



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-309260-21**

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#### **Strategic Housing Development**

Demolition of existing buildings and construction of 131 no. Build to Rent apartments and associated site works.

#### **Location**

East Douglas Street, Douglas, Co. Cork.

#### **Planning Authority**

Cork City Council

#### **Prospective Applicant**

Sirio Investment Management Limited trading as Sirio Homes.

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

19<sup>th</sup> March 2021.

#### **Date of Site Inspection**

25<sup>th</sup> February 2021

#### **Inspector**

Daire McDevitt

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## **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, with a stated area of c.0.23hectares, is located in Douglas within the Cork City South environs, c. 3.5km south east of Cork city centre.

The site is a brownfield site in the centre of Douglas Village. It is bounded to the north by the former Douglas Cinema site which is currently under development as an Aldi store. To the south by the “East Village” complex which consists of a number of commercial units with some residential overhead and is primarily 3-storeys in height. To the west by East Douglas Street, the primary commercial street within the Douglas Village but has a high number of vacant units. This street consists primarily of 2-storey buildings along with some 3-storey buildings. To the east the site is bounded by the access road off the East Village Link Road, opposite the site is Mc Donalds fast food restaurant and further to the east is Douglas Court Shopping Centre. The site frontage along East Douglas Street is located within Church Street ACA.

At present the site is occupied by the former PTSB bank to the west (fronting onto East Douglas Street) and the former BOI to the east fronting on the access road off East Village Link Road (both building are c. 3 storeys in height. The two structures are separated by a disused surface carpark. The site is bounded by block walls to the north and south.

## **3.0 Proposed Strategic Housing Development**

Demolition of existing buildings and construction of 131 no. Build to Rent apartments, 2 no. café/retail, a convenience takeaway kiosk and associated site works.

### Development parameters:

Site area	0.23 hectares
Development	131 BTR Apartments in 2 no. blocks. Restaurant (198.4sq.m), 2 no. café /small retail units (94.9 & 57.4sq.m) & a convenience takeaway kiosk (63.2sq.m)
Density	570uph
Height	Block A (4 to 6 storeys) (max. 21.45m) Block B (8 to 20 storeys) (max.70.55m)
Dual Aspect	76%
Open Space	Communal Roof Gardens/terraces (6 <sup>th</sup> , 7 <sup>th</sup> & 15 <sup>th</sup> Floor). Includes rooftop swimming pool
Parking	No car parking Bicycle (203 basement & 15 ground floor)
Access	Block A fronts onto East Douglas Street. Block B fronts the East Village Link Road
Part V	13 Units

### Unit Breakdown:

Block A	Block B	Total	% of total
19 no. 1 bed	33 no. 1 bed	52	40%
3 no. 2 bed	69 no. 2 bed	72	55%
2 no. 3 bed	5 no. 3 bed	7	5%
<b>24</b>	<b>107</b>	<b>131</b>	<b>100%</b>

## 4.0 Planning History

### Site:

**TP: 19/38633** refers to a decision to refuse permission for the construction of a vehicular access ramp between the car park of the former TSB Bank and the car park of the Douglas Cinema at the former TSB Bank, East Douglas Street, Cork. Permission refused by Cork City Council Refusal Reasons:

- 1. Having regard to the development objectives as outlined in the Cork County Development Plan 2014, objective SE-T-04 of the Ballincollig-Carrigaline Municipal District LAP 2017 and the Douglas Land Use and Transport Strategy (DLUTS), and in the absence of an overall development strategy for the applicants landholding, the proposed development would be contrary to the objectives and principles of the aforementioned development objectives, would result in piecemeal development and would have a negative impact on the amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. It is considered that the proposed access to additional car parking would result in unacceptable traffic congestion and would set an undesirable precedent for similar future development in the area. The proposed development would, therefore, endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.*

**ABP: PL 04.237720 (CCC Ref.: 10/5227)** refers to a grant of permission for the demolition of existing portacabin, alterations to the existing bank elevation, new signage, change of use on the ground floor from bank to restaurant use, and associated site works at the Former Bank of Ireland Building, East Douglas Street, Douglas.

**CCC Ref.: 07/10223** refers to a grant of permission for a temporary portacabin to provide accommodation for the temporary relocation of Bank of Ireland, alterations to existing bank building and new signage at the former TSB Bank, East Douglas Street, Cork

### Adjacent Aldi site:

There have been numerous applications for amendments and changes associated with the development of the 'Aldi' site to the north since the original grant of permission under **ABP: PL 04.239706 (CCC Ref.: 11/4368)**. These include TP:

**20/39641, TP: 20/39632, TP: 20/39043, CCC Ref.: 18/4201 and CCC Ref.: 17/5084** (extension of duration).

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

- 5.1 The applicant's engaged in a consultation under Section 247 of the Planning and Development Act 2000 (as amended) on 25<sup>th</sup> November 2020 (via Teams).

## **6.0 National and Local Policy**

### **6.1 National Policy**

#### National Planning Framework 2018-2040

Objective 2a of the NPF 2018-2040 is a target that half of the future population growth will be in our cities or their suburbs. Objective 13 is 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 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

### **6.2 Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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') (2009).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices'), 2009.
- 'Design Manual for Urban Roads and Streets' (DMURS), 2013 Interim Advice Note- Covid 19 (May 2020).
- Childcare Facilities Guidelines (2001).
- Architectural Heritage Protection Guidelines for Planning Authorities' (2011).

### **6.3 Regional**

#### **Southern Regional Regional Spatial and Economic Strategy (RSES) 2019-2031**

This provides a long term regional level strategic planning and economic framework, in support of the implementation of the National Planning Framework, and the related Government policies and objectives, for future physical, economic and social developments for the Southern Region.

This includes the **Cork Metropolitan Area Strategic Plan (MASP)** which is a high level and long term strategic vision to identify critical priorities for the sequencing and delivery of growth that supports the core city area.

#### **6.4 Local Policy**

The development site is located within the Cork City boundary following the extension of the city boundaries in 2019. The Development Plans for Cork City and Cork County have yet to be updated, therefore the relevant plan is the Cork County Development Plan 2014.

##### **Cork County Development 2014**

Land-Use Zoning:

The site is located within the development boundaries for Cork City South Environs as set out in the Ballincollig/Carrigaline Municipal District LAP (2017) and is zoned as “**Town Centre.**”

**Objective ZU 3-8** states that it is policy that appropriate uses in Town Centres/Neighbourhood Centre’s are to:

*“a) Promote the development of town centre’s and neighbourhood centre’s as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre. Residential development will also be encouraged particularly in mixed use developments.*

*b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area.”*

The Plan contains inter alia objectives pertaining to Cork City North & South Environs (CS 3-1), County Metropolitan Cork Strategic Planning (CS 4-1, Urban design (HOU 3-2), Housing mix (HOU 3-3), density (HOU 4-1), town centres (TCR 2-1), Brownfield site development (ZU 4-1) in addition to objectives relating to residential development, open space, landscape and development management standards etc.

The Planning Authority in their opinion have included reference to **Cork City Development Plan 2015-2021** as it is considered that the strategic goals of the City Development Plan area are also of relevance.

##### **Ballincollig - Carrigaline Municipal District Local Area Plan 2017**

**3.5.1** The strategic aims for the South Environs in this Local Area Plan will be;

- The consolidation of the southern suburbs within the existing development boundary.
- The promotion of the suburban centres as important locations for residential, community and recreational facilities.
- Ensure the clear demarcation of the inner metropolitan greenbelt.
- Finally, support appropriate proposals for urban regeneration initiatives in Douglas and elsewhere in the Environs.

**3.5.5** The Douglas Land Use and Transportation Study is complete and the key elements of it incorporated into the current Local Area Plan. It comprises a set of development proposals for a 20-year period covering land use, transportation and urban design.

**Specific Site Objective: SE-T-04:**

*“It is recommended that an Overall Planning or Development Scheme is prepared for the entire site, taking account of the planning permission granted to the existing cinema. Development on the site can be implemented on a phased basis. This shall include the provision of a comprehensive mixed use development with an additional 5,500sqm of non-residential floor space and 70 residential units. If the developer wishes to increase this density of development they will have to prove that there will be no negative net impact on the proposed improvements to the existing transport network.*

*The new development will have active ground floor uses, an anchor store, office space and residential units on the whole site incorporating the cinema, the car park, vacant land and the old TSB site and the filling station site. It is desirable to enable the relocation of the filling station and rehabilitation of the site for the construction of a landmark building that will represent the entrance to Douglas Village from the gateway underneath the N40 flyover on Douglas Road. The future buildings should form an edge along the relief road on the north of the site, which will provide a noise barrier to the N40.*

*There should be the provision of a number of pedestrian linkages from East Douglas Street through the site to the pedestrian crossing to Douglas Court on the relief road and from the site to the East Village complex to the south. The development of the site could include a central town square which will host public events, retail and community services. Road access to the site would be provided from the new signalised junction at the Douglas Court pedestrian crossing. Car parking for new development should follow the revised car parking standards of the County Development Plan.*

*This development is dependent on promoting smarter travel measures and achieving safer and more user friendly access for pedestrians and cyclists. The above suggested quantum of development assumes that all existing vacancy will be filled before new building takes place”.*



**Architectural Conservation Area: 3.5.33** (site is partially within the Church Street ACA)

**3.5.34** It is an objective of the County Development Plan 2014 “to conserve and enhance the special character of the Architectural Heritage Area”.

### **Douglas Land Use and Transport Strategy 2013 (DLUTS)**

The Douglas Land Use and Transport Strategy (DLUTS) is an integrated land use, urban design and transport strategy that aims to: “to secure a successful vibrant urban centre with a more efficient transport network for Douglas, that provides an improved public realm, reduces congestion, encourages greater levels of walking & cycling, and improves the quality of life for the community, thereby enabling sustainable future growth.”

### **3.7 Precinct 4 – Cinema Site**

**3.7.3** Opportunity exists for a redevelopment of the site to allow for a village plaza surrounded by a new mixed use urban form in line with the needs for more shopping space in Douglas.

### **Policy: LU-02 - General Policy – Land Use Strategy**

To consolidate the town centre into 5 precincts comprising the Woollen Mills, Douglas Village Shopping Centre, Cinema Site, Barry’s Fields and Douglas Court Shopping centre. The priority is to fill existing retail vacancy and there will be a planned approach to town centre development which will provide for an additional 25,000sqm floor space by 2032 and approximately 175 residential units. In addition to retail development, additional employment uses will be encouraged to stimulate daytime population. Residential units will be provided as part of mixed use in precincts. Considering Douglas’s location and sensitive setting, it is recommended that the height of any new buildings should be considered in relation to their setting and they should not exceed 4-5 storeys

### **Cinema Site**

**9.5.9** This is a key site located in the centre of the village. Cork County Council would favour a comprehensive masterplan for this site which would involve all landowners. The initial key objective would be to remove/relocate the filling station. A comprehensive redevelopment of this site would see the building of a landmark building at the northern corner and the new building line to extend along the frontage with the relief road, this building would be punctuated by pedestrian linkages through it with active street frontage. Possible additional set back from the relief road to allow more pedestrian circulation and soft landscaping should be incorporated.

### **Policy: UD 9 - Specific Urban Design Policies for Cinema Site**

To prepare an Overall Planning or Development Scheme for this site which would involve all landowners. The design brief for the site needs to consider; the building of a landmark structure at the northern corner, a new building line to extend along the frontage with the existing relief road, this building would be punctuated by pedestrian linkages through it with active street frontage. Any new build shall be set back from the relief road to allow more pedestrian circulation and soft landscaping to be incorporated. Improved pedestrian connectivity between Douglas Village Shopping Centre and Douglas Court Shopping Centre and between the site and the East Village. Creation of public spaces within the site that could be focal points for social interaction.

## **7.0 Forming of the Opinion**

### **7.1 Introduction**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### **7.2 Documentation Submitted**

- 7.2.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 7.2.2 The information submitted included *inter alia*: completed pre-planning request application form, OSI Site Location Map, letter of consent from Cork City Council, Planning Statement (including a. Appendix A: copy of s.247 Minutes from Cork City Council b. Letter of pre-connection enquiry, from Irish Water). Part V proposal and drawings, Statement of Consistency, Section 5(5) iii Environmental Report, EIA Screening Statement, Appropriate Assessment Screening Report, Design Report, Schedule of Drawings, Schedule of Floor Areas and Units, Architectural Drawings, Landscape Design Report, Landscape Masterplan, Public Lighting Report, Public Lighting Drawing, Traffic and Transport Assessment, Summary of Engineering Issues Report, Site Specific Flood Risk Assessment, Outline Construction Environmental Management Plan, Outline Construction and Demolition Waste Management Plan.

7.2.3 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. This statement has been submitted, as required.

7.2.4 I have reviewed and considered all of the documents and drawings submitted.

### **7.3 Planning Authority Submission**

7.3.1 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 the 18<sup>th</sup> February 2021. The Planning Authority's 'opinion' included the following matters.

#### **Principle of development:**

- The County Development Plan, local area plan and national planning guidance supports the provision of appropriately-located residential development. Objective ZU 3- of the Cork County Development Plan 2014 states that it is policy in Town Centre.
- Objective SE-T-04 of the Ballincollig/Carrigaline Municipal District LAP 2017 in relation to the development of housing within this precinct allows for the construction of up to 70 no. dwelling units during the plan period.
- The total number of dwellings permitted in the SE-T-04 precinct area since the LAP was adopted is currently 0. The Planning Authority outline that while the objectives of the Ballincollig/Carrigaline Municipal District LAP 2017 are noted and must be considered when assessing any development within its boundaries, it is considered that National Guidance takes precedence over local policy.
- The Planning Authority is of the view given the objectives and ambitious targets set by the NPF and RSES, the proposal for an increase in the number of residential units, over that recommended by the LAP, within this precinct can be considered acceptable in principle subject to proper and sustainable planning considerations. It is, therefore, considered that the principle of the proposed development is broadly in compliance with planning policy for the Cork City South Environs.
- The planning authority is satisfied that the principle of the proposed development reasonably accords with the relevant land-use zoning objectives and general strategic development objectives of the County Development Plan.

#### **Residential Density:**

- The Ballincollig/Carrigaline Municipality District LAP does not give a required density value for the subject site however sections 3.4.6 of the Cork County Development Plan state that “the Ministerial Guidelines issued under S28 of the Act indicate that higher densities are potentially applicable in three categories of location found within County Cork: Town Centres; Public Transport Corridors and Outer Suburban/’Greenfield’ Sites”
- Reference to a report of the Planning Policy Unit, dated 08/02/2021, in relation to density states that that “*Douglas is due to be served by a high-quality bus network and this will imply a certain density of development is appropriate to this strategic location. Currently, those locations not on the LRT are likely to benefit from a density range of up to 100dph. I believe the proposed density is 550dph, which exceeds the recommended density range by a considerable margin.*” The report of the Planning Policy Unit further requests “*that consideration is given to whether the proposal can be deemed to be premature given that the City Council is in the process of preparing a Cork City Urban Density, Building Height and Tall Buildings Study to provide an evidence base for the new Draft Development Plan. This study is required by the national guidance*”.
- The Planning Authority consider that the proposed density of 570 units per hectare is excessive in this location. While it is acknowledged that the subject site is a Brownfield site in a Town Centre setting, consideration must be taken of subject sites surroundings and neighbouring sites. It is not considered that the proposed development has evolved naturally as part of its surroundings and the substantial increase in density does not appear to have been informed by, or enhance, the form and buildings around the sites edges or surrounding area.
- Request that the Board consider the policies and objectives of the Ballincollig/Carrigaline Municipal District LAP and the Douglas Land Use and Transport Strategy 2013 (DLUTS) along with National Guidance and Ministerial Guidelines of when considering the proposed development in relation to appropriate densities.

### **Scale, Height & Visual Impact:**

- Concerns raised regarding the impacts a 4- storey building would have on the existing character of the East Douglas Street within the Church Street ACA. The proposed frontage will be a flat-roof structure which will greatly increase the overbearing feel of the proposal when compared to the majority of existing buildings which are pitched roofed
- Given the proposed structure is a twenty-storey tower, it would be considered to be in the “Metropolitan Landmark” category. Douglas is a district centre rather than City Centre or a Key Development Area in the County Development Plan and Cork City Development Plan, it is therefore questionable whether a Metropolitan Landmark building is suitable in this location.

- Reference to report from Planning Policy Unit, dated 08/02/2021, which raised concerns with regards to the proposed height. It requested that *“consideration is given to whether the proposal can be deemed to be premature given that the City Council is in the process of preparing an Cork City Urban Density, Building Height and Tall Buildings Study to provide an evidence base for the new Draft Development Plan. This study is required by the national guidance”*
- At twenty storeys in height, and when taken into consideration with the context of its setting, it is considered that the proposed development would negatively impact on this highly sensitive location and would not be in accordance with the policies and objectives of the County Development Plan.
- It is considered that the scale, height and visual impact of the proposed development is not acceptable for the location. The Planning Authority ask that the Board take the concerns in relation to the surrounding context of the site, and the height/density of the proposed development in the scale of the city, into consideration.

### **Design:**

- Reference to report from the City Architect which states that “the 5 No. to 6 No. storey proposed development for blocks in this urban context is reasonable for the future urban development of this ‘quarter’ of Douglas given its growth and potential” and that “for a residential development such a location for a high-rise building of 20 No. storeys is a tenuous urban design argument and would be at best more appropriate as a symbol of a building providing a civic or public function in a civic precinct”
- Reference to the report of the City Architect which states that “in this location a tall landmark building is not appropriate” and that “a more appropriate location for a landmark building would be a junction of routes announcing the entrance to Douglas as an urban centre and this concept is still quite arguable”.
- Reference to the report of the Planning Policy Section states that “the LAP objective clearly states that a landmark building should be located on the landmark town centre gateway site of the petrol filling station”.
- The Planning Authority request that the Board advise the applicant to consider revising the design to correspond with proposals as indicated above in the City Architects and Planning Policy reports at full application stage.

### **Residential Standards and Mix:**

- The apartments meet or exceed the requirements set out in the Apartment Guidelines.
- Unit mix is acceptable and notes SPPR8.

**Impact on existing amenities:**

- Concerns raised regarding the possibility of overlooking the residential properties to the south given the close proximity to the apartments in the East Village complex.
- A number of bedrooms in the proposed development have only a single small window in this elevation and concerns raised in relation to the amenities of the future residents within this development if these windows were obscured.
- The proposed development, by reason of its height and distances from the existing dwellings is considered to negatively impact on the outlook of the existing dwellings located to the South of the proposed development.
- Request that the Board requests that the applicant review the design in relation to the above prior to full application stage.
- Concerns noted in relation to the impacts the proposed development may have for the future development of this urban block.
- The proposed development may impact on the future development of the vacant corner site to the North of the subject site by means of overshadowing, loss of light, overlooking and loss of privacy. In this regard an overall masterplan for the full urban block would enable a full and proper assessment of any proposal within this urban block to take place.
- No Visual Impact Assessment (VIA) or shadow/daylight analysis documents were submitted with the documentation.
- Request that the Board takes the above concerns into consideration and requests a full shadow/daylight analysis for the proposed development and a Visual Impact Assessment at full application stage.

**Conservation Heritage:**

- Reference to comments from the Conservation Officer and recommendation that the building be modified to improve its architectural integration into the ACA.
- Request that the Board takes the above concerns into consideration and requests that the applicant revises the proposed block fronting onto East Douglas Street accordingly at full application stage.

**Communal Spaces/Residential Amenity Areas:**

- Noted that Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines indicates approximately 790m<sup>2</sup> of communal amenity area would be required. The total area of communal facilities to be provided is stated as being 1,511.4m<sup>2</sup> (469.5m<sup>2</sup> indoor meeting and bookable spaces; 786.4m<sup>2</sup> residential services and communal storage; and 255.5m<sup>2</sup> external communal spaces / gardens, including a roof top swimming pool).

## **Public Open Space/Landscaping:**

- The Landscape Report submitted with the documentation indicates that the external amenity space measures 324m<sup>2</sup>. The overall site area is stated as being 0.23 hectares, which equates to 2300m<sup>2</sup>. Therefore, there is approximately 14% of usable open space within the developable area of the site. Given the density of the site, and in accordance with Section 5.5.7 of the County Development Plan, a figure closer to 18% would be expected for the proposed development.
- Ask that the Board take the above into consideration and request a review of the proposed development with increased public open space area with the subject site boundary, approaching the higher figure of 18% as stated in the County Development Plan, at full application stage.
- The connectivity and new linkages through the site are noted and welcomed. The objectives of the LAP for this site in relation to connectivity and linkages through the site have been achieved. The commercial units at ground floor level will enhance the location and will promote the use of the public open spaces and new streets. The public open spaces are passively overlooked by the residential elements which is welcomed and is best practice. It is considered that a high quality of public realm has been proposed.

## **Connectivity, Access and Traffic and Transportation**

The Planning Authority in the opinion have set out that comments regarding connectivity and access have been provided by the Area Engineer, the Roads Design (Planning) section and the Traffic Operations section of Council and have included extracts from reports. Comments include inter alia:

- The modification to the street design that the applicant is proposing must be designed to create connected physical, social and transport networks that promote real alternatives to car journeys, which the applicant has committed to achieving, given the absence of car parking. To this end, a urban realm scheme for Douglas is required, at an absolute minimum for the entire length of Douglas East.
- Concerns raised at the provision of access points through car parks and the risk of incidents (collisions) between cyclist/pedestrian/vehicles.
- Wayfinding and legibility through the site is unclear.
- Requirement for a Mobility Management Plan.
- Request that the Board require the applicant to submit further details regarding a sustainable transport strategy to indicate how sustainable travel options will be promoted and to indicate the cycle/pedestrian linkages to the area.
- Requirement for a Road Safety Audit.
- TTA should include an analysis of the Douglas East Road/Douglas Relief Road junction.

- Overall, there is a lack in details on the pedestrian and cyclist infrastructure for the site. Additionally, the impact of the traffic from the development on the local network must be examined when a full TTA report can be issued for review. There is concern that the traffic delays seen within Douglas under normal traffic loading conditions will hinder uptake of public transport. In addition, there are concerns that construction traffic will have an adverse impact on the traffic network due to sensitivities in the local network and the narrow nature of the development site

#### **Services/Waste:**

Comments regarding services/waste for the proposed development have been provided by the Senior Executive Engineer from the Drainage section and the Executive Engineer for the Environment Management Division and have included extracts from reports. Comments include inter alia:

- Lack of adequate drainage details submitted, therefore issues that may arise cannot be highlighted at pre application stage in the absence of detail.
- No storm water details submitted.
- Noise impacts should be assessed.
- Requirement for an Operational Waste Management Plan.
- Requirement for Justification Test.
- Address discrepancies in details regarding basement defences.

#### **Fire Safety:**

Reference to a report from the Chief Fire Officer outlining a number of concerns in relation to fire safety, which require to be considered at design stage. The report states that *“while it is recognised that from a fire safety perspective the planning application does not give sufficient detail for any in-depth analysis, the drawings submitted do however give rise for concern...”* These relate to inter alia: a) high rise nature of the development and external corridors and requirement for sprinkler systems, b) escape stairway in Block A should terminate at ground floor level, c) Bookable room on 15<sup>th</sup> floor should be relocated to a floor level less than 5m above ground floor or an alternative second means of escape from the 15<sup>th</sup> storey provided, d) easily accessible routes required for Level 7 of block B (pool, gym, roof terrace) and level 6 (roof garden and multi purpose room), e) provision of two protected stairs connecting ground and mezzanine level (restaurant and kitchen) in Block B and f) length of extended corridor distance in Block A in some cases are over 20m from the escape stairway door to the furthest apartment door, these corridors should be reconfigured.

#### **Childcare:**

- No childcare is proposed.

#### **Part V:**



- Proposals acceptable in principle.

The Planning Authority's opinion references a number of interdepartmental reports and includes quotes. These reports have not been included with the opinion received by an Bord Pleanála.

## 7.4 Prescribed Bodies

**Irish Water** (11<sup>th</sup> February 2021).

- Irish Water has assessed and has issued a Confirmation of Feasibility for connection(s) to the Irish Water network(s).
- All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and that design layouts for the development proposal have been submitted to Irish Water and that a Statement of Design Acceptance has been issued to the applicant by Irish Water ahead of any SHD Application.
- Irish Water does not permit build over of its assets and the separation distances as per Irish Waters Standards Codes and Practices which must be achieved. Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water ahead of any SHD Application to the board.

## 7.5 The Consultation Meeting

7.5.1 A Section 5 Consultation meeting took place online via Microsoft teams on the 19<sup>th</sup> March 2021, commencing at 10.00am. 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.

7.5.2 The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Compliance with local planning policy - SE-T-04
2. Design Strategy including inter alia: density, height, public realm, architectural response to the site context.
3. Residential Amenities.
4. Issues raised by Transport Mobility Section.
5. Issues raised by Drainage Section
6. Any Other Business.

In relation to **Compliance with local planning policy - SE-T-04** ABP representatives sought further elaboration/discussion on:

- Compliance with local planning policy SE-T-04.
- Justification/rationale for delivery of development in the context of the larger block.

In relation to **Design Strategy including inter alia: density, height, public realm, architectural response to the site context** ABP representatives sought further elaboration/discussion on:

- Justification/rationale for density.
- Justification/rationale for Height Strategy
- Architectural response to the site context and justification/rationale for the overall design approach.
- Interface with public realm and roads.
- Interface with the residential development to the south of the site,
- Interface with lands to the north (aldi).
- Impact on development potential of adjacent land.
- Visual Impact Assessment.
- Issues raised by City Architect.

In relation to **Residential Amenities** ABP representatives sought further elaboration/discussion on:

- Impact on amenities of adjoining properties to the south (overlooking, impact on access to daylight/sunlight, overshadowing, visual dominance).
- Residential amenities within the proposed scheme (overlooking, impact on access to daylight/sunlight)
- Micro climate analysis.
- Access to communal amenities/facilities

In relation to issues raised by **Transport Mobility Section**, ABP representatives sought further elaboration/discussion on:

- Access
- Parking
- Pedestrian/cyclist/vehicular conflicts

In relation to **issues raised by Drainage Division** ABP representatives sought further elaboration/discussion on:

- Drainage
- Services
- Flooding
- Issues raised by the Planning Authority.

In relation to **any other business** ABP representatives noted

- Liaise with CCC Transportation Division regarding issues raised in the Planning Authority opinion

- Liaise with CCC Drainage regarding issues raised in the Planning Authority opinion,
- If Material Contravention arises, this need to be addressed in the documentation submitted with the application in the form of a Material Contravention Statement and referred to in the Public Notices.
- Technical issues highlighted need to be fully addressed at application stage as there is no provision for further information under SHD,
- Ensure all documentation is submitted and correlates.

7.5.3 Both the prospective applicant and the Planning Authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 309260' which is on file. I have fully considered the responses and comments of the prospective applicant and Planning Authority in preparing the Recommended Opinion hereunder.

## 8.0 Conclusion and Recommendation

- 8.1 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.
- 8.4 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.
- 8.5 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 prescribed body (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 9.0 Recommended Opinion

- 9.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 9.2 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.
- 9.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

### 1. Development Strategy

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed density and height, scale and massing of the proposal, having regard to its locational context.

- a) Justification/rationale for the proposed residential density and height with regard to the provisions of the Cork County Development Plan 2014-2020 and the Ballincolig/Carrigaline Municipal District Local Area Plan 2017 and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
- b) In addition to the consideration of other national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out inter alia in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands. The applicant should also seek to further respond to concerns raised by the Planning Authority relating to the inappropriateness of a 20-storey building on this site, further justification in the documentation is required at application stage in that regard.

- c) The interface with exiting uses at the former cinema site (now Aldi), the interface with the Public Realm at East Douglas Street and access road off East Village Link Road, the interface with the East Village development and Barryscourt Apartments to the south as they relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this prominent location. Particular regard should also be had to creating suitable visual relief in the treatment of elevations and interface with adjacent lands. An architectural report, urban design statement and additional CGIs/visualisations should be submitted with the application, together with a report that specifically addresses proposed materials and finishes to the scheme.
- d) Furthermore, the layout should address the creation of vibrant, amenable and high-quality communal and public open spaces within the development. Permeability through the site and connectivity.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

## **2. Potential Impacts on Residential Amenities & adjoining lands**

Further consideration/justification of the documents as they relate to potential impacts on residential amenities of adjoining residential properties and impacts on adjacent lands to include:

- a) Daylight, Sunlight and Overshadowing analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within individual rooms within the development, in communal open spaces and in public areas within the development. The impact on adjoining lands and residential properties and uses should also form part of the assessment.
- b) Further consideration of the details and mitigation proposed, to ensure that the proposed development has been designed to avoid direct overlooking of adjacent residential properties and units within the scheme. The response should include a report that addresses issues of residential amenity (both of adjoining developments and future occupants), specifically with regards to overlooking, visual dominance and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built).
- c) The development should be designed so as not to have a negative impact on any potential redevelopment of adjacent lands.
- d) Consideration of the impact on the development/redevelopment potential of adjoining lands, having regard to, inter alia, the limited separation distances proposed between the development and site boundaries.
- e) Further consideration/justification in relation to proposed block A and its potential impacts on the designated Architectural Conservation Area having

regard to, inter alia, concerns raised by the Planning Authority in relation to the matter.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### **3. Traffic and Transportation**

Further consideration and/or justification of the documents as they relate to:

- a) Justification/rationale for the Carparking Provision (or lack of) associated with the proposed Build to Rent Apartments.
- b) The provision of safe pedestrian and cycle access and to the safe provision of accessible cycle parking.
- c) Details of right of way
- d) A draft Mobility Management Plan.
- e) A response to issues raised relating to Connectivity, Access and Traffic and Transportation contained in the Planning Authority's Opinion received by An Bord Pleanála on the 18<sup>th</sup> February 2021.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### **4. Drainage and Flooding**

- a) Further consideration and/or justification of the documents as they relate to site specific flood risk assessment and flood management strategy.
- b) A response to the issues raised relating to drainage and flooding contained in the Planning Authority's Opinion received by An Bord Pleanála on the 18<sup>th</sup> February 2021.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

9.4 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 Housing Quality Assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2020 guidelines should also be submitted. 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.

2. Compliance with the Sustainable Urban Housing: Design Standards for New Apartments 2020, in particular the guidance on Build to Rent Development and SPPR7 and SPPR8. The response should also include a Report that addresses the quantum and quality of services, facilities and amenities proposed having regard to the future needs of the occupants of the proposed development. And a Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.
3. Justification/rationale for approach to Childcare provision.
4. A draft Construction Management Plan, draft Construction and Demolition Waste Management Plan and a draft Waste Management Plan.
5. Landscaping proposals.
6. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland.
3. National Transport Authority.
4. The Minister for Housing, Local Government and Heritage
5. The Heritage Council
6. An Taisce
7. IAA
8. DAA (Cork airport)
9. Relevant Childcare Committee.

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions

under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Dáire McDevitt  
Planning Inspector  
14<sup>th</sup> April 2021