



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-304211-19.**

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<b>Strategic Housing Development</b>	302 apartments, retail, childcare unit and works to the Station Master's Building, a protected structure.
<b>Location</b>	Site at Horgan's Quay & Railway Street, Cork.
<b>Planning Authority</b>	Cork City Council.
<b>Prospective Applicant</b>	HQ Developments Limited.
<b>Date of Consultation Meeting</b>	21 May 2019.
<b>Date of Site Inspection</b>	15 May 2019.
<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 Kent Railway Station. The former railway marshalling yards and docks area are currently undergoing redevelopment and the subject site forms part of a permitted development. The site fronts onto Railway Street to the west and Horgan's Quay to the south. The remaining boundaries of the site integrate with the emerging city quarter under construction. For the most part, the site interior is a combination of cleared industrial land and temporary construction working and storage areas, all behind hoarding. At the centre of the site is located a protected structure, the Station Master's Building, RPS reference number PS178.

## 3.0 Proposed Strategic Housing Development

The development of 302 apartments, in a building ranging in height from 8 to 11 storeys:

- 108 one bedroom apartments
- 194 two bedroom apartments

35.1% of units are dual aspect.

5 retail units 1,225.9 sqm.

Childcare Facility 205.6 sqm.

Residents facilities include: management suite, resident's amenity space, landscaping and cycle storage.

50 car parking spaces, 586 cycle spaces.

The site area is 0.61 Hectares and the gross floor space proposed is 27,931 sq.m. Residential density (302 apartments over 0.61 Hectares) 495 units per hectare (gross). Plot ratio 4.6.

#### 4.0 **Planning History**

Most relevant planning applications include:

Subject site:

**PA reference 17/37563.** Mixed use residential, office, hotel and retail development with ancillary creche, landscaping and public realm works resulting in the creation of 4 no. public spaces with an area of 5,080 m<sup>2</sup>, services and site development works. The proposed development makes provision for the conservation, refurbishment, alteration and change of use of the Old Railway Station (Station Master's Building), Carriage Shed and the Goods Shed which are Protected Structures to facilitate their integration into the proposed development and for the demolition of structures, including the existing wall to Horgan's Quay which forms part of their curtilage.

Nearby Sites:

**PA reference 18/37909.** Permission for development including the demolition of buildings bounded by Railway Street, Alfred Street and Penrose's Quay on a site of 0.68 Ha (excluding the footpath areas and public realm works). The proposed development provides for demolition of structures to the rear of the former City of Cork Steampacket Offices (Penrose House) listed as Record of Protected Structures Ref PS281 and the construction of a two building office development including the construction of a six storey over ground floor building to Penrose's Quay and Railway Street and an eight storey over ground building to Alfred Street and Railway Street (total overall floor area of 39,992 sq.m GFA inc. basement areas).

## 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 Heights Guidelines for Planning Authorities' - 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 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')
- 'Childcare Facilities – Guidelines for Planning Authorities' 2001
- 'Architectural Heritage Protection - Guidelines for Planning Authorities' 2011

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

### 5.2 Statutory Plan for the area

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

##### Zoning and Related Objectives

The site is located on lands zoned ZO16 – Mixed Use Development, where it is an objective – 'To promote the development of mixed uses to ensure the creation of a vibrant urban area, working in tandem with the principles of sustainable development, transportation and self-sufficiency.'

The site accommodates a building listed on the RPS as PS 178 - Old Railway Station & Carriage Shed.

Chapter 3 relates to the City Centre and Docklands, the site is located at the interface between the Commercial Core Area and the North Docklands.

Objective 13.26 North Docks - The North Docks, including the railway station lands and waterfront areas, will be developed in accordance with the vision set out above and indicated on Maps 1 and 2 of Volume 2. A comprehensive Masterplan, in line with the Development Plan policy and informed by the Docklands Public Realm Masterplan will be required to guide development of the station and adjoining waterfront lands and Cork City Council will work with the landowners and the transport stakeholders to secure this.

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 302 no. residential units and retail/commercial units 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.

## 7.1 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; traffic, transport and DMURS statement; EIA screening statement; architect's design statement, schedule of accommodation; daylight, sunlight and overshadowing study; Part V costs and methodology report; architectural heritage impact report; industrial archaeology survey; landscape masterplan; statement of consistency with planning policy report; rational for childcare; a completed pre-connection enquiry feedback form from Irish Water.

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

Section 5(5)(b) of the Act of 2016 (as amended) 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. The applicant's case is summarised in the document entitled Statement of Consistency as follows:

- The proposed mixed-use development comprising of 302 no. residential units is consistent with the vision for the Docklands, that of a vibrant mixed use and socially inclusive urban quarter. The development will result in the expansion of the city population in a sustainable way. The proposed development will also act as a stimulus for the regeneration and redevelopment of the other brownfield land on both the North and South Docks.

- The redevelopment of Horgan's Quay will contribute towards achieving the strategic aims of the Cork City Development Plan in relation to the docklands. The redevelopment of Horgan's Quay as a vibrant mixed-use quarter including office blocks, a resident quarter and a hotel is consistent with the development policies. The subject site at Horgan's Quay is close to the City Centre and the public transport facilities of Kent Railway Station and Parnell Place Bus Station. Due to its sustainable location, the development will act as a stimulus for the redevelopment and regeneration of the other lands in Horgan's Quay and the North Docks.
- The redevelopment of Horgan's Quay is the first phase of the regeneration of the North Docks. The design proposal corresponds and integrates with the recent upgrades and road realignment around Kent Station. This ensures the current and future redevelopment of Horgan's Quay is sustainable and integrated.
- The proposed development is consistent with the strategic aims of the NPF and it will result in a high-density development on a brownfield site in the City Centre. Horgan's Quay is located directly adjacent to public transport facilities and has strong walking and cycling linkages to the city Centre.
- The proposed scheme will meet the aims of Objective 16.9: Sustainable Residential Development, in terms of communal open space, local services, sustainable transport connections, regeneration and satisfy housing need in the area.

## 7.2 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 13 May 2019.

The planning authority's 'opinion' included, *inter alia*, the following: an assessment of the proposed development in the context of national policy and the City Development Plan; the principle of the development; commentary on the scale/height/visual impact of the development; housing mix and density; residential amenity standards; 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. The density of the proposal is noted in the context of the overall permitted development on the wider site, TP17/37563 refers. Housing mix is noted as one and two bedroom, the previous proposal was a combination of one, two and three bedroom units. In terms of scale, height and visual impact, the previous proposal is noted and the current scheme is broadly similar, classed as a tall building but acceptable given permitted development in the vicinity. The residential amenity of existing residential properties along Lower Glanmire Road will not be impacted upon and the proportion of single aspect units proposed is acceptable. The design of the proposed development is acceptable. The built heritage of the site has been addressed and the previous conditions attached to TP17/37563 should be noted. Some technical aspects of specific road paving detail are noted as lacking and compliance with DMURS, but in general traffic and transport issues are minor. The only significant concern is that of car parking and permitted development, clarification is needed in relation to the allocation of spaces to residential and commercial units.

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 20/12/18. The planning authority have submitted the report of the meeting. Issues raised at that meeting included, inter alia, the following: alterations to a permitted scheme and detail to do with guideline compliance and childcare set down areas.

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

### 7.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of Cork City Council on the 21 May 2019, 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. Enhancement/integration – setting and context
2. Phasing – parent permission interdependencies
3. Architectural Heritage
4. Car Parking
5. Flood Risk
6. Any other matters

In relation Enhancement/integration – setting and context, ABP representatives sought further elaboration/discussion on the following: the riverside location of the site affords opportunities for a key building that will be highly visible. It was indicated that the CGI material presented by the prospective applicant did not sufficiently articulate the Architect's design statement. More representative CGI images from a number of different vantage points and showing different perspectives would be useful and that more detailed drawings that show particular design responses, junction between materials, window and balcony details should be prepared to better illustrate the proposed scheme.

In relation to Phasing – parent permission interdependencies, ABP representatives sought further elaboration/discussion about the delivery of new public realm and other amenities delivered as part of the parent planning permission. It was thought useful that a phasing plan should outline the delivery of key aspects of the wider area in tandem or before the delivery of the residential scheme proposed. The planning authority also highlighted the relevance of this factor in the context of the phasing strategy outlined in the parent permission.

In relation to Architectural Heritage, ABP representatives sought further elaboration/discussion on how the proposed development podium level amenity space would tie in with the station master's building, junction detail and boundary treatment would be important and that detail was lacking in the documentation submitted.

In relation to Car parking, ABP representatives sought further elaboration/discussion, in relation to the quantum of car parking spaces, its design and layout. The planning

authority also sought clarification of car parking provision and its allocation in relation to the commercial component of the wider scheme under construction. In addition, car parking and set down areas were discussed in the context of the emerging public realm improvements in the area.

In relation to Flood risk, ABP representatives sought further elaboration/discussion on the requirement for a separate FRA with regard to the proposed development. The prospective applicant stated that the principles and mitigation measures outlined for the recently permitted development would be implemented in this proposal. The prospective applicant was reminded that important information that formed part of a previous application would form a beneficial part of this application if lodged.

In relation to any other matters, ABP representatives sought further elaboration/discussion on the following: the preparation of suitably detailed and worked out assessment of apartment floor areas that are either compliant with or in excess of the minimum standards required by national guidelines. The prospective applicant sought clarification with regard to cycle parking standards in national guidelines and whether same could be relaxed in certain circumstances. The planning authority sought clarification with regard to the need for EIA considering that the proposed development could take into account possible cumulative impacts.

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 304211' 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 applicant, the submissions of the planning authority, submissions received from statutory consultees referred to under

Section 6(10) of the Act 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.

- 8.1.3. 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.
- 8.1.4. 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**

- 9.1.1. 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.
- 9.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the proposed building heights and articulation provide the optimal architectural solution for this site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outline the design rationale for the proposed building heights and massing having regard to inter alia, National policy such as Urban Development and Building Heights Guidelines for Planning Authorities' – 2018 and local planning objectives concerning building height, the site's riverside context and locational attributes. The report should describe how the use of massing and height achieves the required densities but with sufficient variety of form to respond to the adjoining emerging developments and creates visual interest in the streetscape and riverside location. In this regard, more detailed drawings that illustrate particular design motifs, the junctions between elements such as windows and balconies and how the form of the overall block is broken up should be prepared.
2. Detailed contextual elevations and cross sections that show permitted development in the vicinity, specifically but not confined to the following: the relationship between the apartment block, landscaped boundary and the entire width of the Railway Street and footpaths, the relationship between the apartment block and emerging development to the east and the internal relationships between the block and the station master's building and the landscaped amenity spaces.
3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed. Details relating to the materiality of the proposed podium and ground floor open spaces should also be submitted. Detailed proposals for the interface

between the proposed development and Railway Street and Horgan's Quay, together with details of the public realm surrounding the site and adjacent to the permitted development to the east. Additional detailed CGIs and visualisations should be submitted in this regard.

4. The following reports that address all aspects of building appearance and durability:
  - (a) A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details Particular attention is required in the context of the visibility of the site along Horgan's Quay and to the long-term management and maintenance of the proposed development.
  - (b) A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
5. A mobility management strategy which shall be sufficient to justify the amount of parking proposed for cars and bicycles. The amount of bicycle parking should take account of the standards set out in table 16.9 of the city development plan, and should be in locations that are convenient, sheltered and secure. An assessment of car parking provision should take account of the advice provided in the 2018 Guidelines on Design Standards for New Apartments.
6. A housing quality assessment which provides the details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
7. A Daylight/Sunlight and Overshadowing 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 and in private, shared and public open space. Drawings should be suitably scaled and annotated.

8. A detailed phasing plan that addresses the delivery of public realm improvements and public amenity spaces that form part of the permitted development currently under construction adjacent to the site. Specifically, any interdependencies, if any, between the prospective application and the permission for the overall site should be highlighted.
9. A draft construction management plan and a draft waste management plan.
10. Flood Risk Assessment as it relates to the site, in the context of the adjacent permitted development.

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. Transport Infrastructure Ireland
2. Minister for Culture, Heritage and the Gaeltacht
3. Heritage Council
4. An Taisce — the National Trust for Ireland
5. Irish Water
6. Inland Fisheries Ireland
7. Minister for Transport, Tourism and Sport
8. Cork City/County 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.

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Stephen Rhys Thomas  
Senior Planning Inspector

07 June 2019