



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304245-19.

Strategic Housing Development	118 build to rent apartments.
Location	Site bounded by South City Link Road (N27), Rockboro Road and Gasworks Road, Cork.
Planning Authority	Cork City Council.
Prospective Applicant	Seamus and Evelyn Scally.
Date of Consultation Meeting	21 May 2019.
Date of Site Inspection	15 May 2019.
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 centre of Cork City adjacent to the South City Link Road, a dual carriageway with the designation N27. 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 laid out with hardcore/aggregate. 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. The red line boundaries of the site extend to include a number of junctions and crossing points in the wider area.

3.0 Proposed Strategic Housing Development

The development of 118 Build for Rent Development, ranging in height from 4 to 17 storeys:

- 29 studio apartments
- 42 one bedroom apartments
- 37 two bedroom apartments

- 5 two bedroom duplex apartments
- 5 three bedroom duplex apartments

48% of units are dual aspect.

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

5 car parking spaces at ground floor level, 118 cycle spaces.

The residential area of the site is 0.33 Hectares and the gross floor space proposed is 8,742 sq.m. Residential density (118 apartments over 0.33 Hectares) 357 units per hectare.

The overall site extends to 0.44 Hectares and includes proposed public realm and road improvements in the wider area.

4.0 **Planning History**

Subject site:

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 Heights 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’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘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 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 an 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 118 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.

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; daylight/sunlight/overshadowing report; planning statement/cover letter; engineering services and infrastructure report; ecological review; AA screening report; architect's design statement, schedule of

accommodation; archaeology and built heritage assessment; landscape masterplan and report; statement of consistency with planning policy report; a completed pre-connection enquiry feedback form from Irish Water and written consent from Cork City Council.

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 pertinent parts of the applicant's case are summarised in the document entitled Statement of Consistency as follows:

- SPPRs as they relate to Build to Rent accommodation are highlighted and expanded upon.
- SPPRs as they relate to Urban and Development and Building Heights are addressed and a rationale provided where local policy and objectives diverge.
- In the context of other section 28 guidelines a detailed response is provided that favours the density of development proposed at this location.
- Finally, the prospective applicant outlines their design rationale with regard to local planning policy and objectives and provides arguments for a taller building at this location.

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

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 17 May 2019.

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.

Ministerial Guidelines - The planning authority would prefer information with regards to the schedule of accommodation laid out in a tabular format.

Site Boundary/Nature and extend of development/Enforcement – Issues remain with regards to the proposed development boundary and outstanding compliance matters that may attract enforcement action in the future.

Principle of development – the planning authority accept that the principle of the development is acceptable given the land use zoning for the site. However, the lack of active ground floor uses are a concern and that any ancillary uses should not be standalone from the B2R proposal.

Density – density standards and plot ratio are outlined in the City Plan.

Build to Rent – the public notice should describe that the proposed development is Build to Rent and an appropriately worded legal covenant should be drafted.

Building Height/Policy/Impact – the planning authority raise a number of issues with regard to local planning policy on height and protected views. In all respects it is pointed out that the site fails to accord with City Development Plan policies and objectives regarding tall buildings and protection of important views.

Transport and Mobility – although minimal car parking is proposed an assessment of other modes of transport use needs to be submitted. Details concerning public realm improvements in and around the site requires clarity. The Council's Transportation Report contains a large number of detailed points that should be addressed if an application is made.

Residential Amenity – details to do with localised noise impacts should be addressed, together with adequacy detailed information in relation to daylight/sunlight/overshadowing impacts for existing and future residents.

Architectural Heritage – the detail submitted in relation to the adjacent ACA is acceptable.

Childcare Facilities – the provision or lack of provision should be explained in the context of local policy advice.

Consultations – additional consultees are listed; TII national roads, HSA Gouldings Seveso site, Bord Gais gas pipeline in footbridge and Irish Aviation Authority with regard to tall buildings.

There were two formal pre-application consultation meetings held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). These were held on the 07/03/18 and 17/07/18. The planning authority have submitted the report of the meeting. Issues raised at that meeting included, inter alia, the following: the principle of residential development at the proposed site; planning history of the site; transport and traffic; building height was considered excessive; regard for the residential amenity of adjacent properties, ACA 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.

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 11.30am. 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. Residential amenity – microclimate, wind, comfort and usability
2. Pedestrian connectivity – public realm off site and access from pedestrian bridge
3. Phasing Strategy – outstanding planning matters
4. Materials and finishes
5. Any other matters

In relation to Residential amenity – microclimate, wind, comfort and usability, ABP representatives sought further elaboration/discussion on the following: given the height of the proposed scheme, a better idea of how the interaction of wind at ground level and communal amenity areas would be extremely useful. In addition, the

sunlight/daylight overshadowing analysis could be better represented and a more appropriate scale of drawing for ease of assessment. The guidelines point out that taller buildings are generally encouraged but should also deliver improved public realm and in this case it would be important to prepare a thorough and robust microclimatic assessment.

In relation to Pedestrian connectivity – public realm off site and access from pedestrian bridge issues, ABP representatives sought further elaboration/discussion about the location and design of off-site public realm improvements. Greater clarity was sought in relation to who would carry out the works and the specific details concerning materials and technical standards should be agreed. Proposed amendments and use of the public footbridge may require third party consents and these must be secured before an application is made.

In relation to Phasing Strategy – outstanding planning matters, ABP representatives sought further elaboration/discussion on the inclusion or exclusion of the service station from the development and that the SHD could progress unhindered. The planning authority outlined their concerns over future enforcement action and a wish that matters would be settled prior to an SHD application. The prospective applicant also hoped that matters concerning the petrol filling station could be resolved soon.

In relation to Materials and finishes, ABP representatives sought further elaboration/discussion, in relation to the importance of high quality materials both in terms of public realm improvements and the face of buildings. The technical specifications of the planning authority with regard to the public domain were discussed, but the provision of high quality and long lasting materials should be paramount. A taking in charge layout should be drawn up before an application is lodged and may not necessarily include all areas of the development.

In relation to any other matters, ABP representatives sought further elaboration/discussion on the type of information necessary to rationalise the proposed building height in the context of building height guidelines and recent Board decisions. The planning authority reiterated their concerns about building height.

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 304245' 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. The prospective applicant should satisfy themselves that the development proposed in any SHD application can be developed independently of any proposal for which permission has not yet been granted on lands in their ownership.
2. A suitably detailed report that addresses the criteria highlighted in section 3.2 of the Urban Development and Building Heights - Guidelines for Planning Authorities, December 2018.
3. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
4. Detailed contextual elevations and cross sections that show existing development in the vicinity, and how public realm improvements will be integrated.
5. a) 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 courtyards and ground floor open spaces should also be submitted.

b) Detailed proposals and design rationale for any other areas of public realm improvement should be submitted together with the necessary legal consents. In particular, in locations such as development connected with any works to the public footbridge.

6. 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 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).
7. 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.
8. 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.
9. A draft construction management plan and a draft waste management plan.
10. A detailed phasing plan that addresses the delivery of public realm improvements in the vicinity of the site such as pedestrian crossing points and rationalised car parking spaces.

11. 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).
12. A layout that shows areas to be taken in charge by the Council, if any.

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
6. Bord Gais/Gas Networks Ireland
7. Irish Aviation Authority
8. Health and Safety Authority

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
Senior Planning Inspector

07 June 2019