



An  
Bord  
Pleanála

## **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

### **Inspector's Report on Recommended Opinion ABP-302800-18.**

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<b>Strategic Housing Development</b>	100 build to rent apartments.
<b>Location</b>	Site bounded by South City Link Road (N27), Rockboro Road and Gasworks Road, Cork.
<b>Planning Authority</b>	Cork City Council.
<b>Prospective Applicant</b>	Seamus and Evelyn Scally.
<b>Date of Consultation Meeting</b>	22 November 2018.
<b>Date of Site Inspection</b>	12 November 2018.
<b>Inspector</b>	Stephen Rhys Thomas.

## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

The site is located in the centre of Cork City adjacent to the South City Link Road, a dual carriageway with the designation N27. The site is currently in use as a car park and is accessed from an existing petrol filling station. The eastern portion of the site bounds the Rockboro Road behind a high stone wall. The southern boundary of the site is adjacent to the side and rear gardens of dwellings. The northern boundary of the site abuts a petrol filling station and the western boundary abuts the South City Link Road.

The site is level with the South City Link Road and filling station, and is in use for car parking. The site is much lower than Rockboro Road and this area of the site is characterised by rock face. There are the remnants of former railway infrastructure on the site and in the vicinity. A Pedestrian footbridge is located to the north of the site and links Hibernian Road with Rockboro Road.

## 3.0 Proposed Strategic Housing Development

The development of 100 Build for Rent Development, ranging in height from 4 to 13 storeys:

- 18 studio apartments
- 44 one bedroom apartments
- 3 two bedroom apartments (3 person)

- 25 two bedroom apartments (4 person)
- 2 two bedroom duplex apartments
- 8 three bedroom duplex apartments

53% of units are dual aspect.

Residents facilities include: concierge, mail room, laundry, gym, workspaces, meeting rooms, tv lounge, internal courtyard, landscaping and cycle storage.

54 car parking spaces in a double level under-croft car park, 100 cycle spaces.

The development proposal also includes the retention of a petrol filling station partially completed under consents 15/36389 and 13/35563.

The site area is 0.33 Hectares and the gross floor space proposed is 8,664 sq.m. Residential density (100 apartments over 0.33 Hectares) 303 units per hectare. Plot ratio 3.3.

#### 4.0 **Planning History**

Subject site:

Most relevant planning applications include:

**PA reference 15/36389.** Alteration and amendments to petrol filling station permission.

**PA reference 13/35563.** Redevelopment of petrol filling station, new access arrangements and drive-thru restaurant.

**PA reference 08/32982** and **ABP reference PL28 .231407.** Demolition of existing structures, construction of mixed use retail, office and residential development, including 9 no. apartments, parking and ESB sub-station.

#### 5.0 **National and Local Planning Policy**

##### 5.1 Section 28 Ministerial Guidelines

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

- ‘Urban Development and Building Height’ 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009

## 5.2 Statutory Plan for the area

### **Cork City Development Plan 2015-2021.**

#### Zoning and Related Objectives

The site is located on lands zoned ZO2 – City Centre Commercial Core Area (CCA), where it is an objective - “To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retails uses).”

The site is located adjacent and to the north of a small Architectural Conservation Area.

The site is located in the alignment of a Landscape/Townscape View, LT26 and LT27.

The CDP includes a variety of policies and objectives in relation to the residential strategy, development management, urban design, development standards, density, plot ratio, residential design and apartment developments, building heights, visual impact assessment and design statements. Some are expanded below:

#### **Core Strategy**

Strategic goals include:

Goal 1 – Increase population and households to create a compact sustainable city. This refers to an ambitious target for population growth in the city.

Goal 2 – Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live/work/visit/invest in.

Goal 5 – Maintain and capitalise on Cork’s unique form and character. This refers to the dramatic east-west ridges creating the visual setting for the city. The focus is on protecting and capitalising on the unique character while providing opportunities for new development.

## **Residential Strategy**

Objective 6.1, Strategic Objectives, refers to:

- encouraging the development of sustainable residential neighbourhoods,
- the provision of a variety of housing types,
- encouraging the use of underused land/buildings,
- promoting high standards of design,
- protection/enhancing amenities of existing residential areas.

Relevant City Development Plan policies and objectives include:

### Section 16.41 - Residential Density

Densities higher than baseline levels will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;
- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres).

The CDP outlines policies with regard to Building Height in the City Centre and Inner Urban Areas and Tall Buildings, Objective 16.7 Tall Building Locations, designates tall building locations.

Objective 16.4 Skyline and roofscapes, outlines how the city roofscape could be managed.

## **6.0 Submissions Received**

Irish Water

Confirmation of Feasibility issued for this site for 100 no. build to rent housing development. Advises that subject to a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated. The proposed development, as assessed for the Confirmation of Feasibility, is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water.

## 7.0 **Forming of the Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 6.1 Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map; complete application form; site layout plans; photomontages; planning report/cover letter; DMURS statement; flood risk assessment report; ecological review; architect's design statement, schedule of accommodation; landscape masterplan and report; statement of consistency with planning policy report; traffic and transport assessment; a completed pre-connection enquiry feedback form from Irish Water and written consent from Cork City Council.

I have reviewed and considered all of the above mentioned documents and drawings.

### 6.2 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted a copy of their record of their section 247 consultation with the prospective applicant and

also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 14 November 2018.

The planning authority's 'opinion' included, *inter alia*, the following: an assessment of the proposed development in the context of City Development Plan; the principle of the development; commentary on the scale/height/visual impact of the development; impact upon residential amenity; design standards, access, traffic and transportation; flooding, EIA and habitats directive; compliance with ministerial guidelines.

The planning authority are satisfied that the proposed development accords with both national guidelines and local zoning objectives for the area. There are reservations with regard to the lack of a ground floor interface and lack of an active street frontage. The former use of the land needs to be addressed in terms of possible contamination and industrial archaeology. Residential amenity needs to be addressed with reference to proximity to rock face, lack of aspect and adjacent properties from overshadowing.

The principle concern raised by the planning authority is the compliance of the development with the building heights set out in the CDP and the impact of the development on strategic views and the adjacent ACA.

There was a formal pre-application consultation meeting held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). This was held on the 17/07/18. The planning authority have submitted the report of the meeting. Issues raised at that meeting included, *inter alia*, the following: difficulties in assessing residential density and plot ratio; the principle of residential development at the proposed site; site boundaries and letters of consent; unauthorised development on the site; history of the site; transport and traffic; pedestrian desire lines; building height was considered excessive; regard for the residential amenity of adjacent properties and visual impacts on views.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

### 6.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of Cork City Council on the 22 November 2018, commencing at 2.30pm. Representatives of the prospective

applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Tall Buildings - City Development Plan objectives
2. Residential amenity
3. Public realm and heritage
4. Access arrangements - compliance with DMURS
5. Car parking quantum – general arrangement
6. Building finishes
7. Specific Planning Policy Requirements – covenant/legal agreement
8. Any other matters.

In relation to tall buildings issues, ABP representatives sought further elaboration/discussion on the following: the design rationale behind the proposed building heights in light of City Development Plan policies. The slenderness ratio of the proposed building was discussed and elaborated upon. Further information in relation to visual impact of the development were thought to be useful.

In relation to residential amenity issues, ABP representatives sought further elaboration/discussion about the effect of tall buildings in close proximity to residential properties. Specifically, the impact of overbearing appearance and overlooking of neighbouring residential units and proximity to an ACA.

In relation to public realm and heritage issues, ABP representatives sought further elaboration/discussion on how the proposed development fits into its surroundings and how the public realm could be adapted to accommodate an increase in pedestrian and cycle movements. In addition, the remnants of railway architecture and industrial heritage were discussed with a view to making an assessment of their value and interest.

In relation to Access arrangements and compliance with DMURS issues, ABP representatives sought further elaboration/discussion, in relation to how the development interacts with public roads and pedestrian crossovers at entrance



points. Specifically, issues were raised in relation to the interaction between pedestrians/cyclists and the petrol filling station forecourt, how would this be management and is it appropriate. Pedestrian desire lines should be established and the building access points designed to respond to same.

In relation to Car parking quantum and general arrangement issues, ABP representatives sought further elaboration/discussion on the requirement for car parking given the location of the site, the future use and the need to provide adaptable and sustainable forms of transport. In this respect the quantum of car parking was discussed in light of national guidance with regard to build to rent policies. In addition, if parking quantum were to reduce it may remove the need for over-engineered vehicular access ramps to the site. In this regard, the way the building works at ground levels should be given more consideration.

In relation to building finish and material issues, ABP representatives sought further elaboration/discussion on the following: the specific climatic conditions of Cork and the maritime influence on weather was discussed in the context of ensuring the selection of appropriate materials and finishes. This has specific importance given the scale and design of the building proposed.

In relation to Specific Planning Policy Requirements – covenant/legal agreement issues, ABP representatives sought further elaboration/discussion on the following: the applicant was reminded of the specific objectives concerning build to rent and the requirements of national guidance. In addition, the applicant was reminded about the importance of providing the correct legal agreements with any application for permission.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 302800' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **8.0 Conclusion and Recommendation**

- 8.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development,

as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 8.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 8.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 9.0 **Recommended Opinion**

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and

amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

### **Building Height**

1. Further consideration of documents as they relate to the height and slenderness ratio of the development. The prospective applicant should satisfy themselves that the proposed building provides the optimal architectural solution for this prominent city centre site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings that outline the design rationale for the proposed building height having regard to inter alia, National and Local planning policy including the recently published national guidance document 'Urban Development and Building Height', the site context and locational attributes. In addition, a comprehensive suite of photomontage images shall be prepared that takes into account any important views and vistas in the vicinity. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

### **Public Realm and Connections**

2. Further consideration of documents as they relate to the layout of the proposed development particularly in relation to permeability and the criteria set out in the Urban Design Manual relating to 'Connections' which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the Design Manual for Urban Roads and Streets. The configuration of the layout particularly as it relates to the interface with Rockboro Road, likely pedestrian routes to and from the city centre, the potential for pedestrian/vehicular conflicts in the context of the petrol filling station forecourt and the creation of an urban edge along the South City Link Road should be given further consideration. Further consideration and/or justification of the documents as they relate to the

proposed ground floor element of the scheme along Rockboro Road and the potential for the creation of own door access to apartments may require an amendment to the documents and/or design proposals submitted at application stage.

### **Building Finish and Materials**

3. Further consideration of the documents as they relate to the detailed design of the proposed development. The documentation submitted at application stage should demonstrate that the external finishes, materials and detailing of the proposed buildings, together with the landscaping and surface/boundary treatments of the outdoor spaces would be of a sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018)
2. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes

details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties.

3. Construction and Demolition Waste Management Plan.
4. Archaeological assessment report with a focus on the railway heritage and industrial archaeology of the site and environs.
5. A mobility management strategy that shall be sufficient to justify the amount of parking proposed for cars and bicycles.
6. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including the specific planning policy requirements in respect of Build to Rent developments.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. Department of Culture, Heritage and the Gaeltacht
4. An Taisce-the National Trust for Ireland
5. Heritage Council

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Stephen Rhys Thomas  
Planning Inspector

07 December 2018