



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion 302803-18.

Strategic Housing Development	418 student bed spaces in 57 apartments.
Location	Bandon Road and Portion of the Church of the Immaculate Conception, Cork.
Planning Authority	Cork City Council.
Prospective Applicant	Lyonshall (Bandon Road) Ltd.
Date of Consultation Meeting	22 November 2018.
Date of Site Inspection	12 November 2018.
Inspector	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 inner southern suburbs of Cork City and on the southern side of the Bandon Road/Glasheen Road (R849) near the junction with Magazine Road (R608). The Lough is located a short distance (c.100 metres) to the south. University College Cork (UCC) is located approximately 200-300 metres to the north.

The immediate area is predominantly residential comprising mainly 1 and 2 storey housing with a limited amount of apartment development. There are some commercial/retail uses along the Bandon Road. The Church of the Immaculate Conception is a prominent landmark located a short distance to the east of the site.

The site comprise a large warehouse/industrial building and a small garage and associated yards. The premises is currently in use as a joinery. Part of a green landscaped area associated with the Church of the Immaculate Conception comprises part of the site. In the vicinity of the site to the north (along Bandon Road/Glasheen Road) a vacant residential/retail building and associated yard, to the west residential Croaghtamore Square and Loughview Terrace, to the south residential Lough Villas, and to the east The Church of the Immaculate Conception and associated grounds. Ground levels on the site are generally higher than those of the immediately adjoining residential properties.

3.0 Proposed Strategic Housing Development

The development of 57 student apartments consisting of 418 bed spaces in 4 blocks up to 5 storeys, comprising:

- 42 eight bedroom apartments
- 3 seven bedroom apartments
- 8 six bedroom apartments
- 1 five bedroom apartment
- 1 four bedroom apartment
- 2 two bedroom shared studio apartments
- Shared study rooms, shared amenity rooms and building management area
- Traffic calming, bus stop and pedestrian enhancement measures.
- Demolition of existing buildings on the site and repositioning of a telecoms mast.

The site area is 0.97 Hectares and the gross floor space proposed is 11,744 sq.m. Residential density (57 apartments over 0.97 Hectares) 59 units per hectare.

4.0 Planning History

Subject site:

PA reference 17/37374 and **ABP reference PL28 .300697**. Construction of a residential development of 49 no. student apartments consisting of 324 no. bed spaces. (August 2018).

Four apartment blocks a mix of 3 and 4 storey. The site area is 0.97 Hectares and the gross floor space proposed is 10,366 sq.m. Residential density (49 apartments over 0.97 Hectares) 50 units per hectare.

PA reference 03/27683. Refusal of permission for a mixed retail/apartment/duplex development.

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:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- Urban Development and Building Heights, Guidelines for Planning Authorities Consultation Draft August 2018

Other relevant guidance:

- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016)

Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be used by other persons/groups during holiday periods.

- Guidelines on Residential Developments for Third Level Students, Section 50 Finance Act 1999 (Department of Education and Science, 1999)

5.2 Statutory Plan for the area

Cork City Development Plan 2015-2021.

Zoning and Related Objectives

The majority of the site is zoned ZO4, Residential, Local Services and Institutional Uses [Ref. Map. 7 South Central Suburbs (Vol. 2) and Parag. 15.10 (Vol. 1)]. The provision/protection of residential uses and amenity is a central objective.

The frontage of the site to the Bandon Road is zoned ZO10, Local Centres [Ref. Map 7 (Vol. 2) and Parag. 15.17 (Vol.1)]. The focus here is on small scale retail and service provision.

This frontage, together with the Bandon Road to the east and west and the adjacent residential streets of Croaghtamore Square, Loughview Terrace and Lough Villas, is designated as a Historic Street Character Area (HSCA) [Ref. Map. 7 (Vol. 2) and

Parag. 9.57 (Vol. 1)]. These designations refer to some older residential areas outside the city centre which have street frontages/groups of buildings of architectural/social interest. Objective 9.33 refers to the protection of the physical/architectural character of these areas, avoiding insensitive alterations which would detract from their character.

The Greenmount Architectural Conservation Area (ACA) is located to the east [Ref. Map. 7 (Vol. 2) and p.76 (Vol. 3)]. The area includes the Lough Church (Church of the Immaculate Conception) and its immediate grounds.

The Bandon Road ACA is also located to the east [Ref. Map 7 (Vol.2) and p.73 (Vol.3)]. It comprises a small group of buildings on the corner of Bandon Road and Lough Road.

Variation No. 5 (Student Accommodation) to the Cork City Development Plan 2015-2021

The variation consists of the following material amendments to Volume 1, Written Statement of the Cork city Development Plan 2015 – 2021: (a) The insertion of a new supporting text (Section 6.15a) in Chapter 6 Residential Strategy (b) An update of Policy Objective 6.5 in Chapter 6 Residential Strategy

(c) An update of the text of Sections 16.68 and 16.69 in Chapter 16 (Development Management)

(d) A new suite of Development Management Standards Table 16.5a for Purpose Built Student Accommodation applications in Chapter 16 (Development Management).

Core Strategy [Chapter 2 (Vol. 1)]

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.

Goal 7 – Protect and expand the green infrastructure of the city. This relates to recreation, landscape and biodiversity.

Residential Strategy [Chapter 6 (Vol. 1)]

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.

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).

Section 16.42 indicates that the residential density of developments in central and inner suburban (pre-1920) areas of the city will normally be higher than 75 dwellings per hectare, responding to context and controlled by other considerations, such as plot ratio and other planning/design measures.

Table 16.8 sets down maximum car parking standards. 1 space per 10 bedspaces for student housing is indicated for Zone 3.

Table 16.9 sets down bicycle parking requirements. 0.5 per student bedspace is indicated.

6.0 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; planning and design statement, a landscape masterplan; booklet of photomontages; planning report/cover letter; archaeological and built heritage impact assessment; appropriate assessment screening report; ecology report; statement of consistency with planning policy report; pre-planning notes; statement of possible effects on the environment report; 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 the 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 and reference to Variation 5 of said plan concerning student accommodation; 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; compliance with ministerial guidelines.

The planning authority outline relevant planning policies and objectives with regard to the site but do not comment on acceptability or otherwise of the proposed development. Instead the planning authority are concerned at the scale, height and massing of the proposed student accommodation and outline the following: visual impact, clarity regarding density calculations, compliance with new student accommodation policies and objectives, impacts upon residential amenity, architectural and natural heritage, the future adaptation of buildings and traffic, access and parking issues.

There was single 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 26 September 2018. The planning authority have submitted a report of the meeting. Issues raised at the meeting included, inter alia, the following: the addition of floors to the overall scheme, whether or not the application would be accepted as SHD, junction improvement plans, the need for a traffic and transport assessment, the inspectors report concerning the most recent application, height, massing and visual impact would be key issues.

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 11am. 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. Permitted development
2. Pedestrian permeability
3. Public realm improvements

4. Visual impact
5. Supply of student accommodation analysis
6. Any other matters.

In relation to permitted development, ABP representatives sought further elaboration/discussion on the following: the principal differences between the previously permitted development and what is now proposed and the reasons for same.

In relation to pedestrian permeability issues, ABP representatives sought further elaboration/discussion on the availability and feasibility of additional pedestrian and cyclist access to and through the site. In addition, pedestrian movement across Bandon Road were discussed.

In relation to public realm improvements, ABP representatives sought further elaboration/discussion about the detailed proposals for the public realm to the north of the site given the high volumes of pedestrian traffic already present and projected for the future. In addition, issues were raised in relation to how the public realm could be adapted to better accommodate an increase in pedestrian and cycle movements.

In relation to visual amenity, ABP representatives sought further elaboration/discussion on the potential for views of the proposed development from various vantage points.

In relation to supply of student accommodation analysis, ABP representatives sought further elaboration/discussion, in relation to the scope of survey and analysis required to assess the impacts in relation to student accommodation development and that a report should highlight issues and a management plan to address impacts should be focused and more site specific.

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 302803' 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.

7.0 Conclusion and Recommendation

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.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, 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 s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to 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: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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.

8.0 Recommended Opinion

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

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 detailed visual impact assessment that comprises a photomontage report with key viewpoints from locations in the vicinity of the site. An accompanying architectural report should outline the design rationale for the proposed building height, scale and massing.
2. A report that addresses issues of residential amenity (both existing residents and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units.
3. A report that addresses the demand for and concentration of student accommodation in the area, together with an adequately detailed student management plan that will address the ongoing operation of the student accommodation facility during and out of term time. Reference should be made to Variation 5 of the City Development Plan that addresses student accommodation.
4. Appropriately scaled drawings that show how the development integrates with the existing footpath and road infrastructure. Detailed public realm proposals should be prepared that extend to and include the public footpath and public road. Public realm improvements should place pedestrian and cyclist movement at the centre of any design strategy. The preparation of a public realm design report, prepared in compliance with the guidance provided by the Design Manual for Urban Roads and Streets, that recognises the importance of assigning higher priority to pedestrians and cyclists, without unduly compromising vehicle movement. This may require an

expansion of the red line boundary of the site and the consent of relevant landowners.

5. A pedestrian permeability report that analyses the potential for pedestrian and cyclist connectivity to and through the site and the reasons and rationale for the finalised scheme.

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

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.

Stephen Rhys Thomas
Planning Inspector

04 December 2018