



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304987-19

Strategic Housing Development	201 Build to Rent units
Location	Albert Quay, Cork City, Cork
Planning Authority	Cork City Council
Prospective Applicant	Progressive Commercial Construction Ltd
Date of Consultation Meeting	5 th September 2019
Date of Site Inspection	28 th August 2019
Inspector	Ronan O'Connor

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 to the east of Cork City Centre, on a docklands site, generally bounded by Albert Quay East to the north, Albert Road to the south, Albert Street to the west and the site of Navigation Square (under construction) to the east.

It occupies an area of c. 0.38ha and on the site is a 2-storey trade warehouse building occupied by Carey Tool Hire to the east, accessed directly off Albert Quay, with a secondary access of Albert Street (N27); a 3-storey former pub (The Sextant) on the north-western corner; a 2-storey former Ticketing Office that served the adjoining 1-storey Cork Blackrock & Passage West Railway Station, both of which are Protected Structures, and the latter is also a Recorded Monument.

The surrounding area is generally commercial in nature, with the nearest residential uses located on the opposite side of Albert Road to the south. The site is located 400m from the Bus Eireann Bus Station at Parnell Place, and approximately 800m from Cork (Kent) Rail Station.

3.0 Proposed Strategic Housing Development

Build-to-Rent Development of 201 apartments in a building that ranges in height from 8, 11 to 24 storeys over ground floor. Other uses include shared lounge areas, meeting rooms, co-working space, media room and games room (372m²) on the 1st floor, as well as a gym (348m²) on the 2nd floor; café use on the ground floor (216m²); commercial unit (323m²), office uses at Carey House (368m²);

bar/restaurant in the former Cork, Blackrock and Passage West Railway terminus (758m²). The total above ground gross floor area proposed is 21,220m² (including existing buildings). The following details are noted:

Parameters	Site Proposal
Height	Up to 25 Storeys
SHD Site	0.38 Ha
No. of Residential Units	201 BTR Units
Residential Shared Amenities	1,287 sq. m (laundry, reception/concierge, lounge area, lounge/working space, meeting rooms x 3, games room, gym, penthouse shared amenity)
Communal Open Space	Roof Terrace (9 th Floor) 167 sq. m. Roof Terrace (12 th Floor) 458 sq. m.
Car Parking	69 spaces at basement level
Bike Parking	402 spaces
Density (Net)	530 units per hectare

The breakdown of the accommodation is as follows:

Unit Type	No.	%
1-bed	95	47
2-bed	102	51

3-bed	4	2
Total	201	100

4.0 Planning History

Pre-Application Site

There is no planning history on the site of particular relevance to this current proposal. There have been two previous applications relating to the beer garden to the former Sextant Public House, both of which were granted permission by the PA (11/34873 & 10/34431). There is a historical application which relates to the retention of ancillary retail services at Carey Tool hire, which was granted permission by the PA (TP86/13057).

There are a number of relevant applications in the surrounding area which are of note and are detailed below.

Surrounding Area

Location: Navigation House and adjoining warehouses, Albert Quay, immediately east of the site.

PA Register Reference 19/38429 - Current Application -Permission for the construction of 1 no. office building, 4 storeys over ground floor with setbacks of the top floors including provision for a roof terrace, as well as the change of use from office to café/restaurant on the ground floor and general offices and/or business & technology uses and/or office based industry uses on all floors above ground floor.

PA Register Reference 16/36773: - Grant Permission for 4 no. office blocks ranging from three to six storeys over ground floor with set back of the top floors and roof terraces as well as demolition of existing structures including the part demolition of Navigation House and part of the former Cork, Blackrock, Passage Railway structure.

ABP Register Reference PL28. 240487 (11/34944) Permission was granted by An Bord Pleanála for the construction of a multi-purpose events/ convention centre with

an overall gross floor area of 8,425 sq. m., including the demolition of all existing buildings on site, accept for the façade of Navigation House.

Location: Custom House site at North Custom House Quay and South Custom House Quay, Custom House Street (c.70m north of the site)

PA Register Reference 19/38589 – Current Application for 240-bedroom hotel, 25 no. hotel serviced suites, and a range of commercial uses. The proposal includes a 34 storey tower (approximately 140m high).

Location: Horgan's Quay, Railway Street, Lower Glanmire Road (c250m to the north-east of the site)

PA Register Reference 17/35763 Permission granted for mixed use development up to 11 storeys.

Location: Clontarf Street , Deane Street , and Oliver Plunkett Street Lower (c220m to the north-west of the site)

ABP Register Reference PL28.302923 (18/37894) – Grant permission for 15 storey over ground level office building.

Other relevant applications

Location: Jacob's Island, Ballinure, Mahon, Cork

APB Register Reference PL28.301991 - SHD Application – Grant permission for *inter alia* 413 no. apartments includes blocks ranging in height from 6 to 25 storeys.

5.0 National and Local Policy

5.1. National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

- Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.2. 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 (2019).
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009).
- 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.

5.3. Cork City Development Plan 2015-2021.

Zoning and Related Objectives

The site is located on lands zoned Z02 'City Centre Commercial Core Area' where the objective is '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 uses).

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.

Chapter 6 relates to residential strategy and includes residential strategic objectives.

Chapter 9 refers to Built Heritage and Archaeology.

Chapter 13 relates to the City Centre and Docklands. Paragraphs 13.57 to 13.59 considers the development site cluster at Eastern End of the City Centre Island. Objective 13.24 ‘Development area at eastern end of the city centre’ states that Cork City Council will facilitate the development of an office-led mixed use quarter in the eastern end of the City Centre island and the areas facing the river channels to the north and south.

Chapter 16 of the City Plan refers to development management and outlines the qualitative and quantitative standards against which it is proposed to assess proposals.

Tall buildings are addressed in paragraphs 16.25 and paras 16.34-38 with objectives 16.7 stating that the City Council will aim to protect the special character of Cork City which have been identified as having potential for tall buildings with these areas the South Docklands and South Mahon as identified on Maps 2 and 7 of Volume 2 of the CDP.

Section 16.41 refers to 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).

South Docks Local Area Plan 2008

This was extended to 2018 and has since expired. It set out a detailed development strategy for the south docklands area.

5.4. Nature Heritage Designations

The nearest Natura 2000 sites are Cork Harbour SPA (Site Code 004030), the nearest boundary of which is c. 2.5km to the south-east of the site, and Great Island Channel SCA, which is located c.8.3km to the east of the site.

6.0 Section 247 Consultation(s) with Planning Authority

The Local Authority submitted there was one 247 meeting held between the applicant and the planning authority and the issues raised are summarised below:

Pre-247 Meeting (03/07/2019)

Proposal

201 units in a building that ranges in height from 8, 11 to 24 storeys over ground floor; Resident support facilities/resident services and amenities; 2 no. ground floor commercial units; 69 no. car parking spaces, 402 no. cycle spaces; Demolition of former Sextant pub and reuse and renovation of 2 no. Protected Structures (one of which is also a Recorded Monument) for an office and bar/restaurant use; Retention of the Albert Road Post Box which is also a Protected Structure.

General/Policy

Residential development welcomed; Located close to transport hubs (Parnell Place bus station, Kent Rail station); Broadly in line with CDP objectives in terms of land uses.

Conservation

No major objections in relation to architectural heritage/procedure followed to make Sextant pub a Protected Structure and it was decided not to do so/retention and re-use of the two Protected Structures is welcomed.

Height

Proposed height exceeds CDP and LAP guidance/Height Guidelines in force/Misalignment between national and local planning policy on height; Site can accommodate additional height over adjoining developments/need to justify the proposed height to ABP/Visual impact assessment must include an assessment of views listed and protected in the CDP; Take account of possible tall buildings on the Port of Cork site/ relationship between the proposed development and other existing or proposed landmark buildings in the area; Lower building (9 storey) should be modified to reflect the adjoining Navigation Square building/top two bands should be articulated to give the building a 'top'; Applicant stated it may form part of a cluster of tall buildings in the part of the city; City Architect considered the proposed development approach is reasonable.

Design/Layout

Public realm is crucial/microclimate and wind must be assessed/1m difference between ground level and FFL/visual impact of same; Width of proposed street must be the same as the street on Navigation Square site.

Other

Some concern over the proposed provision of the private open space for the apartments; Site is in Flood Zone A – FRA is required; Part V applies; EIAR – PA advised that adjoining developments were accompanied by EIAR/PA is of the view that EIAR may be warranted/Matter for ABP to screen for EIAR; Construction Management is a key issue/details required; City Architect considered the proposed development approach is reasonable; Roads queried car parking proposals and the impact on the local traffic network.

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

Cover Letter and SHD Application Form for Section 5 Consultation; S.247 Pre-Application Consultation Minutes; Letter from Irish Water dated 5th July 2019.; DMURS Compliance Statement ; EIA Screening Report; Planning and Statement of Consistency Report; Childcare Needs Assessment; Screening Report for Appropriate Assessment; Daylight, Sunlight and Overshadowing Study; Wind Microclimate Study; Built Heritage and Industrial Archaeology; Outline Mobility Management Plan; Sustainability Report; Stage 1 Road Safety Audit; Operational Management Plan; Report on Fixed Phone Lines and Broadband Connections; Outline Construction Management Plan; Civil Engineering Report; Build to Rent Justification Report; Urban Design and Tall Buildings Statement; Architectural Heritage Impact Assessment Report; Archaeological Assessment; Traffic and Transport Assessment; Flood Risk Assessment; Final Visual Impact Assessment ; Architectural Design Report; Housing Quality Assessment.

Planning Report and Statement of Consistency

The applicant's case is set out in in general terms within the Planning Report and Statement of Consistency and can be summarised as follows:

General

Increase density in this area is supported by decisions of the planning authority; National policy advocates a presumption in favour of tall buildings subject to certain criteria; Recent decisions for higher buildings to the east of Brian Boru/Clontarf Bridge, along the waterfront and in areas close to Public Transport Nodes (Penrose Dock, Horgan's Quay, 5 Victoria Road); Tall buildings make a positive contribution to the urban character and are not a new phenomenon in Cork; Balance between new developments and rejuvenation of City's built heritage; Following significant commercial development, the case for residential development is more favourable.

National Planning Framework

Proposal will deliver regeneration in the docklands and contribute to targeted population growth; Will deliver development within the footprint of the city and create a high quality urban place; Will drive growth in Cork and at a National level; Deliver development at a scale appropriate to its location and will increase density through regeneration and increased building height.

Urban Development and Building Height Guidelines (2018)

Proposals for tall building cannot be ruled out in principle but are assessed against a number of criteria. Each of the criteria is considered. In general however, it is stated that;

- The proposed development is located in close proximity to public transport hubs,
- has excellent pedestrian and cycle connections,
- has had regard to the cultural and architectural heritage,
- minimises impacts on key views,
- responds to context of the neighbourhood,
- Is of high architectural quality and will improve the public realm.
- Will increase permeability.
- The cumulative impact of other tall buildings has been considered/will read as part of a cluster of tall buildings.
- Daylight/Sunlight/Overshadowing impacts are negligible /Development is in line with BRE Guidelines.

All other assessments as required by the Guidelines have been carried out.

Climate Action Plan

Located in a highly accessible area and the built form will focus on energy efficiency.

Rebuilding Ireland – Action Plan for Housing and Homelessness

Will deliver 20 Part V units and 201 no. residential units, contributing to the housing target of the plan.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)

Site can be classified as a 'central and/or accessible urban area'; Complies with the SPPRs as relates to BTR schemes/detailed further in the Housing Quality Assessment.

Sustainable Residential Development in Urban Areas (2009)

Proposed development falls within the (a) City Centre (b) Brownfield site and (c) Public Transport Corridor which are locations that are appropriate for increased densities; Proposal complies with standards relating to public, private and open space; Avoids impacts on amenity; Meets or exceeds internal space standards; Is generally consistent with the Cork City Development Plan; Reuse and renovation of two Protected Structures on site.

Urban Design Manual – A Best Practice Guide (2009)

The proposal has been considered against the 12 criteria as set out in the Urban Design Manual and is considered to comply with same.

Guidelines for Planning Authorities on Architectural Heritage Protection 2004 (as revised 2011)

The former Sextant Public House, while on the NIAH list, is of modest design and has been significantly altered over time; Provisions of the Architectural Conservation Area (ACA) is not to retain all existing building but encourage appropriate development and retain the most significant elements of heritage interest; Focus of the proposed redevelopment has been to reuse and renovate the 2 no. Protected Structures on the site/also proposed to retain the Albert Road post box which is a Protected Structure.

Design Manual for Urban Roads and Streets (2013)

It is stated that much of the guidance is not relevant to this particular site but the key design elements of creating permeability, prioritising pedestrian and cyclists and encouraging the use of cycling have been achieved; Proposed road upgrades have been considered by the design team.

Childcare Facilities – Guidelines for Planning Authorities.

The proposal will generate a demand of 8 childcare spaces and there is a capacity of 152 spaces in facilities in a 2km radius.

Smarter Travel – A Sustainable Transport Future 2009-2020

Close to transport hubs/extensive array of footpaths and cycle ways; 402 cycle spaces and only 69 car parking spaces are proposed.

The Planning System and Flood Risk Management

Is located in an area at risk of flooding; FFL has been set at 3.8m OD; Proposal meets the requirements of the Justification Test.

Birds and Habitat Directive – Appropriate Assessment

Submitted AA Screening Report established there is no potential for the project to result in significant effects to any Natura 2000 sites and as such a Stage II appropriate assessment is not required.

Draft Regional, Spatial and Economic Strategy for the Southern Region 2018

Will strengthen the settlement structure of the region; contribute to compact growth; provide quality housing; make efficient use of land.

Draft Core Metropolitan Area Strategic Plan 2018

Will strengthen the role of Cork as an international location of scale/primary driver of population growth; Contribute to regeneration of the docklands, will capitalise on its waterside setting.

Cork City Council Development Plan 2015-2021

Will meet the objectives of the plan by way of an increase population/meet population targets; development of city centre/edge of centre site ; deliver commercial uses as well as leisure entertainment; reduce car dependency; use of underused land; enhance amenities of the area; will deliver private rented accommodation and promote City Centre Living; no significant impact on protected views and prospects; responds to demand for residential units accommodating fewer people; complies with the Z02 zoning; will deliver a tall building at a pivotal entrance point to the Docklands; Will reuse two Protected Structures on site; Demolition of the Sextant pub will secure the comprehensive redevelopment of the site; strategy has been guided by the provisions of the ACA; Tall buildings are supported in the Docklands;

Cork South Docks LAP 2008

A new LAP for Cork Docklands is in preparation. However the guidance of this LAP provides a relevant context for the proposed development and promotes the development of the South Docklands for high density mixed uses.

Draft Cork Metropolitan Area Transport Strategy (CMATS) 2019

Will deliver a high density public transport orientated development/support the delivery of Mahon-City Bus Connects Route as well as the proposed Light Rail.

8.0 Planning Authority Submission

A response was received from the planning authority which is summarised as follows:

Principle of Development

The principle of residential use is generally acceptable under the zoning objective Z02; Provision of a café use and bar/restaurant at ground floor level are welcomed; Is considered to align with Goals 1, 2 and 4 of the City's Core Strategy.

Residential Density/Plot Ratio

It is noted that the density (530 units/ha) and the plot ratio (5.3:1) is considerably in excess of Development Plan Standards; SPPR 8 of the Apartment Guidelines (2018), relating to BTR, is relevant and the amenity value and quality of the residential units will need to be assessed against these provisions; No balconies/winter gardens or other separate amenity areas are indicated/all such space is within the main living area of the apartments/only 65% of the units are provided with this additional floor space; Key considerations are whether quality of private amenity space and communal space (indoor and outdoor) provided is adequate and whether the balance of these spaces is sufficient; Treatment of the public realm is crucial and the quality of the public plaza need to be considered.

Architectural Heritage

Impacts on ACA is a key consideration; No objection in procedural terms to the demolition of the Sextant Bar; Retention and re-use of the two Protected Structures is welcomed; ABP may consider consulting Department of Culture, Heritage and the Gaeltacht.

Building Height

CDP has identified areas which have potential for tall buildings – South Docklands and South Mahon and locations are indicated on the relevant Zoning Maps; CDP does not identify the subject site as either a Landmark or Focal Site suitable for the development of a tall building/South Docks LAP 2008 did not identify the site for a

tall building; Site is identifiable as a local node, marking a significant road intersection/ Some potential for additional height/questioned if it is strategic or significant in terms of its location/if the site is an appropriate location for a 25 storey landmark building; Scale and massing represents a significant departure from the established scale/massing/character of the area – acknowledged that this is changing; Site is natural expansion area of the city centre; Criteria set out in Section 3.2 of the Building Height Guidelines will be central to the assessment of the proposal; Impacts on amenity are key considerations.

Visual Impact

Site is visually prominent/would proposal compete with city landmarks/intrude on protected views; Relationship of the proposal with the setting of the Custom House (Street) Quay and Protected Structures on this site; Noted that there is a current application lodged with City Council for a 34 storey building on the Custom House/Bonded Warehouse Site/may compete in architectural and visual terms; Cumulative visual impact is a key consideration.

Urban Design/Building Design

Key consideration will be the relationship of the 12 storey block fronting Albert Quay with the 25 storey tower; Lower building should be modified to reflect the lines of the Navigation Square building/permeability should be provided between the two sites.

EIA Screening

Noted that the applicants screening report concludes that a Non-Mandatory EIAR is required.

Childcare Facilities

Written confirmation from Cork City Childcare that there are childcare spaces locally should be provided; PA's recent communication with Cork City Childcare indicates that there is a shortfall of spaces in the area.

8.1. Interdepartmental Reports

Conservation

Welcome the retention and re-use of the former Cork, Blackrock and Passage Railway HQ and officer, and the railway terminus shed; Reference is made to report

which stated that the Sextant was to be protected by means of an area based measure, specifically by the designation of an ACA; While the loss of the building would be regrettable it is not considered it raised procedural issues; ABP may consider consulting Department of Culture, Heritage and the Gaeltacht

City Architect

Concludes that this site can act as a transition area from old to new city and make an entrance gateway from the airport via the N27 link route; Notes a cluster of buildings is emerging in this general location – consider that the Albert Quay Tower is a suitable addition and location; Proposal is an appropriate design solution for the city; Form of the tower at 24 storeys is an elegant solution and works well with the 11 and 8 storeys; No objections to proposal/consider it a welcome addition to Cork City's architecture.

Fire Safety

Raise concern in relation to lack of a second lobby/recommend that a second escape stairs be considered in addition to a sprinkler system; Open-plan/inner bedroom gives rise for concern.

Transportation

Removal of current access onto the N27 is welcomed; details on cyclist access to basement needed; detail on refuse collection needed; letter of consent for upgrades to roads and footpath infrastructure; parking less than the maximum allowable is welcomed; breakdown of parking allocation and details of accessible parking/parking for deliveries needed; Details of vehicular access to/egress from car park required; note the contents and conclusions of Road Safety Audit and Traffic and Transport Assessment; Commitments in the Mobility Management Plan are essential to promote sustainable travel; critical that proper consideration is given to construction logistics and traffic management;

9.0 The Consultation Meeting

A Section 5 Consultation meeting took place at the offices of Cork City Council on the 5th Day of September 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 as follows:

1. Residential Density
2. Height (including justification/visual impact/impact on Protected Views)
3. Design and Layout (e.g. scale and massing/internal layout and standards/public realm/streetscape)
4. Conservation (Impact on ACA/Impact on Protected Structures)
5. Transport (including car parking/cycle parking, transport links, required infrastructure upgrades)
6. Infrastructure (water, wastewater etc)
7. Flood Risk
8. Any other matters

In relation to *Residential Density*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP stated that justification would be required for the proposed density. Was noted that the proposed density of 530 units/ha was one of the highest the Board would have considered. Robust justification would be required, having regard to the site's location relative to public transport facilities. A high standard of design would be necessary.
- The PA also noted the high density figure.
- In response, the prospective applicant stated that the rationale for the density follows the 2009 guidelines. The site's accessibility was noted, in particular the Kent Rail Station and the Bus Station. It was also noted that the site is linked to surrounding areas and to the city centre via pedestrian and cycle networks. A higher density was considered appropriate at these locations.
- ABP further noted that the proposed mix should be examined – large number of 1 and 2 beds/was noted that a high standard of amenity, including appropriate communal spaces and support facilities, was needed to ensure that residents

were encouraged to rent over a longer term, and sense of community was fostered.

In relation to *Height*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP noted that robust justification for the proposed height at this location would be required. It was noted that the site is not identified in the CPD as a location for a tall/landmark buildings. A key consideration would be whether the site is strategic in terms of its location.
- A further key consideration would be the cumulative impact of the proposal in combination with other existing, permitted and proposed developments, including the current application at the Custom House Site for a tall building.
- The PA noted that the proposed building will be located at one of the main entrances to the city, and the site was considered an important site. The applicant needs to explain what the city is gaining from this tall building. The City Architect noted positive aspects of the proposal.
- In response the prospective applicant noted that this is an edge of city centre site in an area that is undergoing change. There are a number of high buildings existing or permitted in the surrounding area.
- Much consideration/design work has gone into ensuring the visual impact will be positive. In relation to the cumulative impact, the prospective applicant stated that the building will read as one of a cluster of tall buildings. This building supports the proposed Custom House tower as there is a step-up in height from this building to the proposed tower.

In relation to *Design and Layout*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought justification for the scale and massing of the proposed development, in particular the 12 storey element and its relationship with the Navigation Square development to the east.
- ABP noted that the internal standards was a key issue, including provision of private amenity space and communal amenity spaces.

- ABP sought further clarification in relation to the permeability of the public realm.
- ABP sought further details in relation to the materials used at ground floor level and the impact on the streetscape.
- The PA was of the opinion that the treatment at the top of the tower and the relationship to Navigation Square should be examined.
- The PA raised concern in relation to private amenity space provision and noted and noted that these amenity spaces are undefined on the plans. The quality of the public and communal space needs to be clarified at street and podium level, respectively.
- In response, the prospective applicant stated that the lowest of the proposed buildings is 9 storeys which is the same as Navigation square and stated that the façade is a unifying element. The context, slenderness and relationship of the tower to its neighbours has been considered.
- It was noted that the proposed building contains 5 units per core and the mix contains 4 unit types with no studio apartments/There is Juliet balconies on every apartment and the living area is generous/The private amenity space can be further defined/Units that don't have amenity spaces are larger and daylight and sunlight levels are high/The functionality of the roof gardens can be examined.
- ABP further noted that internal CGI's of a number of residential units would be beneficial – would help to visualise how the private amenity area would work.

In relation to *Conservation*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further clarification in relation to the impact of the proposal on the on the ACA and protected structures and as well as justification for the demolition of the former Sextant Public House – was noted that it was on the NIAH list.
- The PA noted that the height of the tower is a concern in relation to the ACA. The re-use of the Protected Structures was welcomed. The demolition of the Sexton pub was considered regrettable however there is no procedural issue in relation to same.

- The PA considered that one of the key issues/concerns is the impact on the existing buildings on the Custom House site, which are protected and are of importance.
- In response, the prospective applicant noted that there are 3 Protected Structures on the site, including the Albert Road post box, all of which are being retained. The primacy focus was on the retention and reuse of the two former railway buildings on the site/Sextant pub is compromised as a result of extensive alterations.

In relation to *Transport*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP and PA sought further justification for the number of car parking spaces.
- In response, the prospective applicant stated that the car parking is at the minimum at 0.3 spaces per unit. Additional electric car points/ducting will be provided.

In relation to *Infrastructure (water/waste water etc)*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further elaboration/discussion on any potential water and wastewater constraints and noted that Irish Water had not raised any concerns at this stage.
- The PA noted that there is a sewer at the front and it has sufficient capacity. It was also noted that discharge from the basement will be to waste and not to storm water.
- The prospective applicant noted that the site is well serviced in relation to water and wastewater and noted the comment of the PA in relation to discharge from the basement.

In relation to *Flood Risk*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP noted that the majority of the site was in Flood Zone B and was partially in Flood Zone A – a Justification Test was required.
- PA noted that further consultation should be undertaken with the Drainage Department in relation to storm water drainage.

- The prospective applicant noted that the Justification test has been carried out.

In relation to *Any Other Matters*, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP noted that a second escape stairs may need to be provided in line with the Fire Officer's comments, which may have implications for the proposed internal layout of the tall building.
- ABP noted the need to submit sunlight, daylight and wind reports.
- The PA reiterated that a building of 90 metres falls into the category of a district landmark and that a rationale will be required.
- The prospective applicant noted that a second escape stair can be accommodated.

10.0 Consultation

Irish Water

Confirmation of Feasibility issued for this site for 204 residential units. 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. 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.

Department of Culture, Heritage and the Gaeltacht

Department recommends that all recommendations made by the Cork City Archaeologist in relation to this proposal be included as a condition of planning permission. It is also recommended, given the scale and location of the development, that all aspects of the archaeological methodology specified in the City Archaeologist's report be retained. This will ensure that an appropriate archaeological mitigation strategy is adhered to as a condition of planning.

11.0 Assessment

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.

Conclusion

Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **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.

12.0 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)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Notwithstanding that the documentation submitted would constitute a reasonable basis for an application, further clarity and/or justification of documents as they relate to the proposed private and communal amenity spaces, having regard to the criteria as set out in SPPR 8 of the Design Standards for New Apartments - Guidelines for Planning Authorities (2018). In particular, clarity is required as to the nature of the private amenity spaces that are provided, and greater definition of same is required on the drawings.
2. A Wind study Analysis, in respect of the functionality of the communal spaces provided at 9th floor and 12th floor levels.
3. Further justification within the application documents as they relate to the level of car parking provision proposed, having regard to criteria (iii) as set out in SPPR 8 of the Design Standards for New Apartments – Guidelines for Planning Authorities (2018). Clarity as to the allocation of parking for users (commercial/residential) should also be provided.
4. Additional CGIs/visualisations/3D modelling showing the proposed development relative to existing, permitted and proposed taller buildings should be provided, and related assessment of same provided, having particular regard to (i) the cumulative impact of the proposal on protected and key views (ii) the cumulative impact of the proposed building and permitted tall buildings on the setting of the Albert Quay, Albert Road and Victoria Road Architectural Conservation Area, and on the setting of surrounding Protected Structures, including those on the Custom House Quay site and (iii) the impacts on surrounding residential development.

5. Additional details/additional CGIs/visualisations/3D modelling of the proposed public realm at ground floor level, with particular regard to the quality of the public realm provided, proposed links through the public realm to adjoining sites, and how this will increase permeability through the site, and serve as an amenity for the wider area.
6. Additional detail and/or justification is required for the non-provision of childcare facilities, having regard to the views of the Planning Authority in relation to the possible shortfall in childcare capacity in the area. If justification is not possible, a childcare facility should be provided on the site. Particular regard should be had to the criteria as set out in Childcare Facilities – Guidelines for Planning Authorities (2001).
7. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
8. Waste Management Details.
9. A Justification Test should be submitted, noting that the majority of the site would appear to be in Flood Zone B and partially in Flood Zone A
10. Site Specific Construction and Demolition 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. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. Irish Water
5. National Transport Authority
6. Transport Infrastructure Ireland
7. Irish Aviation Authority

8. The Operator of Cork Airport
9. Cork City Childcare

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.

Rónán O'Connor
Planning Inspector

25th September 2019