



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-306625-20**

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#### **Strategic Housing Development**

Modifications to previously permitted  
Cork City Council ref:17/37406  
increasing student accommodation  
from 242 no. bedspaces to 292 no.  
bedspaces and associated site works.

#### **Location**

The Former Square Deal Premises,  
Washington Street West, Cork City.

#### **Planning Authority**

Cork City Council

#### **Prospective Applicant**

IRE Real Estate Investment Partners  
Fund II

#### **Date of Consultation Meeting**

22<sup>nd</sup> April 2020

#### **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 subject site is located on the corner of Washington Street and Woods Street. The site has frontage to both Washington Street to the south and Woods Street to the west, with a secondary rear access/frontage to Lynch's Street. Woods Street is a narrow, one-way vehicular laneway linking Washington Street with Sheare's Street.

The site is bounded to the east by a 3-storey commercial/residential property, Cork Penny Dinners and a number of small dis-used sites. The subject site has an area of circa 0.35 hectares and is currently occupied by a disused furniture store which incorporates a protected structure at the eastern edge of the site, fronting onto Washington Street.

## 3.0 Proposed Strategic Housing Development

- 1) The refurbishment and internal modifications of Protected Structure (PS451),
- 2) The demolition of the remaining buildings on site,
- 3) The construction of a six storey mixed-used development including a co-working space, a café, and 49 no. student apartments (increasing the number of bed-spaces on-site from 242 to 292 no. bed spaces) at The Former Square Deal Premises, Washington Street West, Cork City.
- 4) The proposed development also includes road and footpath upgrades at Lynch's Street and Wood's Street.

The following details are noted:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	c0.35 Ha
Area of Development	c9,437 sq. m.
No. of Bedspaces	292
Internal Amenity	616.6 sq. m.
External Amenity	778.3 sq. m.
Car Parking	0
Bicycle Parking	148

## 4.0 Planning History

### **Pre-Application Site**

TP17/37406 - Application granted for the retention of the 19th century two- and three-storey redbrick section to Washington Street West. The provision of a mixed use development including a co-working space with associated café/ bar meeting rooms and ancillary spaces a café; and a student accommodation residence (which will be utilised for short-term letting during student holiday periods). The permitted development was for 209 no. bed spaces, having regard to required omission of units by conditions.

It is noted that an appeal relating to same was submitted but subsequently withdrawn (ABP Ref 301340-18).

## 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.

### **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 Streets (2019).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011).
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- Framework and Principles for the Protection of the Archaeological Heritage (1999).

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).'

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

The relevant development objectives and provisions in the City Development Plan relating to the proposed strategic housing development include the following:

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.

Land-Use Zoning Objective

- The site is zoned ZO2 'City Centre Commercial Core Area'. The objective of this zoning 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 retail uses).'
- Paragraph 15.8 states that 'All uses are permitted throughout the CCRA except comparison retail uses which are restricted to the City Centre Retail Area'.

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 located in the North Mall and the Marsh Architectural Conservation Area and Chapter 9 sets out objectives relevant to ACA's.
- The former Lee Boot Factory (red brick section) is listed as a Protected Structure (P.S.451). It is also listed on the National Inventory of Architectural Heritage (Ref: 20503140) and given a regional rating.
- 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.

### 5.3. Nature Heritage Designations

The nearest Natura 2000 sites are Cork Harbour SPA (Site Code 004030), the nearest boundary of which is c. 3.5km to the south-east of the site, and Great Island Channel SCA, which is located c10km 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 (26/11/2019)

- Proposal acceptable in principle. Variation No. 5 of City Development Plan applies.
- Quality of communal space proposed.
- Flood Risk/Flood Relief Scheme/Finished Flood Levels.
- Café use would be less vulnerable than any residential use on the ground floor. As advised to look at flood relief scheme and rationalise levels with the levels of the ground floor.
- Built Heritage - Protected structure on site and No. 22 Washington Street located to the east is also a Protected Structure/impact of FFL on the integrity of the protected structure/ Impacts on ACAs/Impacts on Protected Views.
- Residential Amenity including overshadowing.
- Design including public realm/DMURS.

## 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.

### Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, *inter alia*, the following:

Cover letter dated 07<sup>th</sup> February 2020; SHD Pre-Application Consultation Request Application Form; Statement of Consistency; Letter from Cork City Council dated 3<sup>rd</sup> February; Student Accommodation Management Plan; Report on Supply and Demand of Student Accommodation; Waste Management Plan: Student Accommodation; SHD – Possible Effects on the Environment: Section 5(5)iii Report;

Architectural Heritage Impact Assessment; Archaeological Assessment; Screening Report for Appropriate Assessment; Landscape and Visual Impact Assessment; Flood Risk Assessment Report; Planning Stage Engineering Report; Planning and Design Statement; Document showing existing and proposed views.

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 10<sup>th</sup> March 2020. The planning authority's opinion included the following matters:

### Principle

- The principle of the proposed development is acceptable.

### Layout

- Apart from the Protected Structure, it is proposed to demolish the remaining buildings on the site - there is no objection to this demolition under the current proposal.
- Proposed development will have a redefining impact on all of these streets in terms of character, streetscape, massing along the street edge, public realm and ground floor uses.
- The development will have an impact on Little Hanover Street and views from the east.



- Proposal includes changes to the footprint of the development and massing of the building and how it relates to the street edges/distinctive change on the north elevation on Lynch Street.
- Proposed plot ratio is considered to be acceptable.
- Board is advised that the proposal should be in accordance with Table 16.5a of Variation No. 5 (Student Accommodation) of the Cork City Development Plan 2015-2021/Statement of Consistency demonstrates adherence to these minimum standards for the unit sizes.
- The applicant states that the total shared amenity space provided for is 1,394sqm which is (4.8 sqm per bedspace)/Minimum requirement as per Table 16.5a of Variation No. 5 is between 5-7 sqm per bedspaces.
- Board is advised to consider if the internal space shared amenity space allocation includes the café and plant room on the ground floor/This may alter the overall provision of shared amenity space.
- The provision on 148 no. bike parking spaces meets the minimum requirement of 0.5 bikes spaces per students.

#### Architectural Conservation Area

- Retention of the former Boot Factory redbrick section is welcomed, as is the proposed ground floor use.
- The Board is invited to consider: visual and architectural relationship between the North-South block abutting the three storey retained building/relationship of the proposed new block along Washington St. West with the retained former Boot Factory/height of the block in relation to the established heights along Washington St. and Lancaster Quay/The northern east-west block along Lynch's Street its continuous long elevation and height when compared with the much lower heights of the buildings on the northern side of Lynch's St.

#### Scale, Height and Visual Impact

- Predominant heights of the existing buildings on Washington Street / Western Road are 3-5 storeys and have a prevailing 19th Century architectural

character/introduction of the 5 storey elevation is a significant departure from the prevailing heights and roof treatment of this area.

- Planning Authority would have a concern with the proposed height along Woods Street compared with the height with other buildings along this street and its impact on the protected view of SFC4 along Woods Street.
- Impact on Lynch's Street and the 4 storey residential buildings on the opposite side of this street is of concern/overshadowing implications
- As per Objective 10.6 of the Plan the protection of local views of significance is to be achieved through the assessment of development proposals on a case by case basis.
- The views that are impacted are outlined in the PA's opinion/The Board should consider the impact of Views 5, 6, 7 & 8 on the prevailing architectural character of Washington Street and its impact on the character of this designated Architectural Conservation Area/Impact of the proposed development on the Protected View of SFC 4 (View from Grenville Place to St. Finbarr's Cathedral)
- Massing of the top floor of the block on the south west corner of the development site and how it relates to the heights of the adjoining buildings on Washington Street.
- Massing and treatment of the east facing elevation of the building close to the east site boundary overlooking Little Hanover Street.
- The planning history of the site, namely condition No. 5 of TP17/37406 which sought set backs on the western and south elevations in the interests of the visual and residential amenities of the area, maintaining Protected View (SFC4) and integrating the development into its immediate surroundings.
- Planning Authority has a concern about the massing of the development. This could have an overbearing impact on adjoining buildings on opposing sides of these narrow aforementioned streets.
- Applicant should submit a full assessment in accordance with Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or

BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’ as advised in the UDBH Guidelines.

#### Design & External Finishes

- Planning Authority notes this proposed development will be visually prominent especially along Washington Street, where the prevailing architectural character is predominantly 19th Century streetscape with the traditional proportions of window door and roof treatments.
- Concern that the size and width of the proportions of windows and doors are not consistent with the proportions of the 19th Century streetscape setting.
- Concerns that the design, by virtue of scale and massing, may not successfully integrate with the prevailing architectural character of the ACA.
- City Architect’s report supports the redevelopment of this urban block with active usage on the ground floor/regarded that the Protected Structure is sympathetically conserved to another use with minimal loss of architectural integrity/massing of proposed and existing buildings is satisfactory with a brick relief detailing adding vibrancy to the façade/window proportions are welcomed.

#### Ground floor Uses and Public Realm

- Significant invention within the local streetscape/south west corner of the site will be visually prominent/elevations on Woods Street to the west and Lynch’s Street to the north will redefine these streets in terms of streetscape and interaction with the street.
- The proposed activities of the ground floor and the potential interaction with and surveillance of these adjoining streets is positive.
- The proposed widening of Lynch’s street to 9.6 m is welcomed.
- Scale of development/Capacity of the area/Impact on Residential Amenities.
- Board is requested to consider the following the capacity of the area to accommodate the scale of the development; the Student Accommodation Management Plan/should consider if the proposed increased density of 292 bed spaces in an area will exacerbate the over concentration of student accommodation in this part of the city.

## Archaeology

- There is no archaeological objection to the proposal subject to conditions.

## Environment

- A Construction and Waste Management Plan must be submitted at application stage.

## Storm water Drainage/Flooding/ Foul Drainage

- Minor investigative works required to “ground truth” the location of the existing storm water infrastructure in Lynch’s Street and Wood’s Street;/standard conditions recommended.
- Concerns in relation to the proposed finished floor levels proposed for the ground floor of the proposed development./higher emphasis is being placed on the protection of the plant rooms and the sub-station than the student accommodation.
- The student accommodation finished floor level is proposed at 3.9mOD, which is 0.47m above the south channel 1% AEP fluvial flood level.
- As a minimum, floor levels should be equal to the “current” 1% AEP flood level, plus an allowance for climate change/ freeboard - which is 4.28mOD/this should be considered a minimum, especially in light of the increased flows (and hence, flood height) that would be directed through the North channel of the Lee, if and when the Lower Lee flood relief scheme is completed/Applicant should review finished floor levels for the student accommodation on the ground floor.
- Commercial areas of the building should also be defended by way of demountable barriers, to an appropriate height.
- Note that a pre-connection confirmation of feasibility relation to foul drainage has been issued.

## Transport

- Mobility Management/ Demolition and Construction Management Traffic Plan/ Lighting proposals required at application stage.

- Breakdown of bicycle parking quantity must be provided and must comply with Design Standards for New Apartments: Guidelines for Local Authorities (2018).
- An independent Quality Audit which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit required.
- Careful consideration must be given to materials, finishes, kerb lines, width of vehicular carriageway and corner radii.
- Access to bike storage needs to be carefully considered.

## 9.0 The Consultation Meeting

A Section 5 Consultation meeting took place via Microsoft Teams on the 23<sup>rd</sup> Day of April 2020, commencing at 09:30am. 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. Design Issues including massing/height/elevational treatment
2. Impacts on views/ Conservation Issues
3. Impacts on adjoining residential amenity
4. Standard of Accommodation
5. Concentration of Student Accommodation/Demand
6. Site Services/Flood Risk
7. AOB

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

- ABP noted that a site visit had not been carried out by the Inspector due to the Covid-19 restrictions.
- ABP sought further clarification in relation to changes to the previously permitted scheme and suggested that further modelling would be useful to illustrate same, noting, however, that each application was considered on its own merits.

- ABP sought further clarification in relation to the proposed height and massing, particularly in relation to the corner of Woods Street/Washington Street and along Lynch's Street. ABP also sought further modelling/CGI's detailing of the Lynch's Street elevation.
- ABP sought further detail in relation to the treatment of side elevations when viewed from Hanover Street and Washington Street, as well as further detail in relation to materials, design issues and window proportions
- The Planning Authority (PA) noted that Washington Street is a 19th century street containing 3-4 storey buildings and expressed concern in relation the integration of the proposal into the streetscape, as well as the design and the roof plan of the south west corner. It was further stated that the prospective applicant would need to examine the impact on views from Grenville place, which is to the north of the site.
- The PA considered that the potential for an overbearing impact to the north of the site, along Lynch's Street, should be considered.
- The prospective applicant stated that a different approach is being taken to the previously permitted scheme.
- It was stated that CGIs/Modelling of the permitted scheme will be submitted showing Lynch's Street elevation.
- The prospective applicant stated that while there is an increase in height from the previous scheme, the permitted scheme was before the new height guidelines.
- The prospective applicant stated that the surrounding area can take height and that the impact will be moderate. However the massing will be considered having regard to comments made.
- In relation to proposed materials, the prospective applicant stated that the materials and design will be contemporary. However, more detail regarding height, massing and elevational treatment will be provided
- ABP stated that additional modelling and more detailing was needed in relation to Lynch's Street elevation as well as more detail in relation to the blank elevations on Washington Street and Hanover Street.

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

- ABP sought further clarification in relation to the impact of the proposed new building on protected views and on the protected structure.
- The PA noted that this site is within ACA and that 3 storey buildings are predominant in this area.
- The PA raised concerns in relation to the frontage onto Washington Street.
- Protected stated that that views towards St Finbarr's cathedral are very significant and raised concerns in relation to the impact of the proposal on same.
- The PA was of the opinion that the cast iron columns and windows should be re-used and stated that there needs to be preservation and full recording where possible.
- The PA stated, in relation to a possible setback of the building, that such a setback would be inconsistent with the streetscape and that a wider footpath would be a concern. Therefore, a setback was discounted.
- The prospective applicant stated that all impacts on views will be examined. It was also noted that the glazing and roof covering is modern and that any cast iron will be salvaged and recorded.
- ABP stated that further detail was required in relation to impacts on Protected Views at application stage, in particular, Views SFC4 and PAN1.

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

- ABP sought additional information in relation to impacts on surrounding residential amenities and noted that a detailed daylight/sunlight analysis would be required at application stage. ABP also sought additional information in relation to potential noise impacts.
- The PA noted that this an area in transition and that are a lot of residential units in the surrounding area. The PA also noted that there is a concentration of student accommodation in the area - both rental and purpose built.

- The PA was of the opinion that the proposed roof terraces need to be re-examined and that noise impacts need to be addressed.
- The prospective applicant stated that there is an existing permission on site and an additional 50 bed spaces are being proposed. It was further stated that noise will be addressed in the student management plan.

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

- ABP sought further detail in relation to the quantum of communal amenity space provided.
- The PA stated that the proposed communal space provision of 4.8 sq. per bedspace is below the standard of 5-7 sq. meters
- The PA stated that that a reduced no of student bedspaces could achieve the adequate communal space. It was also noted that the quality of the communal space provided is also important.
- The prospective applicant clarified that the proposed café is open to the public. It was also stated that the proposed communal spaces will be examined.

In relation to *Concentration of Student Accommodation/Demand* An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- ABP sought further detail in relation in relation to the level of existing student accommodation in the area and demand for same.
- The PA stated that the prospective applicant should refer to the National Student Accommodation strategy.
- The prospective applicant stated that there will be a shortfall of student accommodation in the coming years.
- APB stated that the prospective applicant should provide evidence in relation to concentration of student accommodation in the area.

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



- ABP sought further detail in relation to the status and timescale of the proposed Cork Flood Relief scheme.
- The PA stated there was no objection in relation to storm water and foul drainage. In relation to flooding, the issue is the residential ground floor level, and a minimum of 4.28 meters needs to be built into the floor level.
- The PA stated that the flood defence scheme is not yet permitted and that the applicant should not rely on this scheme as a solution.
- The prospective applicant stated that the levels being proposed are above the 1% flood level requirement and that the proposed floor levels are above the previously permitted scheme.
- The prospective applicant stated that a worst case scenario had been considered and that there are flood resilient materials to a level of 4.32 meters. It was noted that the ESB sub-station is at 4.62 meters.
- The prospective applicant stated that there will be a flood defence scheme in the long-term.
- ABP stated that more detail is required regarding flood risk and stated that the prospective application should provide more detail in relation to the flood relief scheme.

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

- The PA noted that stated that design details, such as doors and their width should be considered in the context of a 19th century streetscape.
- The prospective applicant stated that this can be addressed.

## 10.0 Consultation

### Irish Water

Based upon the Confirmation of Feasibility issued by Irish Water, 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 connection(s) to the Irish Water network(s) can be facilitated.

## 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, as amended.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements – Height/Scale and Massing; Impact on Protected Views/Protected Structure; Flood Risk.

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 **requires further consideration and amendment in order to constitute 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

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 **requires further consideration and amendment to constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues will need to be addressed in the documents submitted to which section 5 (5) of the Act of 2016 relates that could result in the constituting a reasonable basis for an application for strategic housing.

### Height, Bulk and Massing

Having regard to matters raised during the tripartite meeting, and in particular, having regard to the concerns of the Planning Authority raised during the meeting and also raised in the submitted opinion, the prospective applicant should provide further justification and/or detail in relation to the proposed height, bulk and massing of the proposed development, having particular regard to the height and massing proposed on the south-west corner of the site (Woods Street/Washington Street elevations) and to the height and massing proposed on the Lynch's Street elevation. Further detail and/or justification is also required in relation to the blank elevations facing towards Washington Street and Little Hanover Street.

### Protected Views/Protected Structure

Having regard to matters raised during the tripartite meeting, and in particular, having regard to the concerns of the Planning Authority raised during the tripartite meeting and also raised in the submitted opinion, the prospective applicant should provide further justification and/or detail in relation to the impact on protected views,

in particular, but not limited to, protected views SFC4 'View of St. Finbarr's Cathedral from Grenville Place (near Mercy Hospital)' and PAN1 'View of St. Finbarr's Cathedral from St. Anne's Tower'. Further justification and/or detail is also required in relation to the relationship of the proposal to the protected structure on the site, paying particular regard to the concerns raised by the Planning Authority during the tripartite meeting and also raised in the submitted opinion.

### Flood Risk

Having regard to matters raised during the tripartite meeting, and in particular, having regard to the concerns of the Planning Authority raised during the tripartite meeting, and also raised in the submitted opinion (as detailed in Section 4.16 Part 2 'Flooding' of said opinion), the prospective applicant should provide further justification and/or detail in relation to flood risk. In particular, further justification should be provided for the proposed finished floor levels and further information should be provided in relation to the cited Cork City Flood Relief Scheme, including the current status of same, and projected timetable for implementation.

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. 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.
2. 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.
3. An up-to-date Student Demand Report/Additional evidence in relation to the concentration of student accommodation in the area.

4. 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.
5. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
6. Appropriate Assessment Screening Report.

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

**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  
Planning Inspector

12<sup>th</sup> May 2020