

# Material Contravention Statement

For Development at the former Finbarr Galvin Motor Dealership site fronting on to Victoria Cross Road and Orchard Road, Bishopstown, Cork.

July 2022



# Document Control Sheet

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<b>Prepared by</b>	Cora Savage	
<b>Checked by</b>	Tom Halley	
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**CORK**

6 Joyce House  
Barrack Square  
Ballincollig  
Cork  
P31 YX97

T. +353 (0)21 420 8710

**DUBLIN**

Kreston House  
Arran Court  
Arran Quay  
Dublin 7  
D07 K271

T. +353 (0)1 676 6971

[www.mhplanning.ie](http://www.mhplanning.ie)

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# 1. Introduction

This Material Contravention Statement accompanies a Strategic Housing Development (SHD) application by Bellmount Developments Limited., for 78 no. student accommodation apartments at the former Finbarr Galvin Motor Dealership site fronting on to Victoria Cross Road and Orchard Road, Bishopstown, Cork.

The Planning and Development (Housing) and Residential Tenancies Act, 2016 makes the provision for An Bord Pleanála to grant permission for a development which materially contravenes a Development Plan/Local Area Plan, other than in relation to the zoning of the lands, under Section 9(6) which states that:

*6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under Section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*

*(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*

*(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.*

The proposed development lies within the boundary of Cork City Council, where the City Council are currently in the process of moving from the 2015 Cork City Development Plan to the Cork City Development Plan 2022-2028.

The Cork City Development Plan 2022-2028 (2022 CDP) was adopted by the Elected Members of Cork City Council on 27<sup>th</sup> June 2022 and is scheduled to take effect from 8<sup>th</sup> August 2022. A final published version of the 2022 CDP is currently being prepared and is expected to be available from 8<sup>th</sup> August 2022. In the interim period and for the purposes of informing this Statement/Report, regard has been given to the Draft Cork City Development Plan 2022-2028 (published on 26<sup>th</sup> July 2021) and the Material Amendments to the Draft Plan made at the Special Meeting of Council held on 27<sup>th</sup> June 2022.

Therefore, and for the purpose of this Statement, the provisions of the 2015 Cork City Development Plan and the 2022 Cork City Development Plan are relevant to the consideration of the proposed development and any potential material contraventions of both of these plans are considered in this report.

The report will also address where national guidelines and the regional spatial and economic strategy for the area supersede the standards within the 2015 Cork City Development Plan and the 2022 Cork City Development Plan and, together with the supporting planning application documentation, will provide sufficient justification for An Bord Pleanála to grant permission for the proposed development.

## 2. Site Context

The proposed site is located towards the northern end of Victoria Cross Road, approximately 900m to the west of University College Cork and 2.1km from Cork City Centre. The total (gross) site area comprises 0.29 hectares. There is a net developable area of 0.20 hectares. The site currently comprises a car showroom which is currently not in use. Permission for the development of these lands for residential use was previously granted under Ref. 06/31044 and student accommodation use and there is an extant permission on the adjoining site to the south (ABP-306714-20) which is also under the control of the applicant, Bellmount Developments Limited.

The site is within easy walking distance of several commercial, educational, recreational and community facilities including local shops, medical services and restaurants. The area surrounding the site is primarily residential in character, comprising several student apartment complexes, with a variety of sizes and designs. The site is bounded to the west by Victoria Cross Road with student accommodation and commercial/employment uses beyond, to the north by Orchard Road with residential and student accommodation beyond, to the east by residential uses and to the south by the former Kelleher Tyres premises, which has now been permitted for student accommodation use (ABP-306714-20).

The subject site is located c. 1.7km to the north of Wilton District Centre and 2.1km west of Cork City Centre and mid-way between Dennehy's Cross and Victoria Cross neighbourhood centres. The subject site was chosen by the applicants due to its convenient location and proximity to the main campus of University College Cork (UCC). The subject site is located a walking distance of approximately 12 mins (900 metres) from the main campus of University College Cork (UCC) and for students attending Cork Institute of Technology (CIT), the number 205 bus stop is located close to the site and terminates at CIT, providing easy access to the Institute. This bus route also provides access to Parnell Place Bus Station and Kent Train Station.

## 3. Legislative Context

Under Section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the application must include a statement:

*“(I) setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan, and*

*(II) where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should,*

*nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000”*

Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, confers power on An Bord Pleanála to grant permission for a development which is considered to materially contravene a Development Plan or Local Area Plan, other than in relation to the zoning of land, as follows:

*“(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*

*(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*

*(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development. and demonstrate that the Board should support this SHD application, as the proposal addresses the matters specified in Section 37(2)(b)(iii) and (iv) of the Planning and Development Act 2000 (‘the Act’).”*

In this regard, Section 37(2) of the Planning and Development Act 2000 (as amended) provides for the Board to grant permission where the proposed development materially contravenes the development plan, subject to paragraph (b) where it considers:

*(i) the proposed development is of strategic or national importance,*

On determining that point (i) is applicable, it must be determined that **one** of the sub-sections set out below is relevant.

*(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any*

*relevant policy of the Government, the Minister or any Minister of the Government, or*

*permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*



## 4. Context for proposed Material Contravention

### 4.1 National Planning Framework

Project Ireland 2040 was published by the Government of Ireland in February 2018 with the objective to provide details for the new national planning and capital expenditure plans. These plans aim to achieve balanced regional development by outlining a clear hierarchy for the urban centres outside the greater Dublin area, with Cork being promoted as the State's second city, fulfilling a nationally important role in counterbalancing the Capital.

It advocates densification and greater building height as measures to grow our cities and towns in a more sustainable manner and achieve the objectives of consolidation and compact growth. The NPF specifically identifies the importance of infill and brownfield development in urban areas as particularly challenging and necessitating a more flexible approach to realising these higher-level planning objectives. Section 4.5 of the NPF states:

*"To enable brownfield development, planning policies and standards need to be flexible, focusing on design-led and performance-based outcomes, rather than specifying absolute requirements in all cases."*

To ensure that urban infill and brownfield sites can accommodate a significant proportion of future development and population growth, National Policy Objective (NPO) 11 states:

*"In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth."*

The NPF explicitly endorses a more "dynamic approach" to land use in urban areas, particularly those that are undergoing change, and recommends preparation of a masterplan for such sites. This position is reflected in NPO 13, as follows:

*"In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected."*

The proposed SHD application is accompanied by a design statement which illustrates that the proposed development is consistent with the approach endorsed by the NPF to ensure that regeneration at this highly accessible brownfield, infill site is undertaken with a focus on design-led outcomes. The proposed development has considered the potential of existing and future public infrastructure that will be provided by Cork City Council and NTA. The proposed development illustrates how the proposed scheme will work with and facilitate the changes to the surrounding public roads/public transport corridor as this infrastructure is developed.

Additionally, the NPF places a strong policy emphasis on increasing building heights in appropriate locations to facilitate higher density development and a sustained increase in housing output. It recognises the role of apartment type developments in countering historical patterns of sprawl in Ireland's urban settlements and accommodating the long-term trend towards smaller household size. To achieve higher density housing of the scale required, NPO 35 seeks to:

*“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.*

The subject land is an infill, brownfield site located in an area within close proximity and easy walking distance to UCC, an area identified to play a critical role in the delivery of student housing for the City. Locations for tall buildings in Cork City are identified in the Volume 2 – Zoning and Objectives Maps. While there are several tall building locations identified in Cork City, they are not identified for the subject site. The proposed development will however provide much needed student housing and realise effective density consistent with the national policy objectives of the NPF.

## **4.2 Regional Spatial and Economic Strategy for the Southern Region (RSES)**

RSES is a strategic document, which identifies high-level requirements and policies for the Southern Region, setting out the high-level statutory framework to empower each local authority to develop Development Plans, Local Area Plans (LAPs) and Local Enterprise and Community Plans (LECP's) that are coordinated with regional and national objectives.

The sustainable growth of Metropolitan Cork requires consolidation, regeneration, infrastructure led growth and investment in each of the following locations: city centre (including the Docklands and Tivoli), potential light rail transit (LRT) corridor, strategic bus network corridor and suburban area nodal points and corridors along the Ballincollig to Mahon LRT line, district centres, north and south environs, Glanmire, city and suburban area expansion (sustainable and infrastructure led).

The proposed development is situated on the Strategic bus network (BusConnects)/LRT corridor envisioned in the RSES and will provide

the regeneration envisioned for this area by providing a high quality student residential scheme and associated infrastructure.

### 4.3 Design Standards for New Apartments Guidelines for Planning Authorities, 2020

The Design Standards for New Apartments Guidelines were updated in 2018 to take account of recent evidence of projected future housing demand and the prevailing housing market, within the policy context of the National Planning Framework and Rebuilding Ireland. It focuses on locational criteria and planning standards for apartment developments generally.

It identifies apartment development as pivotal to the delivery of the ambitious growth targets set out in the NPF and key to increasing housing supply in cities and urban areas. Paragraph 2.2 of the Guidelines state:

*“In general terms, apartments are most appropriately located within urban areas. As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.”*

Section 1.11 of the Apartment Guidelines stipulates that:

*The Guidelines apply to all housing developments that include apartments that may be available for sale, whether for owner occupation or for individual lease.*

Section 1.21 of these Guidelines states that:

*... where SPPRs are stated in this document, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. Where such conflicts arise, such plans should be amended by the relevant planning authority to reflect the content of these guidelines and properly inform the public of the relevant SPPR requirements.*

Section 4.18 which relates to car parking and states that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.

In suburban/urban locations served by public transport the Guidelines state that planning authorities must consider a reduced overall car parking

standard and apply an appropriate maximum car parking standard.<sup>1</sup> For 'Peripheral and/or Less Accessible Urban Locations' section 4.22 of the Guidelines states that as a benchmark/guideline for apartments one car parking space per unit, together with an element of visitor parking, should generally be required.

Section 4.23 of the Guidelines states that for all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off/visitor parking spaces and that provision is also to be made for alternative mobility solutions such as cycle parking.

The proposed development complies with design standards as set out in New Apartment Guidelines 2020 (please refer to Statement of Consistency by McCutcheon Halley and Housing Quality Assessment by Butler Camoranesi Architects).

#### 4.4 Urban Development and Building Height Guidelines

The Urban Development and Building Heights Guidelines for Planning Authorities (2018) highlight the positive contribution that taller buildings can make to our cities and towns. Paragraph 2.5 of the Guidelines state that *"increased building height is a key factor in assisting modern place making and improving the overall quality of our urban environments"*.

The Urban Development and Building Height Guidelines give expression to NPO 13 in the NPF. SPPR 1 of the Guidelines seek to encourage increased building height and density in locations with good public transport accessibility to secure the objectives of the NPF and so prohibit the inclusion of blanket numerical limitations on building height in local statutory planning policies:

*"In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height."*

The proposed development is strategically located in close proximity to UCC and is highly accessible to CIT. As well as being well serviced by existing high frequency public transport, the site also benefits from the improvements to the transport network as outlined in the Cork Metropolitan Area

<sup>1</sup> Design Standards for New Apartments Guidelines for Planning Authorities (2020), Section 4.21.

Transportation Strategy (CMATS), 2020 which will deliver a BusConnects corridor which will be developed in advance of an East-West Light Rail Transport (LRT) Corridor from Mahon to Ballincollig via the City Centre, serving the site (i.e. 'County Hall') and MTU, CUH, UCC, Kent Station, Docklands and Mahon Point. The proposed development provides a setback to facilitate the BusConnects/LRT corridor (i.e. a minimum corridor width of 20.5m has been provided as agreed with the City Council) and includes a designated bus stop which will become a stop on the LRT network under CMATS.

The design approach has also evolved to respond to the distinct qualities of this site which benefits from high levels of accessibility to public transport, consistent with SPPR 1.

Section 2.2 of the Guidelines states that *"to meet the needs of a growing population without growing our urban areas outwards requires more focus in planning policy and implementation terms on reusing previously developed 'brownfield' land, building up urban infill sites (which may not have been built on before) and either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format taking into account contemporary and future requirements."*

Further, Section 2.4 of the Guidelines note the substantial financial investment that has been committed to public transport infrastructure and active travel modes. It is considered that the current proposal is aligned with the objective of optimising the outcomes associated with this investment by providing for increased density and height within a sustainable transport corridor/network to ensure *"improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure"*.

#### **4.4.1 Building Height and the Development Management Process**

Section 3.1 of the Guidelines state *"it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility."*

As already detailed in this report, the subject site benefits from high-quality existing and planned public transport, accessibility and proximity to major third level education campuses and is therefore an appropriate location for increased building height.

Planning authorities are obliged to consider the following principles when assessing applications for buildings taller than prevailing building heights in urban areas:

Principle	Proposed development
<p><b>Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</b></p>	<p>The subject site is a strategic infill, brownfield site located in Cork City. It is close to major third level education campuses of UCC and accessible to MTU.</p> <p>The proposed development will deliver 78 student accommodation apartments with ancillary student services, a study room, games area and lounge area.</p>
<p><b>Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</b></p>	<p>A number of areas in Cork City are identified as areas having potential for tall buildings. The proposed scheme includes buildings classified as 'tall buildings' in the City Development Plan on lands which were not specifically identified as being a prescribed location for a building with a height greater than 32 metres.</p> <p>The current Development Plan, which is under review, predates the publication of these Guidelines.</p>
<p><b>Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?</b></p>	<p>Yes, the current development plan pre-dates the publication of these Guidelines and limits the number of buildings of a height greater than 32 metres to specific locations in the City. The restrictions on height that relate to other development lands in the City have been removed by these Guidelines.</p> <p>The proposed development is located within a designated local centre in the CDP but is restricted in relation to height.</p>

Section 3.2 of the Guidelines include development management criteria that are required to be addressed in applications for taller buildings:

At the scale of the relevant city / town	
Criteria	Proposed development
<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>The proposed development is located within a highly accessible area in terms of access to public transport facilities. The area is served by the 205 bus route which has a high frequency service (every 15 minutes) and numerous stops located within close proximity of the site.</p> <p>The site will also benefit from the pending improvements to transport services and infrastructure. Under CMATS the site is located on a BusConnects corridor which will be further developed to provide a strategic East-West Light Rail Transport (LRT) Corridor from Mahon to Ballincollig via the City Centre, serving MTU, CUH, UCC, Kent Station, Docklands and Mahon Point. The proposed development provides a setback to facilitate the BusConnects/LRT corridor. The site will have immediate access to these bus services and to the mass transit system.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>The proposed development has taken a considered approach to height which reflects the context of the site.</p> <p>A Landscape and Visual Impact Assessment (LVIA) accompanies this planning application.</p>

<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>The proposed redevelopment has been designed to achieve the desired higher density appropriate for this brownfield site.</p> <p>The building has been planned having regard to the adjoining public transport corridor and positioned around a shared courtyard and riverside amenity space to ensure as many future residents as possible will benefit from these landscaped amenity spaces.</p> <p>The Planning and Design Statement that accompanies this application sets out the proposed scheme's contribution to place making in detail.</p>
<p><b>At the scale of district / neighbourhood / street</b></p>	
<p><b>Criteria</b></p>	<p><b>Proposed development</b></p>
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p>	<p>The proposed development will contribute positively to the development of a sense of place by replacing an existing commercial/industrial use with a new residential (student accommodation) development. The proposed building will provide an active frontage along Wilton Road/Victoria Cross.</p> <p>Within the scheme, new amenity/public open space will improve the urban environment.</p>
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>A range of building materials have been utilised to create a dynamic built environment with rich character, variety and form. A contemporary palette of materials is proposed, to create a distinct identity while ensuring a cohesive</p>



	<p>approach that avoids unnecessary architectural embellishment.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of <i>"The Planning System and Flood Risk Management - Guidelines for Planning Authorities"</i> (2009).</p>	<p>The redevelopment of this site will deliver substantial improvement to the landscape of this area.</p> <p>A Flood Risk Assessment has been prepared by JODA Consulting Engineers and accompanies the SHD application.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>The site layout has been informed by enhancing connections to the wider area and improving legibility at this site. The scheme provides for generously proportioned street/corridor along Wilton Road and Orchard Road. Amenity spaces are easily accessible and identifiable and have been designed with a user-centred approach, particularly for the needs of pedestrians.</p> <p>The proposed development incorporates public and semi-public areas that are well defined and overlooked, whilst the ground floor uses present an active frontage to the streetscape and provide a sense of security. It will provide connections to the neighbouring landscape, specifically the public parks to the north of the site.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>A range of uses, such as a study room, games area and lounge area have been provided to support the future residential community.</p>
<p><b>At the scale of the site / building</b></p>	

Criteria	Proposed development
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<p>The scale, massing and urban grain have been developed to maximise the natural daylight ventilation and views. Care has been taken to minimise overshadowing and loss of light to adjoining properties/apartments and open spaces (see Daylight, Sunlight and Overshadowing Study prepared by Passive Dynamics).</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 - 'Lighting for Buildings - Part 2: Code of Practice for Daylighting'.</p>	<p>The accompanying Daylight, Sunlight and Overshadowing Study prepared by Passive Dynamics demonstrates how the proposed development has been carefully designed to optimise access to daylight and minimise overshadowing.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<p>The accompanying Daylight, Sunlight and Overshadowing Study prepared by Passive Dynamics demonstrates the proposal complies with BRE standards.</p>
<p><b>Specific Assessments</b></p>	

Criteria	Proposed development
Specific impact assessment of the micro-climate effects such as down draft. Such assessments shall include measures to avoid / mitigate such micro-climate effects and, where appropriate, shall include an assessment of the cumulative micro-climate effects wherever taller buildings are clustered.	A Wind Microclimate Assessment has been prepared by B-Fluid. Micro-climate effects were assessed as part of the design process and modifications and mitigation measures have been introduced to the scheme which form part of the design being proposed to ensure a safe and comfortable environment within the scheme.
In development locations in proximity to sensitive bird and / or bat areas, proposed development needs to consider the potential interaction of the building location, building materials and artificial lighting, if it impacts flight lines and / or collision.	As part of the Ecological Impact Assessment and Natura Impact Statement, the sensitivity of the site for protected species was considered. No relevant species were identified as being impacted by the proposed development.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	It is not considered that there will be an impact on telecommunication channels. The development proposal maintains a sewer wayleave for Cork City Council.
As assessment that the proposal maintains safe air navigation.	The proposed scheme does not fall within the public safety zones for the Cork International Airport.
An urban design statement including, as appropriate, impact on the historic built environments.	A Planning and Design Statement has been prepared and accompanies this application.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	An NIS, EIA Screening and Ecological Impact Assessment have been prepared and accompany the application. The City Development Plan in which the site is zoned for development was subject to SEA.

Having regard to the foregoing, it is our professional opinion that the proposed development meets all of the relevant development management criteria set out under the Urban Development and Building Heights Guidelines for Planning Authorities.

Section 3.2 of the Guidelines state that where *“An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals”*, Strategic Planning Policy Requirement (SPPR) 3 shall apply in

accordance with Section 28 (1C) of the Planning and Development Act 2000 (as amended), as follows:

*“It is a specific planning policy requirement that where;*

*(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and*

*2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;*

*then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.”*

#### **4.5 Cork City Development Plan 2015**

The 2015 Cork City Development Plan (2015 CDP) sets out Cork City Council's policies for the development of Cork City up until the adoption of the to Cork City Development Plan 2022-2028.

To achieve this vision, the Core Strategy set out in the 2015 CDP, it establishes a framework for the development of the city, derived from the strategic goals of the CDP. This is set around the population targets for the city, as outlined in Chapter 2 of the plan. In 2011 the overall population target for the City, as per the CDP is 150,000 up to 2022, with a growth of 25.8% on 2011 levels which were recorded at 119,230 (this was the population of the City prior to the city boundary extension). This equates to a target of 64,955 households by 2022 with a requirement for approximately 20,032 new housing units.

The 2015 CDP recognises that there is a significant demand for student accommodation and Section 16.68 of the plan states that given the growth in recent years of the numbers of third level students together with the planned expansion of the City's major educational/facilities, there is a demand for specific residential accommodation to cater for this need.

Chapter 6 of the CDP, Residential Strategy outlines the City Council's policy on student housing. When dealing with planning applications for student accommodation developments, the following criteria will be taken into account:

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The potential impact on local residential amenities;
- Adequate amenity areas and open space;

- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities (including shop/café uses), car parking and amenity;
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of uses;
- In all schemes the applicants will be required to provide written documentary confirmation to prove that the accommodation is let to students within the academic year in accordance with the Guidelines on Residential Developments for third level students published by the Department of Education and Science in May 1999 to prove that the accommodation is let to students within the academic year.

At a Council Meeting on July 9<sup>th</sup>, 2018, the Elected Members of Cork City Council adopted a resolution to make Variation No. 5 (Student Accommodation) of the Cork City Development Plan 2015 - 2021 under Section 13 of the Planning and Development Acts 2000 - 2015. Section 16.68 of the variation to the plan states that the City Council will support the provision of high quality and managed, purpose-built student accommodation, on campus, in areas within close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes. Chapter 6 Residential Strategy outlines the City Council's policy on student accommodation, referring to the national policy set out in the National Student Accommodation Strategy. When assessing planning applications for such developments, the criteria that will be taken into account include:

- The location and accessibility to Third Level Educational facilities and the proximity to existing
- or planned public transport corridors and cycle routes;
- The scale of development (capacity) and the potential impact on local residential amenities;
- The provision of amenity areas and open space, (quality and quantity);
- The provision of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, (retail /café uses), car parking and amenity, (quality and quantity);
- The architectural quality of the design having regard to its context, including scale, height,

- massing, on-site layout and materials. The internal design and layout should be robust and
- capable of future adaptation and change of use;
- Include a Management Plan demonstrating how the scheme will be professionally managed
- and operated 'year-round' (term-time and out -of-term periods);
- Demonstrate how the scheme positively integrates with receiving environmental and the local community and creates a positive and safe living environment for students; and
- Demonstrate adherence to the Minimum Standards for Purpose Built Student Accommodation as outlined in Table 16.5a.

It is recognised by the City Council that Student Housing does not have a Part V requirement. Chapter 6 to the City Plan refers to the Joint Housing Strategy which in turn states that:

*"Where it is proposed that a site be developed for student accommodation, then portion of the site relating to this shall be exempt from the reserved land policy. The proposed development must comply with the location and design criteria set out in the Government's Guidelines on Residential Developments for Third Level Students (1999). Applications for a change of use from student accommodation to any other type of accommodation shall be resisted unless it can be adequately shown that an over provision of student accommodation exists in the city and county. Where such applications are given favourable consideration, Part V obligations will apply".*

Objective 6.5 Student Accommodation. of the Plan also states that:

*"Any change of use from student accommodation to any other type of accommodation shall require planning permission. Generally, such applications shall be resisted unless it can be adequately demonstrated that an over provision of student accommodation exists in the city".*

## 4.6 Cork City Development Plan 2022

The Cork City Development Plan 2022 (2022 CDP) is due to come into effect on August 8<sup>th</sup> 2022, in which case it will be the governing (Development Plan) policy for the subject site at the time a decision is to be made. Accordingly, the proposed development has been designed to create a high-quality, vibrant and attractive student accommodation scheme on this strategically located site having regard to the provisions of the 2022 CDP which sets out the City Council's policies for the development of Cork City to 2028.

Objective 3.8 of the 2022 CDP states that:

*Cork City Council will seek to ensure that student housing demand is met by Purpose Build 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 Docs, urban centres and mixed-use redevelopment schemes of brownfield sites.*
- b. at the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood.*
- c. The scheme is of a high-quality and meets the needs of students.*

Table 11.1 of the 2022 CDP provides standards in relation to density and building height, whereby the “Upper Target” for residential density and building height for the Outer Suburbs area is 60 units per hectare and 4 storeys respectively, however as part of the development plan review, the Council prepared an Urban Density Building Height and Tall Building Study (UDBHTBS) to inform the Council’s approach to density and building height. Section 3.22 of the 2022 CDP states that the UDBHTBS provided a key input into the residential density assumptions that underlie the Core Strategy and other development objectives of this Plan.

Objective 3.5a (Residential Density) of the 2022 CDP states that the Council will seek to “*promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11.*”

In identifying the target density and building heights for the ‘Outer Suburbs’, the UDBHTBS (p.139), states that Victoria Cross is considered an exception and where high-density student housing developments is appropriate:

*“The northern part of Victoria Cross in the west of the city is considered something of an exception given its particular circumstances. Whilst this part of Victoria Cross falls within this ‘outer suburbs’ category in terms of the density and building height strategy, it has emerged as a focus for high density student accommodation given its proximity to the University College Cork campus.*

*Therefore, given high density student accommodation in this location would support sustainable lifestyles and, most particularly, active travel, this northern part of Victoria Cross is considered a specific exception. High density student housing developments at densities appropriate in the highest two categories of this strategy would be considered appropriate here.”*

The 2022 Cork City Development Plan also provides standards in relation to development in waterside locations. Section 11.218 of the plan states:

*Development proposals should incorporate an appropriately sized buffer zone to maintain natural fluvial processes and to protect the water environment. Greenways and blue ways within the protection zone should be considered on a case-by-case basis, subject to appropriate safeguards and assessments.*

Section 11.219 of the of the plan goes on to state:

*Development proposals should protect watercourses in accordance with Inland Fisheries Irelands 'Planning for Watercourses in the Urban Area' including the protection of riparian sections of rivers and streams, where possible, as set out below. Existing development will be taking into account.*

- 1. Protection of the streamside zone (within 15m of riverbanks)*
- 2. Utilisation of outer riparian buffer zone (>8m) for treatment and reduction of stormflow runoff.*
- 3. Minimal disturbance of the corridor 15-30m from the river.*
- 4. Explore the opportunities for river corridors for access and use as local amenity; and*
- 5. Encourage riparian buffer strips on agricultural land.*

Section 5 of this Statement provides an assessment of where the proposed development may materially contravene the 2022 CDP and demonstrates why the Board should support this SHD application having regard to the criteria specified in Section 37(2)(b)(iii) of the Planning and Development Act 2000.



## 5. Justification for Material Contravention

This section provides a justification of the areas where it is considered that the development materially contravenes the relevant plans based on the following information:

- Details the objectives of the 2015 Cork City Development Plan (2015 CDP) and the Cork City Development Plan 2022-2028 (2022 CDP), which will/may be materially contravened by the proposed development.
- Outlines the relevant proposals for the SHD Development, and
- Provides a justification for the proposed Material Contravention and demonstrates why the Board should support the proposal in the context of the matters specified in Section 37(2)(b)(iii) of the Act.

### 5.1 Cork City Development Plan 2015 – River and Waterway Corridors

Details of how the development materially contravenes the 2015 Cork City Development Plan (CDP) in relation to river and waterway corridors and the justification for same, is as follows

<p><b>Relevant Objective</b></p> <p><b>2015 Cork City Development Objective 10.9</b></p>	<p>Objective 10.9 of the CDP states that:</p> <p><i>“To protect and maintain the integrity and maximise the potential of the natural heritage and biodiversity value of the River lee and its associated watercourses.</i></p> <p><i>To provide and integrated approach to the future development of the River Lee so that it includes all aspects of use e.g. recreation maritime history and economic factors.</i></p> <p><i>Development proposals in river corridors shall:</i></p> <p><i>a. Dedicate a minimum of 10m from the waters edge in channelized rivers for amenity, biodiversity and walkway purposes.</i></p> <p><i>b. Dedicate a minimum of 15m from the top of the bank in non-channelized rivers for amenity, biodiversity and walkway purposes.</i></p>
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	<p><i>c. Preserve the biodiversity value of the site subject to Ecological Assessment by a suitably qualified Ecologist.</i></p> <p><i>d. Shall not involve landfilling, diverting, culverting or realignment of river and stream corridors.</i></p> <p><i>e. Shall not have a negative effect on the distinctive character and appearance of the waterway corridor and the specific characteristics and landscape elements of the individual site and its connect.</i></p>
<b>SHD Proposal</b>	The proposed apartment block, at its nearest point, is situated approximately 8.4m from the waters edge.
<b>Material Contravention</b>	The proposed Student Accommodation SHD provides for a varying set back of between 8.4m (at its nearest point) to 10.3m from the waters edge. This is below the 10metres specified in Objective 10.9 in the 2015 CDP.
<b>Justification for proposed Material Contravention</b>	<p>As the site is situated adjacent to a channelized stream. It is a policy of the plan to dedicate a minimum of 10m from the waters edge in channelized rivers for amenity, biodiversity and walkway purposes. Due to the nature and size of the subject site and the substantial set back required along Victoria Cross Road to facilitate BusConnects, it is not possible to provide a minimum of 10m from the proposed development to the top of the riverbank, thereby contravening Objective 10.9 of the CDP.</p> <p>In relation to the sites waterside location the proposed development has been designed to ensure the protection of and maintain the integrity and maximise the potential of the natural heritage and biodiversity value of the stream. While the proposed building is situated less than 10m in places from the waters edge every effort has been made to protect and preserve the biodiversity of the river and the proposed development will not have a negative impact on the distinctive character and appearance of the waterway corridor and will replace an existing building/use which is not consistent with the amenities of the area. The proposed development also provides a combined walk/cycleway within 10m of the stream in accordance with Objective 10.9(a).</p>

## 5.2 Cork City Development Plan 2015 – Apartment Size

Details of how the development materially contravenes the 2015 Cork City Development Plan (CDP) in relation to apartment size and the justification for same, is as follows

<p><b>Relevant Objective</b></p> <p><b>2015 Cork City Development Table 16.5 and 16.7</b></p>	<p>Table 16.5 and 16.7 of the 2015 Cork City Development Plan provides a minimum floor area for apartments and their associated private open space. These standards apply to unit sizes ranging from 1 bedroom to 4 bedrooms, the 2015 CDP does not provide a specific and full suite of similar standards for</p> <p style="text-align: center;"><b>Table 16.5 Minimum Overall Apartment Gross Floor Areas</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Dwelling type</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>One bedroom</td> <td>55 sq. m.</td> </tr> <tr> <td>Two bedroom / 3 persons</td> <td>80 sq. m.</td> </tr> <tr> <td>Two bedroom / 4 persons</td> <td>90 sq. m.</td> </tr> <tr> <td>Three bedroom</td> <td>100 sq. m.</td> </tr> <tr> <td>Four bedroom</td> <td>115 sq. m.</td> </tr> </tbody> </table> <p style="text-align: center;"><b>Table 16.7 Private Open Space Standards (Min. Requirements)</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th rowspan="2">Unit Type</th> <th colspan="2">Area (sq. m.) per Unit</th> </tr> <tr> <th>City Centre, Docklands and Inner Urban Areas</th> <th>Suburban Areas</th> </tr> </thead> <tbody> <tr> <td>Townhouses/Terraced Houses</td> <td>30</td> <td>48-60</td> </tr> <tr> <td>Detached/ semi-detached Houses (1-2 beds)</td> <td>30</td> <td>48-60</td> </tr> <tr> <td>Detached/ semi-detached Houses (3-5 beds)</td> <td>30-50</td> <td>60-75</td> </tr> <tr> <td>Duplexes</td> <td>5-8</td> <td>12-15</td> </tr> <tr> <td>Apartments – 1 Bed</td> <td>6 sq. m.</td> <td></td> </tr> <tr> <td>Apartments – 2 Bed</td> <td>8 sq. m.</td> <td></td> </tr> <tr> <td>Apartments – 3 Bed</td> <td>12 sq. m.</td> <td></td> </tr> </tbody> </table> <p>student accommodation apartments.</p>	Dwelling type	Size	One bedroom	55 sq. m.	Two bedroom / 3 persons	80 sq. m.	Two bedroom / 4 persons	90 sq. m.	Three bedroom	100 sq. m.	Four bedroom	115 sq. m.	Unit Type	Area (sq. m.) per Unit		City Centre, Docklands and Inner Urban Areas	Suburban Areas	Townhouses/Terraced Houses	30	48-60	Detached/ semi-detached Houses (1-2 beds)	30	48-60	Detached/ semi-detached Houses (3-5 beds)	30-50	60-75	Duplexes	5-8	12-15	Apartments – 1 Bed	6 sq. m.		Apartments – 2 Bed	8 sq. m.		Apartments – 3 Bed	12 sq. m.	
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<p><b>SHD Proposal</b></p>	<p>The proposed apartments range in size from single bed studios to 8 bed apartments.</p>																																						
<p><b>Material Contravention</b></p>	<p>The proposed apartments range in size from single bed studios to 8 bed apartments. The units have been designed to comply with the Cork City Development Plan Variation No. 5 (Student Accommodation) 2018 and the <i>Sustainable Urban House: Design Standards for New Apartments</i> and therefore fall below the minimum thresholds outlined in the CDP 2015 in some instances, thereby contravening the development CDP.</p>																																						
<p><b>Justification for proposed Material Contravention</b></p>	<p>The units have been designed to comply with the Cork City Development Plan Variation No. 5 (Student Accommodation) 2018 and the <i>Sustainable Urban House: Design Standards for New Apartments</i> and therefore fall below the minimum thresholds outlined in the CDP 2015 in some instances, thereby contravening the development CDP.</p> <p>With respect the design standard for new apartments, Appendix A of the CDP 2015 notes that the Design Standards for New Apartments (2007) have been used to set out the requirements for apartments in the Development Plan. The standards in relation to apartments size and design have been reviewed twice since the adoption of the CDP 2015. The proposed apartments are fully compliant with these standards in relation to unit size and amenity space detailed in the Cork City Development Plan Variation No. 5 (Student Accommodation) and the 2020 Apartment Guidelines.</p>																																						

### 5.3 Cork City Development Plan 2022 – Development Adjoining Watercourse Corridors.

Details of how the development materially contravenes the 2022 Cork City Development Plan (CDP) in relation to development adjoining watercourse corridors and the justification for same, is as follows

<p><b>Relevant Objective</b></p> <p><b>2022 Cork City Development Section 11.219</b></p>	<p>Section 11.219 of the 2022 Cork City Development Plan states:</p> <p><i>Development proposals should protect watercourses in accordance with Inland Fisheries Irelands 'Planning for Watercourses in the Urban Area' including the protection of riparian sections of rivers and streams, where possible, as set out below. Existing development will be taking into account.</i></p> <ol style="list-style-type: none"> <li>1. <i>Protection of the streamside zone (within 15m of riverbanks)</i></li> <li>2. <i>Utilisation of outer riparian buffer zone (&gt;8m) for treatment and reduction of stormflow runoff.</i></li> <li>3. <i>Minimal disturbance of the corridor 15-30m from the river.</i></li> <li>4. <i>Explore the opportunities for river corridors for access and use as local amenity; and</i></li> <li>5. <i>Encourage riparian buffer strips on agricultural land</i></li> </ol>
<p><b>SHD Proposal</b></p>	<p>The proposed apartment block is generally situated between 8.4m to 10.3m from the water's edge.</p>
<p><b>Material Contravention</b></p>	<p>The proposed Student Accommodation SHD provides for a setback of between 8.4m to 10.3m from the water's edge, which is below the 15m specified in the Development Plan.</p>
<p><b>Justification for proposed Material Contravention</b></p>	<p>As the site is situated adjacent to a river It is a policy of the plan that development in this location ensures the protection of the streamside zone (within 15m of riverbanks). Due to the nature and size of the subject site and the substantial set back required along Victoria Cross Road to facilitate BusConnects, it is not possible to provide a streamside zone of 15m from the proposed development to the riverbank, thereby contravening section 11.219 of the CDP.</p> <p>In relation to the sites waterside location the proposed development has been designed to ensure the protection of and maintain the integrity and maximise the potential of the natural heritage and biodiversity value of the stream. While the proposed building is situated less than 15m from the waters edge every effort has been made to protect and preserve the</p>

	<p>biodiversity of the river and the proposed development will not have a negative impact on the distinctive character and appearance of the waterway corridor and will replace an existing building/use which is not consistent with the amenities of the area.</p> <p>The proposed development also provides access and amenity use running parallel with the stream in accordance with Section 11.219(4) of the 2022 CDP.</p>
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### 5.4 Cork City Development Plan 2022 – Density and Building Height Standards

Details of how the development materially contravenes the 2022 Cork City Development Plan (CDP) in relation to Density and Building Height and the justification for same, is as follows

<b>Relevant Objective</b> <b>2022 Cork City Development Table 11.2</b>	<p>Table 11.2 of the 2022 Cork City Development Plan provides standards in relation to density and building height, whereby the “Upper Target” for residential density and building height for the Outer Suburbs area is 60 units per hectare and 4 storeys respectively.</p> <p>It should be noted that Victoria Cross where the subject site is situated is also identified as an ‘exception’ in the 2022 CDP, based on the Cork City Urban Density Building Height and Tall Building Study (UDBHTBS) in relation to density and building height. So while the subject site sits within the Outer Suburbs, the area is also identified as a focus for high density student accommodation where higher densities and heights are considered appropriate.</p>
<b>Victoria Road SHD Proposal</b>	The proposed development comprises a density of 269 units per hectare and an apartment block of 6 storeys in height.
<b>Material Contravention</b>	The proposed Student Accommodation SHD provides for a density (269 dwellings per hectare) and a building height of 6 storeys, which are above the “Upper Targets” for residential density and building height included in the 2022 CDP.
<b>Justification for proposed Material Contravention</b>	<p>The proposed development is above the “Upper” density and height targets included in the 2022 CDP, however the density calculation is skewed on the basis that there is a very high proportion of studio apartments within the scheme.</p> <p>In considering the appropriate density on the site, it is also important to point out that Victoria Cross is identified as an exception in the UDBHTBS (p.139) where “<i>high density student housing developments are appropriate</i>” and therefore higher densities and taller building heights than those outlined in Table 11.2, are justified.</p> <p>A higher density and height are also in accordance with the Development Management Criteria outlined in Section 3 of the 2018 Building Height Guidelines, in that it is:</p>

	<ul style="list-style-type: none"><li data-bbox="671 208 1372 376">) The development is at the scale of the city/town i.e. this part of Cork City is currently being developed for higher density student accommodation (i.e. 10+ storeys) and the adjoining site to the south has a permission for a 6-storey building (ABP-306714-20;</li><li data-bbox="671 376 1372 472">) The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport;</li><li data-bbox="671 472 1372 600">) The development successfully integrates into and enhances the character and public realm and will make a positive contribution to the urban neighbourhood and streetscape of the area;</li><li data-bbox="671 600 1372 745">) The form, massing and height of the proposed development is carefully considered so as to maximise access to natural daylight, ventilation and views and minimises overshadowing and loss of light.</li></ul>
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## 6. Conclusion and Material Contravention Statement

It is submitted that the proposed development is broadly compliant with the provisions of the Cork City Development Plan (CDP) 2015 and the Cork City Development Plan 2022, but is a material contravention of the 2015 CDP in relation to river and waterway corridors and apartment size standards and the Cork City Development Plan 2022 in relation to development adjoining watercourse corridors and density and building height.

In this regard, Section 37(2) of the Planning and Development Act 2000 (as amended) provides for the Board to grant permission where the proposed development materially contravenes the development plan, subject to paragraph (b) where it considers:

*(i) the proposed development is of strategic or national importance,*

The proposed development is at a scale which is to be considered under the Strategic Housing Development planning process which, in itself, confirms the strategic importance of the current application, in accordance with Section 372(b)(i). The proposal is for a student accommodation development and the national importance of the proposal is confirmed in the Government's plan *Rebuilding Ireland* designed to accelerate housing supply to address the housing shortage.

The location of the site within an area identified as a public transport/light rail corridor in CMATS and an area for high density student accommodation in the 2022 CDP and UDBHTBS, further confirms that the proposed development is both of strategic importance.

On determining that point (i) is applicable, it must be determined that **one** of the sub-sections set out below is relevant.

*(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

It is submitted that permission should be granted in accordance with sub-sections (ii) (iii) and (iv) as the proposed development is consistent with the

relevant national and regional planning policies and Section 28 Ministerial Guidelines; and having regard to the pattern of development, and permissions granted, in the area (i.e. 10 storeys permitted on both the adjacent Victoria Cross and Crows Nest sites) since the making of the 2015 CDP; and the fact that there are somewhat conflicting objectives in the 2022 CDP where Table 11.2 has an "Upper Target" for residential density and building height for the Outer Suburbs area is 60 units per hectare and 4 storeys respectively, while the UDBHTBS identifies Victoria Cross as an exception (p.139) where "*high density student housing developments are appropriate.*"

It is considered that the contravention of the 2015 Cork City Development Plan and 2022 Cork City Development Plan, is justified in this instance and that having regard to the provisions of section 37(2)(b)(i), (ii) (iii) and (iv) of the Planning and Development Act 2000, as amended a grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

- J the proposed development is considered to be of strategic or national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended; and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.
- J There are somewhat conflicting objectives in the 2022 CDP where Table 11.2 has an "Upper Target" for residential density and building height for the Outer Suburbs area is 60 units per hectare and 4 storeys respectively, while the UDBHTBS identifies Victoria Cross as an exception (p.139) where "high density student housing developments are appropriate."
- J It is submitted that in respect of density, building height and riverside setback, permission for the proposed development should be granted having regard to Government policies as set out in Project Ireland 2040 National Planning Framework in particular Objectives 13 and 35 and the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018.
- J Having regard to the pattern of development, and permissions granted, in the area since the making of the 2015 CDP, which includes 10 storeys on both the 'Crows Nest' site (ABP-300325-17) and Victoria Cross (ABP-310105-21) sites and the adjoining site to the south which has a permission for a 6-storey building (ABP-306714-20).