



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
303263-18**

Strategic Housing Development

Description

Construction of 273 residential units in
2 no. 5-7 storey apartment blocks
(modification to the previously
permitted scheme under Ref.
16/37233 (ABP Ref. PL28.249400);
provision of landscaping and amenity
areas and all associated ancillary
development works

Location

Blackrock, Co. Cork

Planning Authority

Cork City Council

Prospective Applicant

Glenveagh Homes Ltd

Date of Consultation Meeting

1st February 2019

Date of Site Inspection

24th January 2019

Inspector

L. Dockery

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 and the documentation received from the prospective applicant, 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

2.1 The subject site, which has a stated area of 2.76 hectares, forms part of the former Ursuline Convent grounds in Blackrock in the south-eastern environs of Cork City. The site forms part of a larger development, known as 'Eden' and while some of this scheme has been built out, construction works are still on-going on the overall lands. The site is to the south of Blackrock village and approx. 500 metres to the south of Blackrock Pier. It is c. 1.5km to the north of Mahon Point Shopping Centre. The two to four storey convent building has been converted into apartments, accessed via a gated entrance from the original avenue to the north off Blackrock Road which also provides access to Scoil Ursula Primary School and the Ursuline Secondary School to the north-west of the convent building. Six storey apartment blocks have been constructed to the east side of the formal garden area (south of the convent building).

2.2 The subject site largely constitutes the western section of the original lands on part of which original site development works were undertaken and the site area includes for the formal garden to the south of the convent building but not to the actual convent building. It is bounded by the school grounds and playing fields to the north-

west. Lines of mature trees delineate the boundaries to the formal garden of the convent building. An old rail line forms the western boundary of the site.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for construction of 273 proposed residential units in two no. 5-7 storey apartment blocks (modification to previously permitted scheme under Ref. 16/37233; ABP PL28.249400); provision of landscaping and amenity area and all associated ancillary development works.

3.2 The following details are noted:

Parameter	Site Proposal
Application Site	2.76 hectares
No. of Apartments	273
Density	98.9 units/ha (on site area of 2.76 ha)
Height	5-7 storeys over podium
Other Uses	N/A
Car Parking	177 spaces incl 13 drop-off and Go-Cars
Bicycle Parking	592 spaces
Vehicular Access	Blackrock Road

3.3 The breakdown of the 273 units are as follows:

	Studio	1 bed	2 bed	3 bed	Total
Apartments	21	84	155	13	273
% Mix	7.7%	30.8%	56.8%	4.8	100%

4.0 National and Local Planning Policy

4.1 National

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities
- Design Manual for Urban Roads and Street
- Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018)

4.2 Local

The Cork City Development Plan 2015 applies.

Most of the site is zoned ZO 4 – Residential, Local Services and Institutional Uses, the objective being to 'protect and provide for residential uses, local services, institutional uses and civic uses'.

Part of the site (that comprising the formal garden to the south of the Convent building) is zoned ZO 14 – Public Open Space, the objective being to 'protect, retain and provide for recreational uses, open space and amenity facilities with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates'.

The Convent building and open green lands to the north up to Blackrock Road are designated as an Area of High Landscape Value (AHLV).

There is one no. protected view relating to the site, LT14 Landscape and Townscape View from Carrs Hill of Montenotte/Tivoli Ridge

The Convent building and chapel are Protected Structures (RPS PS493), while the oratory, Ursuline convent building and chapel are also listed on the NIAH. The majority of the site including the formal gardens to the Convent building and lands immediately to the west thereof are located within the Blackrock ACA, Sub-Area C Blackrock Village and Surrounding Suburbs.

A small portion of the proposed development site is included in the scope of the Mahon LAP 2014 and forms part of the “Sub-Area 5: Ursuline Grounds” as identified in the LAP

5.0 Planning History

There is an extensive planning history pertaining to the overall site, with over 20 applications referred to in the PA Opinion. The following are considered to be the most pertinent on the overall lands:

2004 - TP03/27645

Permission GRANTED for 550 units in a mixed use development on the overall Ursuline Convent site which has a stated area of c. 12.5 hectares in area. The application was accompanied by an EIS.

2005 – TP05/30087

Permission GRANTED for amendments to TP03/27645 providing for an additional 31 units.

2008 – TP07/32545

Permission GRANTED for amendments to TP03/27645 providing a net reduction in units of 4

2018-TP16/37233 (PL28.249400)

Permission GRANTED for demolition of existing dwelling and construction of 141 no. residential units and all associated site works. Decision UPHELD on appeal

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 The Planning Authority states that one pre-application consultation took place with them on 06/11/2018.

7.0 **Submission Received from Irish Water**

7.1 Confirmation of Feasibility issued for this site for 300 residential units. The proposed development, as assessed for the CoF, is standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for these connections to take place.

Therefore, based upon the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

8.0 **Forming of Opinion**

8.0.1 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's submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

8.1 **Documentation Submitted**

8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, cover letter and schedule of documents, SHD Application Form for Section 5 Consultation, Statement of

Consistency, Landscape Design Drawings, Design Strategy Booklet, Architectural Heritage Impact Assessment Report, Appropriate Assessment Screening Report, Irish Water CoF correspondence, Schedule of Accommodation, Architectural Drawings, Engineering Drawings, 3D Visualisations, DMURS Design Statement, Road Safety Audit, Traffic and Traffic Assessment, Infrastructure Design Report, pre-application documents on disc

8.1.2. In addition, section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

8.1.3. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.2 **Planning Authority Submission**

8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authorities for the area in which the proposed development is located, Cork City Council, submitted the minutes of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. This was received by An Bord Pleanála on January 24th 2019.

8.2.2 Cork City Council's 'opinion' included the following matters: statement on key planning considerations; planning history; principle of development; residential density; scale, height and visual impact; impacts on residential amenity; design; traffic and transportation issues; Part V and environmental screening.

8.2.3 In summary the following is noted:

- Principle of proposal generally corresponds to pattern of previously-permitted development on this site
- Satisfied that proposal accords with relevant land use zoning and general strategic development objectives in the City Development Plan
- Proposed density is c.98.9 units/ha in line with density guidance
- Original density for parent permission TP03/27645 was 43.8 units/ha

- Previous application and TP16/37233 (ABP Ref. PL28.249400) was 36.9 units/ha; current application will bring overall site density to approximately 53.5 units/ha, based on same area as original parent permission and total number of 672 units.
- Previous permission had approximately 260 apartments on this element of the site and proposal is in accordance with design philosophy of original permission
- Proposal would accord with CDP in terms of building height and would in principle accord generally with height regime established by constructed buildings
- One protected view listed in CDP relating to this site LT14, not considered that there would be major impact upon this protected view- assessment of visual impact of proposal is therefore an important consideration
- Impact of proposal on properties in overall Eden/Ursuline convent development in terms of visual impact, overlooking and overshadowing is an important consideration- precedent for previous permissions for major residential development on the lands
- Consideration on impact of properties on Rockfield Avenue and beyond will be important and any existing trees and hedgerows on proposed development site will be maintained
- Overall design and layout approach is generally in accordance with original development strategy for the site and is of a high quality
- Legible structure to the layout
- Generally complies with Apartment Guidelines 2018 in terms of floor area, mix, floor to ceiling heights, private amenity space and aggregate floor areas and widths
- Appears below objective that a minimum of 50% units be dual aspect- approximately 44% are dual aspect
- Design of Block A in context of existing formal gardens of convent I and existing apartment blocks is welcomed
- Variety in height and massing is considered to assist in giving a balanced and complete layout around formal garden

- Design of Block B will enhance a sense of security and safety to existing public walkway to west of site
- External finished sand materials are generally considered acceptable- assessment of same would be required
- Access road from Blackrock Road is not included in application- any modifications must be included in application- clarification required in relation to finer details
- Pedestrian/cyclist permeability through the development through to Skehard Road should be provided- further details required
- Road Safety Audit- issues raised
- Part 8 access to existing public walkway would further enhance the pedestrian/cyclist sustainability options- important that provision is made for a 3m wide (min) shared cycle/walkway to enable access to this future Part 8 development and ensure that development would not infringe/impact on this future Part 8 application
- Level of car parking provision is acceptable; no reference to motorcycle parking; 592 bicycle parking spaces proposed above required standard
- TTA was not scoped by PA and requires some revision, which has been detailed in Opinion
- Should confirm that there is no proposal to provide vehicular access to Skehard Road
- Road Safety Audit does not appear to include any review of any lands outside of red line boundary including main access from Blackrock Road
- MMP will be required
- No lighting proposal provided
- Outline CMP has not been included
- No mention of CMATS within submitted documentation (Cork Metropolitan Transport Study 2018-2040)
- 27 Part V units would be required
- Screening for EIAR and AA is required
- Site not located with Flood Zone A or B
- Proximity of site to Cork Harbour SPA (Side Code 004030) is noted

8.2.4 I have reviewed and considered all of the documentation submitted by the planning authorities relating to this case.

8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of Cork City Council on the 1st day of February 2019, commencing at 11.30am. Representatives of the prospective applicant, both planning authorities and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Development strategy
- Visual Impact to include architectural heritage, Protected Views, elevational treatment
- Residential amenity
- Traffic and Transportation to include connectivity
- Part V
- Any other matters

i. In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Details relating to planning history of overall lands within applicant's control, as outlined in red and blue
- Details relating to intended use/proposals for zoned open space lands to north of Ursuline convent

ii. In relation to residential amenity, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Potential impacts on existing/permitted residential development in terms of overlooking, overshadowing, overbearing and noise

- Compliance with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) ; number of dual aspect units; daylight/sunlight into proposed lower ground floor units
- iii. In relation to visual impacts, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:
- Potential impacts on Protected Structures and Protected Views in vicinity
 - Materials/finishes
- iv. In relation to traffic and transportation, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:
- Report of Cork City Council in relation to access, sustainable travel, parking provision, Traffic and Transport Assessment, Road Safety Audit, Mobility Management,
 - Connectivity through the site, in particular to public walkway to west of development (planned Part 8 development)
- v. In relation to Part V, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:
- Clarification in relation to number of units required/being provided for social housing provision
- vi. In relation to other matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following
- Clarification in relation to areas to be taken in charge, landscaping/boundary treatments, condition of existing trees/scrub on site, submission of CGIS/visualisations/cross sections, management of proposed scheme, invasive species, waste management and EIA Regulations.

8.3.3 The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 302263' 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.

8.4 **Conclusion**

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.

8.5 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.

8.6 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.**

8.7 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 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. Concise details in tabular form of planning history of overall lands, as outlined in red and blue, dating back to the parent permission Reg. Ref. TP03/27645 which includes for, inter alia, decision date, reference number, number of units proposed/permitted, number of car/bicycle parking spaces permitted, open space calculations and density of development. This information should be accompanied by a map clearly showing each parcel of land referred to above.
2. Details of proposals permitted/envisaged for all public open space zoned lands within the owner's landholding, as outlined in blue in submitted documentation, in particular the lands to the north of the Ursuline convent
3. Additional details in relation to connectivity achievable through the site to the wider area, including details relating to pedestrian connectivity to the public walkway to the west
4. Additional CGIs/visualisations/cross-sections showing the proposed development relative to existing/permitted development in the vicinity and which show potential impacts, if any, on Protected Views in the vicinity

5. Architectural Impact Assessment outlining impacts, if any, on nearby Protected Structures
6. Schedule of accommodation
7. Daylight and Sunlight Analysis
8. Transport, roads and parking details having regard to the Opinion of Cork City Council of in relation to access, sustainable travel, parking provision, Traffic and Transport Assessment, Road Safety Audit, Mobility Management,
9. Tree and hedgerow survey, which clearly outlines which trees/hedgerow are proposed for removal, if any
10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority
11. Waste Management Plan

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. An Taisce
2. An Chomhairle Ealaíon
3. Fáilte Ireland
4. Department of Culture, Heritage and the Gaeltacht
5. The Heritage Council
6. Irish Water
7. Transport Infrastructure Ireland
8. Cork Childcare Committee

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.

Lorraine Dockery
Senior Planning Inspector

13th February 2019