of Blocks 1 and 2 of c.16.3m and c.18.7m are notably taller than adjacent structures, which are further intensified due to the rising ground levels, notwithstanding proposed ground works to reduce site levels), its scale (Blocks 1 and 2 (combined depth of c.125m) extend nearly the full depth of the site, which itself is notable at c.140m, and widths of c.43m and c.57m, again nearly the full width of the site), and its massing (c.2-3 storeys greater than adjacent structures, larger building footprints, higher site coverage, different building typology/ format, several rising components in the blocks' elevational treatment) to positively contribute to the character of the existing area. Conversely, in my opinion several of the photomontages and the cross-section contextual elevation drawings, indicate that from different aspects the proposal fails to respect, complement, or integrate with the receiving area.</p>
Buildings should protect and enhance the open quality of the River Lee and the riverside public realm, including views, and not contribute to a canyon effect along the river.	<p>The LVIA analyses four viewpoints (View 1, 2, 3, and 16) of the proposal from the northern side of the River Lee with a southerly aspect towards the site. As the viewpoints are from different ground levels and distances from the River Lee, I consider these to be sufficiently representative. I concur with the findings of the LVIA (except for View 2, for which I find a neutral instead of positive quality), that overall, the proposal would not have a negative visual impact on views to the River Lee.</p>
Buildings should not cause adverse reflected glare.	<p>An assessment of glint and glare for the proposal has not been submitted.</p> <p>I note the submission on file from the DAA of no comment (none received from the IAA), and that the proposed development does not have an impact on any aviation designation.</p>

<p>Buildings should be designed to minimise light pollution from internal and external lighting.</p>	<p>An External Public Lighting report has been prepared for the proposal, which indicates public lighting (includes street, internal roads, parking spaces, amenity spaces, pathways) would be to industry standards with details to be agreed with the planning authority.</p> <p>I note that three communal open space areas are sited along boundaries with adjacent residences (two on the eastern, and one along the southern boundary) whereby robust screening proposals would be required to minimise potential light pollution.</p> <p>Of internal lighting, I note that stairwells are predominantly sited so that upper windows have an outlook within the scheme as opposed to adjacent properties. Internal lighting of communal areas in buildings would be controlled by the management company, and therefore subject to agreement/ adaptation.</p> <p>I note that certain elevations of the blocks (i.e., the eastern elevations of the parts of the blocks closest to the Woodlawn estate) have been designed with high ratios of solid to void and with high level windows so as to avoid overlooking of adjacent properties. This design approach has the associated result of minimising, however not eliminating (as several windows are provided for the studios/ bedrooms in the remainder of the eastern facing elevations), potential light pollution from the buildings' internal lighting on adjacent properties.</p>
<p><b>Functional Impact</b></p>	
<p>The internal and external design, including construction detailing, the building's materials and its emergency exit routes must ensure the safety of all occupants.</p>	<p>The buildings would be constructed in accordance with the Building Regulations.</p> <p>Student amenity services and communal areas in the buildings and in the scheme would be controlled by the management company and therefore subject to agreement/ adaptation to ensure compliance.</p>
<p>Buildings should be serviced, maintained, and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to the surrounding public realm. Servicing, maintenance</p>	<p>Vehicular access is available from a single entry/ exit point on Model Farm Road. Internally, the site layout includes a set down area with provision made for turning movements for service vehicles.</p> <p>I have reviewed the applicant's Quality Audit, Stage 1/ 2 Road Safety Audit, and the DMURS compliance note which indicate application of design standards and achievement of safe road-user environments.</p> <p>I note that the internal reports from the planning authority's Urban Roads and Street Design and Traffic Regulation and Safety (which include assessments of the set down and circulation arrangements,</p>

and building management arrangements should be considered at the start of the design process.	<p>footpaths, bus stops, road crossing) indicated no objection to the proposal.</p> <p>Student amenity facilities and communal areas in the buildings and in the scheme would be controlled by the management company and therefore subject to agreement/ adaptation to ensure compliance.</p>
Entrances, access routes, and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding areas.	<p>I direct the Board to section 8.2 above of this report for my assessments of the proposal with regard to several qualitative and quantitative requirements arising from the applicable policy contexts. The requirements include the design and layout of ground floor uses, access arrangements, and open spaces.</p> <p>Overall, I find that in terms of scale, nature, and siting, the proposed communal facilities are minimal, basic, and poorly laid, and will not adequately service the needs of students (thereby potentially resulting in overcrowding or isolation) or ensure students have adequate levels of residential amenity.</p>
It must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development in terms of access to facilities, services, walking and cycling networks, and public transport for people living or working in the building.	<p>The transportation strategy for the proposal relies wholly on future residents walking, cycling (240 on-site cycle parking spaces provided) and using public transport (existing/ planned bus stops in proximity). A total of 4 on-site car parking spaces are provided (3 accessible spaces, 1 for staff use).</p> <p>The site displays good levels of accessibility, being c.3.2km to the City Centre, c.1.6km to UCC, and c.1.7km to MTU (measurements are walking distances). The site is in proximity to bus stops located on Model Farm Road (c.20m from the entrance) and Wilton Road (c.400m to the east) which serve several bus routes to key destinations. These include UCC, MTU, CUH, and the City Centre (Routes 201, 205, 208, 220, and 233). Importantly, the planned BusConnects E route (E: Ballincollig to City Sustainable Transport Corridor) extends along Model Farm Road. Map 27 of the BusConnects E route indicates a bus stop location at the northeastern corner of the site, i.e., in immediate proximity to the proposal.</p> <p>The existing public footpaths and cycle lane infrastructure are of mixed standards at and in the vicinity of the site. I note that the plans and cross-section details on Map 27 of BusConnects E route indicate new footpaths, cycle lanes, bus stops, and a road crossing in the vicinity of the site.</p> <p>I have reviewed the applicant's Quality Audit, Stage 1/ 2 Road Safety Audit, and the DMURS compliance note which indicate application of</p>

	<p>design standards and achievement of safe road-user environments. I note that the internal reports from the planning authority's Urban Roads and Street Design and Traffic Regulation and Safety (which include assessments of the footpaths, bus stops, road crossing) indicated no objection to the proposal.</p> <p>I consider the capacity of the area's transport network is capable of accommodating the quantum of development having regard primarily to the range of improvements planned as part of the BusConnects project.</p>
Buildings, including their construction, should not interfere with aviation, navigation or telecommunications, and should avoid a significant detrimental effect on solar energy generation on adjoining buildings.	<p>No aviation, navigation, or telecommunications interference is identified as applicable to the site or proposed development.</p> <p>I direct the Board to section 8.6 of this report below for my assessment of the impact of the proposal on the residential amenity of adjacent properties due to overshadowing.</p> <p>Overall, I find that the number of properties impacted upon, the frequency of impacts, and the range of effects in excess of imperceptible (i.e., not achieving the applicable standard/ within the acceptable degree of impact of the BRE 2022 Guidelines) indicate that the height, scale and massing of the proposal are likely to injure the residential amenity of adjacent properties through loss of sunlight and daylight.</p>
<b>Environmental Impact and Impacts on Microclimate</b>	
Wind, daylight, sunlight penetration and temperature conditions around the building and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces including water spaces around the building.	<p>The three most accessible, functional, and quality-designed open space areas are also those which fail quite notably to achieve the BRE 2022 Guidelines recommended amount of sunlight (OS2/ NE Courtyard achieves a rate of c.47%, OS3/ Central Courtyard achieves c.8%, and OSS/ West Courtyard achieves c.6%.</p> <p>These areas, particularly the Central and West Courtyards are surrounded by and sited in close proximity to Blocks 1-3, which cast notable shadows on the spaces.</p> <p>These results indicate that the areas would be in shadow for an extended period/ the majority of March 21<sup>st</sup>, likely to experience adverse microclimatic conditions, and likely to be poorly utilised. I consider the rates of sunlight access to these three areas to be markedly substandard and to result in poor amenity outcomes for future residents due to their importance for amenity opportunities.</p> <p>I consider that the height, scale, and massing of the blocks would compromise comfort and the enjoyment of open spaces.</p>

<p>Air movement affected by the building should support the effective dispersion of pollutants, but not adversely affect street-level conditions.</p>	<p>An analysis of wind conditions has not been prepared for the proposal and therefore the extent to which the dispersion of pollutants affects street-level conditions is unknown. However, this is not considered to be a pertinent issue for the proposal at 5 storeys height, c.18.7m principal height, typically being associated with taller buildings.</p>
<p>Noise created by air movements around the building, servicing machinery, or building uses, should not detract from the comfort and enjoyment of open spaces around the building.</p>	<p>A NIA has been prepared for the proposal outlining the siting of plant in the scheme to minimise noise disturbance.</p> <p>The open spaces are sited throughout the scheme, some in busier more trafficked locations that are adjacent to communal facilities, others at a remove from these and proximate to studio apartments/ study bedrooms. On balance, noise arising from the proposal is not considered to be of such an extent as to detract from the comfort/ enjoyment of the spaces. The operation of the scheme/ access to open space areas would be controlled by the management company, and therefore subject to agreement/ adaptation.</p> <p>The Construction and Demolition Waste Management Plan (CDWMP) refers to implementing a protocol for the control and monitoring of a Noise, Vibration and Air Quality Management Plan to address impacts associated with same during the construction phase of the development.</p>
<p><b>Cumulative Impacts with other Tall Buildings</b></p>	
<p>The cumulative visual, functional, and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the</p>	<p>The proposal comprises a group of four buildings, two of which come within the definition of tall buildings.</p> <p>Visual, functional, and environmental impacts, as known and/ or reasonably anticipated have been considered in this assessment based on information submitted with the proposal and other available sources.</p> <p>From a review of planning history registers and available sources including the Appropriate Assessment and Environmental Impact Assessment screening reports, there are no other tall building proposals (existing or consented) in the vicinity of the proposal or wider urban block with which cumulative impacts are required to be considered.</p>

outset to avoid retro-fitting.	
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### Conclusion

- 8.4.7. Following from my assessment above, I conclude that the proposal fails to comply with the required development management standards for tall buildings included in Paragraphs 11.54-11.57 of the CDP. In particular, I find that the proposal fails to satisfy the criteria included in the visual impact category by adversely affecting the visual amenities of the area, not positively contributing to the character of the area, and failing to avoid a detrimental impact on the protected setting of and linear views to the Church of the Descent of the Holy Spirit. The height, scale and massing of the proposed development are inappropriate given the site's location within an Outer Suburb/ Inner Urban Suburb, a suburban streetscape, the setting of a protected structure/ local landmark, and adjacent to residential development.
- 8.4.8. Additionally, I consider that the proposed development fails to comply with the Building Height Strategy presented in Table 11.1, and Paragraphs 11.28, 11.44, and 11.51, due to its location outside of areas in Cork City identified as being suitable for tall buildings and its exceedance of the building height target range indicated for new development in the receiving area of between 2-4 storeys in height. Further, I consider the proposal does not comply with the requirements of CDP Policy ZO 1.2 by failing to respect the character and scale of the neighbourhood in which it is situated. Permission should be refused for this reason.

### **8.5. Architectural Heritage**

- 8.5.1. The planning authority's fourth refusal reason 4 includes the negative impact on the setting of and linear views to the Church of the Descent of the Holy Spirit, Protected Structure PS958 and Local Landmark Building No. 9, due to the height, scale, and massing of the proposed development.
- 8.5.2. In the appeal grounds, the applicant highlights the area is not within an Architectural Conservation Area or formally protected in a named/ specific protected view in the CDP, that the LVIA assessed the potential impact on the Church from a visual impact perspective which determined there is no impact on the setting of the Church,

and suggests the potential omission of the 5<sup>th</sup> floor of Block 1 on Model Farm Road if considered necessary.

- 8.5.3. Observations on the appeal reject the applicant's claim of minimal visual impact stating views to the Church will be obstructed and impinged upon, and that the proposal does not protect or reinforce the unique character and built fabric of the area.
- 8.5.4. The receiving area is a historically and visually vulnerable environment. I identify two key issues which require consideration in determining the impact of the proposal on the architectural heritage of the receiving area. Firstly, the impact on the setting of the Church due to its status as a protected structure, and secondly the impact on the linear views to the Church due to its designation as a local landmark building. I propose to address each in turn below.

#### Protected Structure Setting

- 8.5.5. The Church is located c.120m to the east of the site at Dennehy's Cross (intersection between Model Farm Road, Wilton Road, and Magazine Road). The topography of the receiving area is of importance. The Church is located at a low elevation in the area (street level, c.13m OD), while the site is located on the rising hill (c.17m OD) along Model Farm Road, with ground levels increasing in a westerly direction. In this context, I identify the setting of the protected structure as including the higher lands to the west of the Church (i.e. behind), which are visible in the middle to background when viewing the Church in and around its front elevation. The setting of the protected structure therefore includes the site.
- 8.5.6. I have reviewed the applicant's Landscape and Visual Impact Assessment (LVIA) and Photomontages (westerly Views in 8, 9, 10, 12, and 14), the cross-section contextual elevation drawings (D, E, H, I, and K, feature westerly aspects), CGIs in the Architectural Design Statement, and models created for the SDAA. Views and the cross-sections in the vicinity of the Church/ Dennehy's Cross indicate the proposal's height (Blocks 1 and 2 are taller than adjacent structures, which are further intensified due to the rising ground levels, notwithstanding proposed ground works to reduce site levels), its scale (Blocks 1 and 2 extend nearly the full depth and width of the site), and its massing (larger building footprints, several rising components in the blocks' elevational treatment).



- 8.5.7. In westward views and contextual elevations, the proposal is visible behind the Church, at times projecting into the skyline (the upper storeys of Blocks 1 and 2), at points equivalent to that of the base of the dome and steeples. I do not concur with the LVIA categorisation of visual impact of View 8 as being slight positive as I find the view to be moderate negative, whereby the character of the environment (existing outlook with protected structure in view) will be altered in a manner that is consistent with existing/ emerging patterns of development (zoned and serviced lands being developed), but the change reduces the quality of the environment (proposal adversely affects the architectural heritage at this location). Accordingly, I consider that the proposal would be an overly dominant and incongruous form in the visual backdrop of the Church thereby adversely impacting on the setting of the protected structure.
- 8.5.8. I highlight to the Board that I consider the LVIA should have included photomontages of the views from/ around the front elevation of the Church with the site/ proposed development visible in the middle-background. Instead, oblique views from Dennehy's Cross (View 8) and the junction of Laburnham Lawn/ Wilton Road (View 9) have been provided, in which the site/ proposed development are obscured by existing buildings. In the absence of more direct photomontages, having reviewed the available information described above and undertaken my site inspection, I find it reasonable to conclude that such vantage points would have indicated the extent of change to the setting of the protected structure, which I anticipate being excessive and injurious to same (i.e., visual impact being moderate negative in effect).
- 8.5.9. In this regard, I consider the provisions and direction in the Architectural Heritage Guidelines (cited in section 6.0 Policy Context above) to be applicable and relevant. Section 13.8.2 of the guidelines acknowledges that a proposed development, particularly a large building, can exert an impact on, even when it is detached or at a considerable distance from, a protected structure as it is visible in an important view of or from the protected structure thereby affecting its character. Section 13.8.3 directs that proposals for same should not have an adverse effect on the special interest of the protected structure.

#### Protected Landscape Designation

- 8.5.10. In addition to being a protected structure, the Church is also designated as Local Landmark Building No. 9. CDP policy (Paragraphs 6.27, 6.28, 6.30, and Objective 6.14) highlights the importance of these buildings within the City's neighbourhoods due to their local visual prominence and requires that linear views to these buildings be considered as part of the development management process. The recognition of the Church as a local landmark building serves as a protected landscape designation, reflecting the vulnerability of the receiving area to inappropriate change of its built environment, and requiring the impact of the proposed development on linear views to be duly considered.
- 8.5.11. I have considered the impact of the proposal on westerly views from/ in proximity to the Church/ Dennehy's Cross, as I identified these lands as being part of the setting of the protected structure. A consideration of the impact of the proposal on linear views of the Church from easterly viewpoints along Model Farm Road is relevant for the local landmark building designation.
- 8.5.12. I have reviewed the applicant's LVIA and Photomontages (easterly Views in 5, 6, and 13), the cross-section contextual elevation drawings (A, B, C, H, and J feature easterly aspects), CGIs in the Architectural Design Statement, and models created for the SDAA. In linear views along Model Farm Road, when looking eastwards, the proposal (in particular Block 1) is visible in front of the Church, at times obscuring the views of the dome and steeples. The building is sited adjacent to the public footpath, extends the width of the site c.43m, rises to 4 and then 5 storeys in building height, and extends c.63m in depth into the site.
- 8.5.13. While I acknowledge the applicant's position in the LVIA and note that easterly views of the Church are fleeting, subject to change, momentarily obscured by tree cover while travelling along Model Farm Road, I find that linear views of the Church are nevertheless partially and/ or fully obscured by the proposed development. I do not concur with the LVIA categorisation of visual impacts of Views 6 and 13 as being moderate neutral-positive as I find the views to be moderate negative, whereby the character of the environment (linear views of the local the landmark building) will be altered in a manner that is consistent with existing/ emerging patterns of development (zoned and serviced lands being developed), but the change reduces the quality of the environment (proposal adversely affects the protected landscape designation at this location). The CDP designation of the Church as a local

landmark building affords its linear views an additional level of protection to prevent undue injury or indeed loss. Block 1 partially and/ or fully obscures linear views of the Church and as such, is not an appropriate design response for the site.

### Conclusion

8.5.14. In conclusion, I find that the proposed development, due to its height, scale, and massing, injures the protected setting and linear views of the Church of the Descent of the Holy Spirit, negatively impacts the architectural heritage and visual amenity of the receiving area, and fails to comply with the requirements of the Architectural Heritage Guidelines for protecting the settings of protected structures (sections 13.8.2-13.8.3), and with CDP Objective 6.14 and policy in Paragraphs 6.27-6.28, and 6.30 for protecting linear views of local landmark buildings. Permission should be refused for this reason.

### **8.6. Residential Amenity**

8.6.1. Concerns regarding the negative impact of the proposal on residential amenity of existing properties and that of future residents' feature in the planning authority's second and third refusal reasons respectively. The planning authority determined that the proposal would seriously injure the existing residential amenities of adjacent properties due to overbearance, overlooking, and overshadowing, and an adequate quality of living could not be ensured for future residents due to the density and design of the accommodation.

8.6.2. In the appeal grounds, the applicant disputes the manner by which the planning authority has found adverse impacts on the residential amenity of adjacent properties (extent of overshadowing and overbearance), suggests amendments to the design of the eastern elevation of Block B to reduce impacts on 17 Woodlawn, rejects the planning authority's proposition that a lower density design solution is necessary for the site, and justifies the quality of open spaces notwithstanding the extent of overshadowing.

8.6.3. Observations on the appeal submit overlooking, overshadowing and overbearance of their properties and the residential amenity of the wider area from the proposal, with several referring to nuisance and disturbance from noise, lighting, anti-social behaviour and increased residential activity. Observers also raise several traffic and transportation impacts affecting residential amenity including the under provision of

on-site carparking, car parking demand overspilling to their estates and streets, dangerous and unsafe pedestrian and traffic conditions, and the overreliance on bus services serving the area to support and justify the proposal.

- 8.6.4. Below, I consider the impact of the proposed development on the existing residential amenity of properties adjacent to the appeal site on Model Farm Road, Woodlawn, and Laburnham Lawn. Additionally, I consider the residential amenity of future residents of the PBSA scheme. For clarity for the Board, this assessment is based on the plans and particulars submitted with the LRD application and does not take account of the amended design of Block 2 submitted by the applicant in the appeal grounds.

#### Overbearance

- 8.6.5. In respect of overbearance, the conditions of the receiving area are of note. The properties adjacent to the site are modestly scaled 2 storeys dwellings, and the ground levels of the site/ area rise markedly in southerly/ westerly directions. The proposal includes two buildings, Block 1 and Block 2, which are 4-5 storey in design with heights of c.16.3m and c.18.7m, widths of c.43m and c.57m, and depths of c.63m and c.62m.
- 8.6.6. The proposal is in closest proximity to properties to the northeast (Laburnham House and ancillary residential structures) and east of the site (16-22 Woodlawn estate). Block 1 is 0m, Block 2 is c.4.3m-c.8.7m, and Block 3 is c.9.3m from the site's eastern boundary, and separation distances ranging between c.2.6m to 22.9m are achieved between the blocks' eastern elevations and the dwellings' rear/ gable elevations. The change in topography at this interface (ground levels in the site rise in a southerly and westerly direction, notwithstanding proposed excavation works reducing the ground levels by c.3m towards the south of the site) further intensifying the visual impact of the proposal.
- 8.6.7. I have reviewed the applicant's LVIA and Photomontages from Woodlawn estate and Laburnham Lawn (Views in 10, 11, and 12), the cross-section contextual elevation drawings (C, D, E, F, G and H feature westerly (indicative of views from Laburnham House and Woodlawn estate) and southerly (views towards Laburnham Lawn) aspects), CGIs in the Architectural Design Statement, and models created for the SDAA.

- 8.6.8. I find the proposal exerts the most notable overbearance effect on Laburnham House and 16-22 Woodlawn estate. While I note the design approach taken to reduce the impact of the proposal (stepped heights, staggered building lines, variations in architectural elements, different external finishes, ground excavation works) the principal dimensions are nevertheless excessive and inappropriate, and due to the proximity to the boundaries and minimal separation distances, will cause overbearance on these properties in particular. A sense of overbearance can also be reasonably anticipated at properties on Laburnham Lawn, as evidenced in the categorisation of the visual impact of View 11 as moderate negative in the LVIA, though the separation distances are greater at c.35m-44m. .
- 8.6.9. Again, while I note the analysis of the applicant's LVIA (degree/ occurrence of impacts reduced due to siting, alignments, setbacks, modified ground levels, screening etc), I do not concur with the categorisation of visual impacts at Woodlawn estate as being moderate negative-neutral (View 10) to significant neutral (View 12). Conversely, I find the visual impact of both these views to be moderate negative, whereby the character of the environment (existing outlooks from residential areas) will be altered in a manner that is consistent with existing/ emerging patterns of development (zoned and serviced lands being developed), but the change reduces the quality of the environment (proposal adversely affects the visual and residential amenity at these locations).
- 8.6.10. I highlight to the Board that I consider the LVIA should have included photomontages of the views from within the sites of Laburnham House and Lee Garage (I acknowledge there is no residence in the latter, however, the site is zoned ZO 1) with the site/ proposed development visible in the fore-middle grounds. In the absence of more direct photomontages, having reviewed the available information described above and undertaken my site inspection, I find it reasonable to conclude that such vantage points would have indicated the extent of change to the outlooks from these properties, which I anticipate being excessive and injurious to same (i.e., visual impact being moderate negative in effect).

#### Overlooking

- 8.6.11. In respect of overlooking, in similarity with overbearance, it is the closest properties adjacent to the northeast (Laburnham House and ancillary residential structures) and

east of the site (16-22 Woodlawn estate) that are most susceptible to potential overlooking effects. The separation distances between the blocks' eastern elevations and the dwellings' rear/ gable elevations range between c.2.6m and 22.9m.

- 8.6.12. However, I positively note the design approach taken for the proposal to prevent and ameliorate overlooking of the adjacent properties. This includes the alignment of the gable elevations of the blocks and dwellings (e.g. Block 1 and Laburnham House, and Block 2 and 16 Woodlawn), the shortest separation distances being at these alignment points (c.2.6m and c.7.3m), separation distances of c.22.9m between the blocks' eastern elevations and the first floor opposing rear elevations of the Woodlawn dwellings, building heights of 1 to 3 storeys for the components of the blocks closest to the eastern boundary, and the use of high level windows in the elevations of these components. On balance, therefore, I consider that the proposed development would not cause undue overlooking of adjacent properties. I do not anticipate undue overlooking by the proposal of properties on Laburnham Lawn.
- 8.6.13. By way of observation, I note that SPPR 1 of the Compact Settlements Guidelines which serves as an indication of standards for conventional residential developments, requires that a minimum separation distance of 16m between opposing windows (serving habitable rooms) at the rear or side of houses, duplex units and apartment units, above ground floor level be maintained. The proposed development would appear to achieve the standard.

#### Overshadowing

- 8.6.14. In respect of overshadowing, I have reviewed the applicant's Sunlight and Daylight Access Analysis (SDAA). The SDAA assesses the impact of the proposal on 23 adjacent residential properties to the north/ northeast (five properties on Model Farm Road), to the east (seven properties at 16-22 Woodlawn estate), and to the south (11 properties at 3-23 Laburnham Lawn (uneven numbers)). Windows in these properties are tested for Annual Probable Sunlight Hours (APSH) values to establish impact on sunlight access, and Vertical Sky Component (VSC) values to establish impact on daylight access. For both sunlight and daylight access, an 'imperceptible' effect indicates the achievement of the relevant standard/ aligns with an acceptable degree of impact as per the BRE 2022 Guidelines. Impacts greater than

imperceptible in effect (defined in the SDAA, pgs. 48-49), indicate failure to achieve the BRE 2022 Guidelines standard.

- 8.6.15. With regard to sunlight access, the proposal is found to impact Vailima and Laburnham House on Model Farm Road and each of 16-22 Woodlawn with effects in excess of imperceptible up to significant. Properties most adversely affected include apartment units (ancillary residential structures) at Laburnham House, 16, 17, and 21 Woodlawn with the loss of sunlight to windows being up to moderate and significant in effect. With regard to daylight access, the proposal is found to impact Laburnham House, and 16, 17, 19, 20, and 22 Woodlawn with effects in excess of imperceptible up to moderate. Properties most adversely affected include apartment units at Laburnham House, 16, 17, 19, and 22 Woodlawn with the loss of sunlight to windows being up to slight and moderate in effect. Sunlight and daylight access for properties on Laburnham Lawn are found to not be affected by the proposal (none and/ or imperceptible in effect), reflective of the separation distances (long rear gardens of Laburnham Lawn), topography (ground excavation works within site), and orientation of these properties relative to the proposal (due south).
- 8.6.16. I note the SDAA finds the impacts of the proposal on sunlight and daylight access to the 23 adjacent properties to be mainly imperceptible in effect (results reflect the inclusion of 11 properties on Laburnham Lawn). However, I do consider the findings of impact on nine properties (sunlight access) and six properties (daylight access), with effects ranging between being in excess of imperceptible to significant, to be notable. The SDAA analysis indicates one instance of significant effect due to the extent of loss of sunlight to a ground floor window of 16 Woodlawn.
- 8.6.17. While the applicant submits the design of the proposal and the separation distances to adjacent properties avoid excessive overshadowing impacts, I consider that the number of properties impacted upon, the frequency of impacts for each affected property, and the range of effects in excess of imperceptible (i.e., not achieving the applicable standard/ within the acceptable degree of impact of the BRE 2022 Guidelines) indicate that the height, scale and massing of the proposal are excessive, inappropriate for the site, and likely to injure the residential amenity of adjacent properties through loss of sunlight and daylight.

#### Future Residential Amenity

8.6.18. The planning authority's third refusal reason refers to the scheme's failure to provide an adequate standard of living for future residents due to the density and type of accommodation, inadequate separation distances between blocks, and potential for overshadowing of open spaces and student apartments.

8.6.19. In section 8.2 above, I have considered and assessed in detail the proposed development with regard to several qualitative and quantitative requirements for student accommodation arising from the applicable national and CDP policy contexts. I direct the Board to my assessments in Tables 3, 4, and 5 respectively. Overall, I find that the proposed PBSA scheme fails to provide the necessary standard of accommodation and services that would ensure a satisfactory level of amenity for future residents of the scheme.

#### Conclusion

8.6.20. In conclusion, I find that the proposed development would cause undue overbearance and overshadowing of properties adjacent to the northeast/ east of the site thereby negatively impacting upon their residential amenity. The proposed PBSA scheme also fails to provide the necessary standard of accommodation and services that would ensure a satisfactory level of amenity for future residents of the scheme. Overall, the proposed development is contrary to the applicable ZO 1 Sustainable Residential Neighbourhoods zoning objective, does not comply with the requirements of CDP Policy ZO 1.1 to protect residential amenity, or of Objective 3.8 and Objective 11.6 to be high quality student accommodation meeting the needs of students. Permission should be refused for this reason.

#### **8.7. Other Matters**

8.7.1. Finally, in the interests of clarity, regarding items not expressly raised in the appeal grounds (including access, traffic, water services, surface water and flood risk, and utilities, waste management, public lighting, biodiversity, arboriculture, noise impacts), I confirm to the Board that I have reviewed the relevant details and assessed the associated impacts as relevant. The results of which are presented in the appropriate assessment and/ or environmental impact assessment screening forms appended to this report.



## **9.0 Appropriate Assessment**

### **9.1. Screening Determination for Appropriate Assessment**

- 9.1.1. I have completed an AA screening determination of the project, which is presented in detail in Appendix 1 of this report.
- 9.1.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European sites.
- The absence of meaningful pathway to any European site.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **10.0 Environmental Impact Assessment**

### **10.1. Screening Determination for Environmental Impact Assessment**

- 10.1.1. The applicant has submitted an Environmental Impact Assessment screening report (EIASR) with the application addressing issues included for in Schedule 7A of the Planning and Development Regulations 2001, as amended (2001 Regulations).
- 10.1.2. Part 2 of Schedule 5 of the 2001 Regulations, as amended, and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.

10.1.3. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:

- Class 10(b) relates to infrastructure projects that involve:
  - (i) Construction of more than 500 dwelling units,
  - (iv) 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, and
- Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 2 of Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7 of the Regulations.

10.1.4. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and/ or (iv) and, by association, Class 14 of the Regulations. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the proposal, the location of the site, and any other factors leading to an environmental impact.

10.1.5. I confirm to the Board that, based on the criteria in Schedule 7, I have completed an EIA screening determination of the project, which is presented in detail in Appendix 3 of this report. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the components of the environment and that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.

10.1.6. In undertaking the EIA screening determination, I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. The EIASR includes a description and characteristics of the project, a description of the site's location, identification of environmental sensitivities (landscape, amenity, biodiversity, traffic, flood risk, air quality, noise, heritage, soil, and cumulative impacts), a description of the aspects of the environment likely to be

affected (material assets: road network due to construction traffic, demand on recreation and amenity services, and demand on water services infrastructure; human health: noise and air quality pollution at construction and operation phases, residential amenity impacts; landscape: visual impacts), expected residues/ emissions/ waste production, and use of natural resources (soil, land, water, biodiversity).

10.1.7. I have reviewed the EIASR and the applicable supporting reports, and for the most part concur with the nature of the impacts identified (i.e., that there are no impacts with significant negative effects such that would require the preparation of an EIAR for the project), and I note the measures designed into/ proposed to avoid, reduce, or mitigate likely impacts.

10.1.8. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment. The EIASR concludes that an EIA is not required due to the project being significantly below thresholds for Schedule 5 classes of project requiring EIA, that mitigation measures are proposed to address identified impacts, and that the proposed development is not considered likely to cause significant effects on the environment. This is a conclusion with which I concur and form myself.

## **11.0 Recommendation**

11.1. I recommend that permission be REFUSED for the reasons and considerations as set out below.

## **12.0 Recommended Draft Board Order**

**Planning and Development Act 2000, as amended**

**Planning Authority:** Cork City Council

**Planning Authority Register Reference:** 23/42499

**Appeal** by Lyonshall Limited against the decision made on the 6<sup>th</sup> day of February 2024, by Cork City Council to refuse permission to Lyonshall Limited c/o HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Cork.

### **Proposed Development**

Largescale residential development (LRD) comprising the demolition of the former St. Josephs convent to provide for the construction of a 450 bed Purpose-Built Student Accommodation development and all ancillary site development works. The proposed development will be provided in 3 no. apartment blocks ranging in height from 2-5 storeys including 42 apartments ranging in size from 3-6 bedrooms (226 bedspaces) and 224 studio apartments, all served by open space, internal student amenities, bin stores, bike store, ESB substation and roof mounted plant. The proposed development will be accessed from Model Farm Road by a new vehicular/ pedestrian access and provides for cycle and car parking spaces, at the site of the Former Saint Joseph's Convent, Model Farm Road, Cork.

### **Decision**

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

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

### **Reasons and Considerations**

1. The proposed development, by reason of its location, quantity, and quality, constitutes an unsuitable and inappropriate, excessive and disproportionate, and formulaic and substandard form of purpose-built student accommodation. The proposed development has had insufficient regard to the provisions of the

Guidelines on Residential Development for Third Level Students, Department of Education, 1999, and fails to comply with the locational, quantitative, and qualitative requirements for Purpose Built Student Accommodation in Objective 3.8 and Objective 11.6, and policy in Paragraphs 3.38 (Table 3.6), 3.42-3.43, 11.81, and 11.125 of the Cork City Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, with a density of c.351 dwellings per hectare, is contrary to Policy and Objective 3.1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, and Objective 3.5 and policy in Paragraph 11.72 (Table 11.2) of the Cork City Development Plan 2022-2028. The proposed density is not considered to be appropriate for the site having regard to its predominant Outer Suburban infill context, to the character of the receiving area, and to the strategic approach for compact growth to be achieved through appropriate densities in more suitable locations as set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development, by reason of its height, scale, and massing, constitutes an inappropriate and incongruous, excessive and dominant, and obtrusive and injurious form of infill development. The proposed development fails to comply with several provisions in the Cork City Development Plan 2022-2028 including the Building Height Strategy (Table 11.1 and Paragraphs 11.28, 11.44, 11.51, 11.54-11.57) by exceeding the required building heights target range of between 2-4 storeys and failing to achieve the required development management standards for tall buildings, Policy ZO 1.2 by failing to respect the character and scale of the neighbourhood in which it is situated, and the View Management Framework (Objective 6.14 and Paragraphs 6.27-6.28, and 6.30) by failing to protect the linear views to the Church of the Descent of the Holy Spirit Local Landmark Building No. 9. The proposed development also fails to comply with the requirements (sections 13.8.2-13.8.3) of the Architectural Heritage Protection, Guidelines for Planning Authorities, 2011 in respect of protecting the setting of the Church of the

Descent of the Holy Spirit PS958. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed development, due to its design, siting, and layout, causes undue overbearance and overshadowing of properties adjacent to the northeast/ east of the site thereby negatively impacting upon their residential and visual amenity. The proposed purpose-built student accommodation scheme also fails to provide the necessary standard of accommodation, communal facilities, and open spaces that would ensure a satisfactory level of amenity for future residents of the scheme. The proposed development is therefore inconsistent with Policy ZO 1.1, which seeks the provision and protection of residential uses and residential amenity, and fails to achieve the quantitative and qualitative requirements for Purpose Built Student Accommodation in Objective 3.8 and Objective 11.6 of the Cork City Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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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Phillippa Joyce

Senior Planning Inspector

21<sup>st</sup> May 2024

## Appendix 1:

### AA Screening Determination Form

#### Screening for Appropriate Assessment Screening Determination

##### Step 1: Description of the project

I have considered the proposed purpose-built student accommodation (PBSA) scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site comprises the former St. Joseph's Convent premises located on Model Farm Road c.3km to the southwest of Cork City centre. The nearest European sites to the project are Cork Harbour SPA (site code: 004030) located c.5.05km to the east of the site, and Great Island Channel SAC (001058) is located c.11.79km also to the east.

The proposed development comprises the demolition of the existing building (c.997sqm), site development works (grass, trees, and hedgerows removal (partial), and ground excavation), and the construction of a 450-bed PBSA development (comprising 42 shared apartments and 224 studio apartments), student facilities, and ancillary services within three buildings (Blocks 1-3).

Proposal includes for new hard and soft landscaped open spaces, new entrance and set down area, car and cycle parking, refuse areas, surface water drainage (inclusive of SuDs features), and connections to public water supply and drainage services.

Uisce Eireann indicates the project can be serviced (Confirmations of Feasibility are provided for water supply, and for wastewater and surface water drainage (the latter with restricted flows) to the existing combined sewer in Model Farm Road), and that there is capacity in the public systems without requirement for any infrastructural upgrades.

Inland Fisheries Ireland requests that Uisce Eireann/ the planning authority indicates whether there is sufficient wastewater capacity for the proposal so that the existing treatment facilities are not overloaded, polluting matters do not enter receiving waters, and compliance is maintained with existing legislative requirements.

The planning authority undertook an Appropriate Assessment screening and determined the project did not affect the integrity of the two identified European sites and related watercourses. The internal departmental reports of relevance (Infrastructure, Drainage Division, and Environment) cited no objection to the project.

##### Step 2: Potential impact mechanisms from the project

Surveys undertaken for the Appropriate Assessment Screening Report (AASR) indicate the site does not contain any protected habitats, rare or protected plants, or invasive plant species. No protected fauna species are identified at the site.

The habitats at the site are dominated by buildings and artificial surfaces (BL3), and also comprise amenity grassland (GA2), flower beds and borders (BC4), non-native hedgerows/ treelines (WL1/ WL2), dry meadow and grassy verge habitat (GS2) which has recolonized less disturbed areas (ED3). The habitats on site are categorised as having low ecological value.

The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.

There are no watercourses in or adjacent to the site, and the closest watercourse is Glasheen River flowing c.385m to the east. The site is located within the sub catchment of the river. Glasheen River is a tributary of the River Lee, which flows to Cork Harbour SPA (these overlap 8.2km downstream). Therefore, there is a potential hydrological connection between the site and Cork Harbour SPA (c.5.05km to the east of the site).

There are no protected habitats or species identified at the site which are qualifying interests associated with any European site, as such, I consider that the likelihood of any significant effect of the project on same due to loss of habitat and/ or disturbance of species can be reasonably excluded at this point.

Similarly, there is no viable pathway connecting the site to the Great Island Channel SAC (001058), c.11.8km to the east, as such, I consider that the likelihood of any significant effect of the project on same can be reasonably excluded at this point.

Having regard to the characteristics of the project in terms of the site's features and location, and the project's scale of works, I consider the following indirect impacts and effect mechanisms require examination for implications for a likely significant effect on one European site, Cork Harbour SPA:

- a) Surface water pollution during construction phase.
- b) Surface water and wastewater pollution during operation phase.

### Step 3: European Site at risk

**Table 1 European Site at risk from impacts of the proposed project**

Effect mechanism	Impact pathway/ Zone of influence	European Site(s)	Qualifying interest features at risk
A) Surface water pollution during construction phase.	Indirect impact via a potential hydrological pathway.	Cork Harbour SPA (site code 004030)	<u>Birds</u>  Little Grebe ( <i>Tachybaptus ruficollis</i> )



<p>B) Surface water and wastewater pollution during operation phase.</p>		<p><i>Cork Harbour is a large, sheltered bay system, with several river estuaries, principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour.</i></p> <p><i>The intertidal flats are often muddy in character, and these muds support a range of macro-invertebrates.</i></p> <p><i>The site is a SPA under the E.U. Birds Directive, of special conservation interest for several species of birds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland &amp; Waterbirds.</i></p> <p><i>Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (in excess of 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern.</i></p> <p><i>Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret, Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site</i></p>	<p>Great Crested Grebe (Podiceps cristatus)</p> <p>Cormorant (Phalacrocorax carbo)</p> <p>Grey Heron (Ardea cinerea)</p> <p>Shelduck (Tadorna tadorna)</p> <p>Wigeon (Anas penelope)</p> <p>Teal (Anas crecca)</p> <p>Mallard (Anas platyrhyncho)</p> <p>Pintail (Anas acuta)</p> <p>Shoveler (Anas clypeata)</p> <p>Red-breasted Merganser (Mergus serrator)</p> <p>Oystercatcher (Haematopus ostralegus)</p> <p>Golden Plover (Pluvialis apricaria)</p> <p>Grey Plover (Pluvialis squatarola)</p> <p>Lapwing (Vanellus vanellus)</p> <p>Dunlin (Calidris alpina)</p> <p>Black-tailed Godwit (Limosa limosa)</p> <p>Bar-tailed Godwit (Limosa lapponica)</p> <p>Curlew (Numenius arquata)</p> <p>Redshank (Tringa totanus)</p> <p>Greenshank Tringa nebulari</p> <p>Black-headed Gull (Chroicocephalus ridibundus)</p> <p>Common Gull (Larus canus)</p> <p>Lesser Black-backed Gull (Larus fuscus)</p>
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		<i>provides both feeding and roosting sites for the various bird species that use it.</i>  (extracts from Cork Harbour SPA, Site Synopsis, NPWS)	Common Tern ( <i>Sterna hirundo</i> )  <u>Habitats</u>  Wetlands
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#### Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the Conservation Objectives 'alone'					
European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/ N)?			
		Effect A	Effect B	Effect C	Effect D
Cork Harbour SPA					
List of birds and habitat species as per Table 1	<i>'To maintain the favourable conservation condition of,,,'</i>  Each bird and habitat species	N	N		

#### Effect Mechanism A (surface water pollution during construction phase)

During the construction of the project, development works will be managed and implemented under the CDWMP which includes pollution prevention and surface water control measures.

#### Effect Mechanism B (surface water and wastewater pollution during operation phase)

For the operational phase (i.e. occupation), there are several SuDS features incorporated into the scheme to manage stormwater (attenuation) and surface water (infiltration) run-off on site in the first instance. As necessary (above average rainfall) this will discharge at a restricted rate to the combined sewer in Model Farm Road. Wastewater from the project will be collected and also discharged to the combined sewer.

There is sufficient capacity in the public system to cater for the project's surface water and wastewater drainage, which will ultimately discharge into Cork Harbour following treatment at Cork City WWTP.

Due to the absence of a direct pathway between the site and Cork Harbour SPA, the relative distances to local watercourses (e.g., c.385m to Glasheen River), the large separation distance to the SPA (c.8.2km downstream), the dilution effect in the estuarine environment, the low risk of a large build-up of silt levels and/ or a major chemical spill due to the nature of the project (i.e., a PBSA scheme), I consider the potential for surface water pollution during the construction phase of

the project, and for surface water and wastewater pollution during the operation phase of the project to be negligible.

Overall, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Cork Harbour SPA. Further AA screening in-combination with other plans and projects is required.

**Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'**

**Table 3: Plans and projects that could act in combination with effect mechanisms of the proposed project (e.g. approved but uncompleted, or proposed)**

Plan / Project	Effect mechanism
Listed in Table 7 of the AASR	A and B, as per Table 1 above

I have had regard to the information included in the AASR on in-combination impacts. The AASR outlines several plans and planning applications in the vicinity of the site. Following consideration of which, the AASR does not identify any significant in-combination effect (e.g. plans are seeking environmental protection and pollution prevention, developments are to be constructed to/ operate within industry standards with connection to/ servicing by public water services infrastructure). This is a conclusion with which I concur.

**Table 4: Could the project undermine the Conservation Objectives in combination with other plans and projects?**

European Site and qualifying feature	Conservation objective	Could the conservation objectives be undermined (Y/ N)?			
		Effect A	Effect B	Effect C	Effect D
List of birds and habitat species as per Table 1 above	<i>'To maintain the favourable conservation condition of,,,'</i> Each bird and habitat species	N	N		

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site.

**Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European sites.
- The absence of meaningful pathway to any European site.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

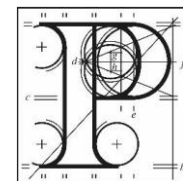
**Appendix 2:**  
**EIA Pre-Screening Form**  
**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	<b>ABP 319190-24</b>			
<b>Proposed Development Summary</b>	Demolition of existing building and construction of a 450 bedspace purpose-built student accommodation development, and all associated site and infrastructural works.			
<b>Development Address</b>	Site of the former St Joseph's Convent, Model Farm Road, Cork City			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓	
		<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>			EIA Mandatory EIAR required	
<b>No</b>	✓		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b)(i): threshold of 500 dwellings Class 10(b)(iv): threshold of 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. Class 14: works of demolition carried out in order to facilitate a project listed in Part 2, Schedule 5 where such works would be likely to have significant effects on the environment.		Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>				
<b>No</b>		Preliminary Examination required		
<b>Yes</b>	✓	Screening Determination required		

**Inspector:** \_\_\_\_\_

**Date:** \_\_21<sup>st</sup> May 2024\_\_

## Appendix 3: EIA Screening Determination Form



An  
Bord  
Pleanála

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP 319190-24
Development Summary		Demolition of existing building and construction of a 450 bedspace purpose-built student accommodation development, and all associated site and infrastructural works.
	Yes/ No/ N/A	Comment (if relevant)
1. Has an AA screening report or NIS been submitted?	Yes	An AA screening report (AASR) has been submitted with the application which considers the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC), the Urban Wastewater Treatment Directive (91/271/EEC), and the Water Framework Directive (2000/60/EC).
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	n/a
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	<p>Submitted with the application include:</p> <ul style="list-style-type: none"> <li>• An EIA screening report (EIASR) which considers components of the EIA Directive (2011/92/EU, as amended by 2014/52/EU).</li> <li>• A Noise Impact Analysis report (NIA) which considers the Environmental Noise Directive (2002/49/EC).</li> <li>• An Energy and Climate Impact Analysis report which considers the Energy Performance of Buildings (Recast) Directive (2010/31/EU).</li> <li>• An Engineering report and Ground Investigation report which consider groundwater, surface water, waste management in context of Waste Framework Directive (2011/753/EU).</li> </ul> <p>SEA was undertaken by the planning authority in respect of the Cork City Development Plan 2022-2028.</p>

<b>B. EXAMINATION</b>	<b>Response:</b>  <b>Yes/ No/ Uncertain</b>	<b>Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b> (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The project comprises the demolition of an existing residential care building, and construction of a high-density mid-scale residential scheme of purpose-built student accommodation (PBSA) in four blocks of accommodation, student facilities and ancillary services, with hard and soft landscaped open spaces, new/ supplemented screening boundaries, and site services.</p> <p>The project differs in character and scale from the existing surrounding area. The differences are not significant in terms of character (as residential use is the predominant land use in the area, with landscaped open spaces and boundary treatments), or of scale (use of block formats, two blocks similar to conventional dwellings, notable moderate increases in building height and density).</p> <p>The differences are considered to result in moderate negative effects on the receiving environment.</p>	No
<b>1.2</b> Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>The project causes physical changes to the appearance of the site during the site development works. Demolition works remove the existing building on site (c.997sqm), site clearance works involve partial grass, trees, and hedgerows removal.</p> <p>Ground works proposed, in particular to construct Block 2, involve extensive excavation of the southern portion of the site by up to 3m in depth and would cause a notable moderate change in site topography. These works would be managed through implementation of the Construction and Demolition Waste Management Plan (CDWMP) (with</p>	No

		<p>mitigation measures as proposed and/ or with additional measures required by condition).</p> <p>No watercourses are located at or adjacent to the site (Glasheen River is c.385m to the east and Curragheen River is c.453m to the north), and the project would connect to/ be serviced by the public drainage system (combined sewer in Model Farm Road). There is no flood risk at the site or associated with the project.</p> <p>Operational phase of the project (i.e., the occupation of the PBSA) would not cause physical changes to the locality per se.</p> <p>Overall, the project is not considered likely to result in significant negative effects on the environment in terms of land use, hydrology, and hydrogeology.</p>	
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/ minerals, or energy, especially resources which are non-renewable or in short supply?	Yes	<p>The project uses standard construction methods, materials and equipment, and the process would be managed through the implementation of the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition). There is no significant use of natural resources anticipated.</p> <p>Operational phase of the project would not use natural resources in short supply. The project connects into the public water services systems which have sufficient capacity to accommodate demands.</p>	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?	Yes	<p>Construction phase activities would require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances would be typical of construction sites.</p> <p>Noise and dust emissions during the construction phase are likely. These works would be managed through implementation of the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition).</p> <p>The NIA focuses on operational noise. Operational phase of the project would not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential activity would</p>	No



		<p>be managed through the implementation of the Operational Waste Management Plan (OWMP).</p> <p>Overall, the project is not considered likely to result in significant negative effects on the environment in terms of human health or biodiversity.</p>	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?	Yes	<p>Demolition waste material and conventional waste produced from construction activity will be managed through the implementation of the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition).</p> <p>Operational phase of the project does not produce or release any pollutant or hazardous material. Conventional operational waste will be managed through the implementation of the OWMP to obviate potential environmental impacts.</p>	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?	Yes	<p>The project involves notable excavation works, particularly in the southern portion of the site to reduce higher ground levels by up to 3m in depth. Standard construction methods, materials and equipment are to be used, and the process would be managed through the implementation of the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition).</p> <p>During the operational phase of the project, surface water will be attenuated within the site (green roofs, infiltration trenches, storage tanks), and wastewater and surface water (if/ as necessary) would be discharged to the combined public drainage system. The drainage systems would be designed in accordance with/ meet the planning authority/ Uisce Eireann requirements.</p> <p>There is no watercourse at or adjacent to the site (Glasheen River is c.385m to the east and Curragheen River is c.453m to the north), and the site is at notable distance to coastal waters (Cork Harbour is c. 5km to the east).</p>	No

		Overall, the project is not considered likely to result in significant negative effects on the environment in terms of geology, hydrogeology, or hydrology.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?	Yes	<p>Noise and vibration effects during the construction phase are likely. These works would be managed through implementation of the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition). The CDWMP refers to implementing a protocol for the control and monitoring of a Noise, Vibration and Air Quality Management Plan to address impacts associated with same during the construction phase of the development.</p> <p>Operational phase of the project causes noise and light impacts. The noise increase is outlined in the NIA and is largely associated with the residential use (plant, general increased activity), with measures to address same. Light impacts will be ameliorated as the public lighting plan is designed to the planning authority requirements/ industry standards.</p> <p>Overall, the project is not considered likely to result in significant negative effects on the environment in terms of air quality (noise, vibration, light).</p>	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>Potential for water contamination, noise and dust emissions during the construction phase is likely. These works would be managed through implementation of the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition).</p> <p>Operational phase of the project would not likely cause risks to human health through water contamination or air pollution due to the design of the scheme, connection to public water services systems, and scale of residential use/ activities arising.</p> <p>Overall, the project is not considered likely to result in significant negative effects on the environment in terms of pollution and risks to human health.</p>	No

<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	No risk of major accidents given the location of the site and the nature of the project.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	<p>The project increases localised temporary employment activity at the site during the construction phase works.</p> <p>Operational phase of the project would result in an increase of c.450 student residents at the site.</p> <p>I have reviewed the available CSO information from Census 2022 of the receiving area. As classified by the CSO, the site is located in Small Area of Population (SAP) No.19. In the census, SAP No.19 records a population of 260 persons, which includes a cohort of 32 students (c.12%). The project's potential c.450 student residents would represent an increase of c.173% of the existing population, increasing the proportion of student residents to c.68% of the potential population.</p> <p>Notwithstanding that the receiving area is a built-up urban location, in relatively close proximity to education, amenities, services, and public transport, the c.173% increase in general population of the SAP and more markedly the c.68% proportion of student residents in the SAP is considered to be disproportionate and imbalanced causing a moderate negative impact on the social environment.</p> <p>Overall, however, the project is not considered likely to result in significant negative effects on the environment in terms of society and community of the receiving area.</p>	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	<p>The project is not part of a wider large-scale change in the area, as the site is an infill site within an established built-up urban location.</p> <p>Construction phase works would be short term in duration, and impacts arising would be temporary, localised, addressed in the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition).</p> <p>Operational phase of the project would result in a notable increase in the population of the area which is considered to have moderate negative</p>	No

		<p>effects on the receiving area, though not considered likely to result in significant effects on the environment in and of itself, or in cumulation with development works in the wider area.</p> <p>Overall, no cumulative significant effects on the area are reasonably anticipated.</p>	
<b>2. Location of proposed development</b>			
<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>	No	<p>The project is not located in, on, or adjoining any European site, any designated or proposed Natural Heritage Area, or any other listed area of ecological interest or protection.</p> <p>There are no known pathways by or through which surface water, groundwater, waste, or other pollutant could reach these receptors.</p> <p>The AASR presents information on potential impacts of the project on European sites, allowing the Board to undertake a screening determination.</p> <p>It is concluded that the project would not be likely to give rise to significant effects on identified European sites, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not required.</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>	No	<p>Surveys undertaken for the AASR indicate the site does not contain any protected habitats, rare or protected plants, or invasive plant species. No protected fauna species are identified at the site.</p> <p>The habitats at the site are dominated by buildings and artificial surfaces (BL3). Further, in the northern portion of the site are amenity grassland (GA2), flower beds and borders (BC4) and non-native hedgerows/ treelines (WL1/ WL2), and in the southern portion are some dry meadow and grassy verge habitat (GS2) which has recolonized less disturbed areas (ED3). The habitats on site are categorised as having low ecological value. The Tree Survey and Arboricultural Assessment</p>	No

		<p>identify 14 trees and 8 hedgerows of varying quality, predominantly non-native species, and low value.</p> <p>The AASR determines there are no connections to or effect on any designated European sites.</p> <p>Overall, the project is not considered likely to result in significant negative effects on the environment in terms of biodiversity.</p>	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p>There are no archaeological features recorded at or adjacent to the site.</p> <p>There are no protected structures recorded at or adjacent to the site, nor is the site located within an architectural conservation area.</p> <p>The site is located c.120m to the west of protected structure PS958 Church of the Descent of the Holy Spirit at Dennehy's Cross. The Church is also designated as Local Landmark Building No. 9, the linear views to which are a protected landscape designation. In linear views along Model Farm Road, the project is visible in front of the Church, at times obscuring the views of the dome and steeples, when looking eastwards. In westward views, the project is visible behind the Church, at times projecting into the skyline, at a point equal to or above that of the dome and steeples.</p> <p>The project is considered to cause a moderate negative impact on the setting of the protected structure and on the linear views of the landmark building.</p> <p>Overall, however, this is not considered likely to result in significant negative effects on the environment in terms of cultural heritage and landscape amenity.</p>	No
<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?	No	No such resources on or close to the site.	No

<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no watercourses present on or in the immediate vicinity of the site. The closest watercourses to the site are Glasheen River c.385m to the east and Curragheen River c.453m to the north, and the closest coastal waters are at Cork Harbour c. 5km to the east.</p> <p>There are no direct connections to watercourses in the area.</p> <p>There is no flood risk at the site or associated with the project.</p>	<p>No</p>
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No evidence identified of these risks.</p>	<p>No</p>
<p><b>2.7</b> Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The transportation strategy for the proposal relies wholly on future residents walking, cycling (240 on-site cycle parking spaces provided) and using public transport (existing/ planned bus stops in proximity). A total of 4 on-site car parking spaces are provided (3 accessible spaces, 1 for staff use).</p> <p>Due to the low number of on-site car parking spaces provided for students, traffic generation associated with private car use at the site is not considered to cause a significant impact. There is potential for overspill car parking to occur in surrounding residential streets which would be moderate negative in effect.</p> <p>The site displays good levels of accessibility, being c.3.2km to the City Centre, c.1.6km to UCC, and c.1.7km to MTU. The site is in proximity to existing bus stops which serve several bus routes to key destinations. The planned BusConnects E route extends along Model Farm Road, and indicates a bus stop location at the northeastern corner of the site, i.e., in immediate proximity to the proposal.</p> <p>The existing public footpaths and cycle lane infrastructure are of mixed standards at and in the vicinity of the site. I note that the details of the BusConnects E route indicate new footpaths, cycle lanes, bus stops, and a road crossing in the vicinity of the site.</p> <p>I consider the area's transport network is capable of accommodating the quantum of development having regard primarily to the range of improvements planned as part of the BusConnects project.</p>	<p>No</p>

<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>Yes</p>	<p>There are no sensitive community facilities (hospitals, schools) in proximity to the site. Site adjoins residential development.</p> <p>Site development works would be implemented in accordance with the CDWMP (with mitigation measures as proposed and/ or with additional measures required by condition).</p> <p>Operational phase of the project causes an increase in residential activity at the site which would be typical of similar PBSA schemes. The project would be subject to the Operational Student Accommodation Management Plan and under the control of an established management company.</p> <p>The SDAA and the LVIA indicate instances of overshadowing and overbearance that I consider will negatively impact on the residential and visual amenity of adjacent properties.</p> <p>The project is considered to cause a moderate negative impact on the residential and visual amenities of adjacent properties.</p> <p>Overall, however, this is not considered likely to result in significant negative effects on the environment in terms of sensitive land uses or community facilities.</p>	<p>No</p>
<p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>			
<p><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?</p>	<p>No</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.</p> <p>No cumulative significant effects on the area are reasonably anticipated.</p>	<p>No</p>
<p><b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No transboundary considerations effects arising.</p>	<p>No</p>
<p><b>3.3</b> Are there any other relevant considerations?</p>	<p>No</p>	<p>No</p>	<p>No</p>

C.CONCLUSION		
No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		<del>EIAR Required</del>
D. MAIN REASONS AND CONSIDERATIONS		
<p>Regard has been had to:</p> <ul style="list-style-type: none"> <li>a) The nature and scale of the proposed development, which is below the thresholds in respect of Class 10(b)(i), Class 10(b)(iv) and Class 14 of the Planning and Development Regulations 2001, as amended.</li> <li>b) The location of the site on lands that are zoned as ZO 1 'Sustainable Residential Neighbourhoods', the provisions of the Cork City Development Plan 2022-2028, and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC).</li> <li>c) The infill nature of the site and its location within a built-up suburban area which is relatively well served by public infrastructure.</li> <li>d) The existing pattern of development in the vicinity of the site.</li> <li>e) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended, and the absence of any potential impacts on such locations.</li> <li>f) 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).</li> <li>g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.</li> <li>h) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.</li> <li>i) The features and measures proposed by the applicant to avoid, reduce, or mitigate for what might otherwise be significant effects on the environment, including those identified in the Construction and Demolition Waste Management Plan, Operational Waste Management Plan, Noise Impact Analysis Report, Engineering Report, and Mobility Management Plan.</li> </ul> <p>In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an environmental impact assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.</p>		

Inspector \_\_\_\_\_ **Phillippa Joyce**

Date 21<sup>st</sup> May 2024