



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-306442-20**

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<b>Strategic Housing Development</b>	Demolition of an existing dwelling and construction of 216 no. student bedspaces and associated site works.
<b>Location</b>	San Paula, Orchard Road, Co. Cork
<b>Planning Authority</b>	Cork City Council
<b>Prospective Applicant</b>	Denis O'Brien Developments (Cork) Limited
<b>Date of Consultation Meeting</b>	05 <sup>th</sup> May 2020
<b>Date of Site Inspection</b>	02 <sup>nd</sup> March 2020
<b>Inspector</b>	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 on Orchard Road, which runs between College Road, to the east, and the northern end of Wilton Road (R641), to the west. The site has an area of 0.41ha. On site is a two-storey detached dwelling house (San Paula).

To the south of the site there are relatively large detached dwellings which front onto Orchard Road, with rear gardens forming a boundary with the site. To the east and north of the site is the Brookfield student accommodation development, which sits at a lower elevation than the proposed development site. To the north-west is a residential development 'The Grove' which also sits at a lower elevation than the site.

The dwelling is currently accessed via a vehicular gateway on Orchard Road. There is a 3m incline on the site, rising from the north-west corner up to the south-east corner. The site also incorporates a number of mature trees.

## 3.0 Proposed Strategic Housing Development

The proposed student accommodation development comprises the demolition of an existing dwelling and ancillary structures on site and the construction of 30 no. student apartments consisting of 216 no. bed spaces (ranging in size between 4, 6 and 8 bed apartments), with common facilities (study room, laundry, screening room and lounge), a reception area, management offices and storage and all associated ancillary development including plant and equipment, recycling/refuse storage,

landscaping, vehicular and pedestrian access, bicycle and car parking. The proposed development ranges in height from one to five storeys.

The following details are noted:

<b>Parameters</b>	<b>Site Proposal</b>
Height	1, 2, 4 and 5 Storeys
SHD Site	0.41ha
No. of student bedspaces	216
External amenity space	1540 sq. m
Internal Amenity space	161.1 sq. m.
Car Parking	4 spaces
Bike Parking	108 spaces

## 4.0 Planning History

### Site

ABP Ref 302331-18 (PA Ref 18/37749) – Grant - Demolition of an existing dwelling house and ancillary structures on site and the construction of 9 no. dwelling houses at San Paula, Orchard Road.

## 5.0 National and Local Policy

### 5.1. National Planning Framework

The recently published National Planning Framework references student accommodation at section 6.6 and states that demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. It states that the National Student Accommodation Strategy supports these objectives.

The NPF also includes a number of relevant objectives as follows: Objective 31 which seeks to prioritise the alignment of targeted and planned population and employment growth with investment in: - the expansion and consolidation of Higher Education facilities, particularly where this will contribute to wider regional development. Objective 13 states that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth. 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.

## **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 Section 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 Street.
- Urban Development and Building Heights, Guidelines for Planning Authorities.
- The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').

The following documents are also considered relevant:

- Dept. of Education and Skills 'National Student Accommodation Strategy' (July 2017)
- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd  
Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005).

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

#### Zoning

The subject site is zoned Z04 "Residential, Local Services and Institutional Uses" in the Cork City Development Plan 2015-2021. The objective of this land-use zoning is to 'protect and provide for residential uses, local services, institutional uses and civic 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.

#### Student Accommodation

- Variation No. 5 (Student Accommodation) of the Cork City Development Plan notes key national targets of 7,000 additional purpose built student accommodation bed spaces by 2019 and a further increase of 21,000 by 2024.

- Paragraph 16.68 of Variation No. 5 of the Cork City Development Plan 2015-2021 lists the criteria to be taken into account when assessing planning applications for student accommodation developments
- Table 16.5a of Variation No. 5 lists 'Minimum Standards for Purpose Built Student Accommodation'.

Other relevant objectives

- Chapter 6 relates to residential strategy and includes residential strategic objectives.
- The site is adjacent to an Architectural Conservation Area - Chapter 9 sets out objectives relevant to ACA's.
- Objective 10.6 Views and Prospects
- 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.

#### 5.4. **Nature Heritage Designations**

The nearest designated sites are Cork Lough pNHA and the Lee Valley pNHA which are approximately 1.1km south-east of the site, and approximately 1.3km north-west of the site, respectively. The nearest Natura 2000 site is Cork Harbour SPA, the nearest boundary of which is located approximately 4.7km south-east of the site.

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

There was one formal S 247 meeting held between the applicant and the planning authority on 15/05/2019 and the issues raised are summarised below:

##### **Pre-247 Meeting**

##### **Proposal**

- 216 no. student bedspaces in blocks ranging from 3 storeys to 5 storeys in height.

##### **Issues Raised**

- Permission for student housing nearby (TP19/38325 for 154 bed spaces)

- Demand for student housing/need up to date data.
- Appears to be a gated community/PA not in favour of gated communities.
- Links, if any, to the Brookfield Complex.
- Traffic management/Traffic and access issues/planning history has raised same.
- Increased traffic demand also arising from short-term tourism accommodation.
- Query if existing leisure centre at Brookfield is operational/does it have planning permission/may be of no benefit to future residents.
- Would like to see a more innovative design.
- Use of different materials to the single storey element to the front.
- Density.
- Height and visual impact.
- Impacts on amenity.
- Future proofing.

## **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
- Report on Supply and Demand of Student Accommodation
- Statement of Consistency
- Information to Inform a Stage 1 AA Screening
- SHD - Possible Effects on the Environment
- Student Accommodation Management Plan
- Preliminary Landscape and Visual Impact Assessment
- Arboricultural Impact Assessment Report
- Planning Stage Engineering Report for Student Accommodation Development
- Design Rationale

- Design Statement
- Verified Photomontages

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

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

## 8.0 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 section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on 17<sup>th</sup> February 2020. The planning authority's opinion included the following matters:

### Principle

- Having regard to the zoning of the site the principle of development is acceptable.

### Design/Height

- The height would place it within the category of a medium height building as defined in the Cork City Development Plan
- City Architect – well-considered student residential development/tree and hedges should be maintained.
- Future adaption should be demonstrated
- Protected View CH2: View of County Hall from College Road appears to be unaffected, having regard to the photomontage document submitted.

### Student Accommodation

- Clarification is required in relation to the nature and extent of on-site management personnel/details of management outside of term time is also required.
- Proposal should comply with the minimum standards as outlined in Table 16.5a.
- Impact on Residential Amenity
- Development is situated where there is a high level of 2-storey residential units and the proposal should adequately address this and not adversely impact on same.
- Noise from the proposed development needs to be considered.

### Traffic and Transport

- No detail on the proposed entrance design and construction materials have been submitted.
- Insufficient details provided in relation to the materials/finishes of the shared surface area within the development.
- Provision of minimal parking is welcomed.
- Cycle parking should comply with standards set out in Design Standards for New Apartments: Guidelines for Local Authorities (2018).
- No road safety audit has been submitted – safety impacts of the alterations to the vehicular entrance should be examined.
- Mobility Management Plan/Lighting details/Demolition and Construction Management Plan required.
- Impact on the local traffic network will be minimal.

### Drainage

- SuDS assessment is required.

## 9.0 The Consultation Meeting

A Section 5 Consultation meeting took place via Microsoft Teams on the 6<sup>th</sup> Day of May, commencing at 14:30pm. 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 as follows:

1. Justification for location/Demand for Student Accommodation.
2. Urban Design, including height and layout/ open spaces.
3. Design Standards including amenity for occupants/Management of the facility
4. Impact on Surrounding Residential Amenity  
(daylight/sunlight/overshadowing/overlooking/visual impact/noise).
5. Transport (accessibility/parking/required infrastructure if any).
6. Site Services (Foul, Surface, Water supply/required infrastructure)/Flood Risk.
7. Appropriate Assessment Screening.
8. Any other matters.

In relation to *Justification for location/Demand for Student Accommodation*, ABP sought further elaboration/discussion on the following:

- Student accommodation demand/concentration of student accommodation.

The Planning Authority (PA) noted the following:

- The area is a mixed use area.
- There is a shortfall of student accommodation.
- The proposed density is 73 units per hectare which is fine for this location.
- There should be a balance between residential and student accommodation.

The prospective applicant noted the following:

- The applicant is an existing operator of student accommodation and has experience in managing such developments and ensuring that they are well run,

with no impact on surrounding residents/management plan will be in place as per other developments.

- There will be no delay between permission if granted and construction.

ABP further noted the following:

- Prospective applicant should ensure that the Student Demand Report is up-to-date and should also provide evidence in relation to the concentration of student accommodation in the area.

In relation to *Urban Design*, ABP sought further elaboration/discussion on the following:

- The proposed height and the PA's opinion on same.
- Layout of courtyards.
- Visual impact.

The PA noted the following:

- No concern with the proposed heights.
- The proposed massing is concentrated at the northern boundary.
- Overshadowing and overlooking impacts are detailed in the pre-application.
- The design of the southwest facing courtyard is reasonable.
- Proposed design of the entrance and overall massing are good/There is a graduation of height from 3 to 5 storeys. .
- The windows are well-proportioned.
- This is a suitable urban setting for the proposed development.

The prospective applicant noted the following:

- Heights are graduated.
- Proposal is conscious of the surrounding residential environment.
- There are sufficient separation distances between the proposed development and the surrounding residential properties.
- The proposal is only 3 storeys in height on the southern boundary.

- All student accommodation in the area is either the same height of this development or higher.
- The northern and eastern side of the site has tree cover.

ABP further noted the following:

- More CGI's are required detailing visual impact from Brookfield.

In relation to *Design Standards including amenity for occupants/Management of the facility*, ABP sought further elaboration/discussion on the following:

- Internal amenities – lounge, cinema and meeting rooms/quantum of same that is provided.
- Management of the accommodation.

The PA noted the following:

- Management of the scheme needs to be clearly explained.

The prospective applicant noted the following:

- The scale of internal amenities for the proposed student accommodation is appropriate.
- There are a number of other amenities in close proximity to the site.
- There will be a dedicated manager for the scheme and 24 hour on call security.
- The leisure centre at Brookfield can be used by students at a discounted rate.

ABP further noted:

- Prospective applicant should outline what has been provided in other student accommodation schemes completed by the developer/Justify what is being proposed in terms of internal amenity.

In relation to *Surrounding Residential Amenity*, ABP sought further elaboration/discussion on the following:

- Potential sunlight/daylight/overlooking impacts.
- Potential noise impacts.

The PA noted the following:

- Overlooking is addressed in the documents.
- Need to examine any noise impact and submit a noise impact assessment.
- Construction and demolition management plans should be submitted.

The prospective applicant noted the following:

- A Daylight and sunlight analysis has been carried out which indicates that there is a negligible impact on residential houses to the north-west and that the impact on student accommodation to the east and north is minor.
- The submitted CGI's have focused on localised views from the public realm.
- This is a well screened site.
- There is set back from the southern boundary.
- No roof terraces are proposed and all amenities are all at ground level.

ABP further noted the following:

- The prospective applicant should detail impacts on sunlight/daylight, and in relation to overlooking.
- More views from 'The Grove' and from the dwelling houses to the south should be provided.

In relation to *Transport*, ABP sought further elaboration/discussion on the following:

- Sight lines.
- Footpaths and infrastructure.
- Possible pedestrian connections.

The PA noted the following:

- Sight lines were an issue on a previous application. However there is only minimal traffic movement expected with this proposal.
- No issues with the proposed changes to entrance.
- Pedestrian entrance is via the courtyard.
- There should be a raised table at the entrance.

The prospective applicant noted the following:

- There are two possible pedestrian connections shown.
- The north eastern connection would be the easiest to deliver as it links to the hard surface on the adjoining site.
- The south eastern connection is difficult as there is no existing connection to the adjoining property.
- Both connections are dependent on agreement with Brookfield which may be difficult.
- Brookfield is gated and managed and has its own access point.
- In relation to the distance from UCC, the medical campus is close - approximately 400 meters/not much of a saving in relation to distance would occur should the pedestrian links be provided/the provision of same ca be examined further.
- A road safety audit has been carried out.
- A raised table could cause a safety issue.
- The internal layout of curbs, shared surfaces will be detailed.
- The entrance is to be upgraded and widened.
- There will be better sight lines - 45 metres in each direction with a 2 metre set back.
- 4 parking spaces and 108 bicycle spaces will be provided.

ABP further noted the following:

- The prospective applicant should detail the connections to Brookfield/Explain why future connections might not happen.

In relation to *Site Services*, ABP sought further elaboration/discussion on the following:

- Water supply upgrade.
- Site services.
- Flood risk.

The PA noted the following:

- The prospective applicant should outline and address SUD's measures.
- Site is outside the flood zone.
- Foul water has been addressed.
- Need to detail the extension of storm water sewer to the north-west.
- In relation to water supply, Irish water would prefer an upgrade connection to the College Road
- The waste connection point on the footpath needs clarification.

The prospective applicant noted the following:

- SUD's measures will be shown.
- Flood risk is minimal.
- Connection to Wilton Road would be preferable however will continue discussions in relation to this.
- In relation to the waste collection – will be collected from the complex and fobs will be used.

In relation to *Appropriate Assessment*, ABP sought further elaboration/discussion on the following:

- Appropriate Assessment Screening.

The prospective applicant noted the following:

- Envisage a stage 1 screening.
- Discharge will go through interceptors.

ABP further noted:

- A rationale and clarity will be required in relation to AA screening.

No parties had any comments under the 'AOB' agenda item.

## 10.0 Consultation

### Irish Water

- Irish Water has issued a Confirmation of Feasibility for this development for 216 bed spaces.
- Upgrades are required to facilitate the proposed connection to the public water network upgrades are required. Delivery of this infrastructure would be by Irish Water with the cost of the delivery borne by the applicant
- No upgrades or consents were required for a waste water connection.
- No third party consents other than a road opening licence from the local authority would be required for these upgrades.
- Applicant will need to provide adequate fire storage capacity within the development.

## Conclusion and Recommendation

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting.

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.

### 11.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents

submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

Pursuant to article 285(5)(b)(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 arising from this notification:

1. An up-to-date Student Demand and Concentration Report.
2. Additional CGIs/visualisations/3D modelling showing the proposed development relative to existing development, including the surrounding residential development.
3. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
4. A report (or reports) that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overshadowing, potential overlooking and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.
5. A detailed layout plan and report outlining existing and proposed pedestrian/cycle connectivity to the surrounding third level institutions, to surrounding services and to the City Centre, including details of any infrastructural improvement works proposed as part of the application. In addition the information requested in relation to traffic and transport (as detailed in Part XI of the planning authority's

opinion should be provided, namely details in relation to the design of the entrance, materials/finishes for the proposed shared surfaces, a road safety audit, a Mobility Management Plan, lighting proposals and a Demolition and Construction Traffic Management Plan.

6. A detailed schedule of accommodation demonstrating compliance with the relevant standards, including the standards as set out in Table 16.5a of Variation No. 5 of the Cork City Development Plan 2015-2021.
7. A site specific Student Management Plan which includes details on management outside of term-time.
8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
9. 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:

- The Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce
- Irish Water
- Transport Infrastructure Ireland

**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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Rónán O'Connor  
Senior Planning Inspector

15<sup>th</sup> May 2020