



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-312211-21**

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**Strategic Housing Development**

Demolition of existing structures,  
construction of 222 no. student  
bedspace accommodation and  
associated site works.

**Location**

The Former Top Car Garage, Victoria  
Cross Road, Orchard Road,  
Bishopstown, Co. Cork.

**Planning Authority**

Cork City Council

**Prospective Applicant**

Bellmount Developments Limited

**Date of Consultation Meeting**

05/04/2022

**Date of Site Inspection**

23/02/2022

**Inspector**

Conor McGrath

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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 comprises a stated area of 0.21ha and is located on Victoria Cross Road, south of its junction with Orchard Road. The site is currently occupied by the now vacant structures associated with a car dealership. There are two vehicular entrances to the site, from Victoria Cross Road to the west and from Orchard Road to the north. The roadside boundary to the north and west is formed by a low wall with railings over. South of the site is a former tyre sales outlet which has been the subject of a previous grant of permission for redevelopment. Victoria Cross Road / Wilton Road rises as it travels south along the frontage of the site.

To the west, on the opposite side of Victoria Cross Road are a number of student accommodation developments, with further such development clustered around Victoria Cross to the north. Orchard Court comprises a three-storey plus dormer, apartment development to the north. The Glasheen River flows south-north along the eastern boundary of the site. This corridor is currently overgrown and inaccessible and the watercourse is culverted under and north of Orchard Road. UCC campus and Bons Secours hospital lie within 1km of the site to the east.

## **3.0 Proposed Strategic Housing Development**

The proposed development comprises the demolition of existing structures on the site and construction of 97 no. student apartments providing 222 no. student bed

spaces (ranging from single-bed studios to 8-bed apartments), with common facilities, a reception area, management offices, storage and associated development. The development ranges from six to eight storeys in height.

Key development parameters include:

Site Area	0.21ha
Units / bedspaces	97 apartments / 222 bedspaces Incl. 75 no. Studio units
Shared Amenity (internal)	308-sq.m.
Reception	258-sq.m.
External Amenity	c.600-sq.m.
Plot Ratio	3.2
Car parking	0
Cycle parking	110 no. secure spaces (0.5 / bedspace) stated but not identified on the plans.

#### 4.0 Relevant Planning History

**PA ref. 00/24767:** Permission granted for a change of use of existing workshop to a new vehicle showroom and new front elevation.

**PA ref. 01/25018:** Permission granted for a car showroom.

**PA ref. 04/28597:** Permission granted for a change of use of first floor level from store to Car Showroom, replace cladding with glazing, new signage on the northern and western, and external car-lift at the eastern existing building.

**PA ref. 06/31044 ABP ref. PL28.223713:** Permission granted for the redevelopment of a site comprising the subject site / Top Car Garage, the Kelleher Tyre site to the south and an existing dwelling to the east of the Glasheen River, to facilitate the development of 82 no. residential units, comprising 5 terraced houses and 77 no. apartments ranging from 2-5 storeys in height over a 3-level basement providing 115 car parking spaces.

**PA ref. 12/35320 ABP ref. PL28.241120:** Permission granted for change of use of existing car sales car park to temporary car parking for a period of 30 months, including an access control vehicular barrier system and all associated site works.

### **Adjoining lands**

**PA ref. 19/38385 ABP ref. ABP-306714-20:** Permission granted on the adjoining site to the south (Kellehers Tyres) for the development of 25 no. student apartments, providing 154 no. bed spaces and all ancillary site works with ancillary common room and office/reception. The proposal also included a landscaped amenity along the Glasheen River. This development represented an alteration to a development previously permitted under planning reference 18/37795.

Condition no. 2 required the omission of the proposed top two floors, i.e. the sixth and seventh floors, reducing the overall height to 6-storeys.

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

Application documentation refers to a pre-planning consultation meeting with the planning authority on 09/12/2021. It is reported that the main items discussed included:

- The size of accommodation units.
- Provisions of the Draft City Development Plan.
- Variation in building heights in the area.
- Scale and relationship with the street.
- Impacts from the proposed building height.
- Parking implications.
- Alignment with CMATS proposals.
- Relationship with the Glasheen Stream.

## **6.0 Planning Policy**

### **6.1. National and Regional Planning Policy**

#### **6.1.1. National Planning Framework 2018-2040**

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objectives 3A and 3B direct new housing development to existing built up areas.

Chapter 6 notes that student accommodation pressures are anticipated to increase in the years ahead. 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. The National Student Accommodation Strategy supports these objectives.

#### **6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

Pillar 4: Improve the Rental Sector Key objective:

Key objective: Addressing the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

Key actions include supporting greater provision of student accommodation. The plan notes the importance of providing well designed and located student accommodation in order to avoid additional pressures in the private rental sector.

#### **6.1.3. Housing for All – A New Housing Plan for Ireland 2021**

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

Housing Policy Objective 2.11 supports diversification of housing stock and increased availability of rental stock by supporting the development of Purpose Built Student Accommodation by Technological Universities.

New arrangements will be introduced for Large-Scale Residential Developments (LSRD), including purpose-built student accommodation.

#### **6.1.4. Southern Region - Regional Spatial and Economic Strategy 2020**

The strategy is to build a strong, resilient, sustainable region. Measures include strengthening and growing cities and metropolitan areas. Key principles in developing the strategy include the need to provide an adequate supply of quality housing to meet existing and future demand, regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

RPO 10: Compact Growth in Metropolitan Areas: To achieve compact growth, the RSES seeks to:

- a. Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.
- b. Identify strategic initiatives in Local Authority Core Strategies for the MASP areas, which will achieve the compact growth targets on brownfield and infill sites at a minimum and achieve the growth targets identified in each MASP.

#### **Cork MASP**

Guiding Principles for the Cork MASP area, include:

- A Living City and suburbs.
- Compact sustainable growth: Promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands.
- Integrated transport and land use: Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects under the development of a CMATS.

- Accelerate housing delivery: Activate strategic residential development areas and support the steady supply of sites to accelerate housing supply and the adoption of performance-based design standards

Policy Objective 8; Key Transport Objectives (subject to the recommendations of Cork Metropolitan Area Transport Strategy)

East-West Light Rail Public Transport Corridor: A strategic public transport corridor from Mahon to Ballincollig via the City Centre, serving CIT, CUH, UCC, Kent Station, Docklands, Mahon Point.

## 6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission of the planning authority and other authorities, I am of the opinion that the most directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 (including the associated 'Urban Design Manual').
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020.
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Design Manual for Urban Roads and Streets (2019), and the National Cycle Manual.
- The Planning System and Flood Risk Management - (including Technical Appendices).

The following documents are also relevant:

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



### 6.3. Local Planning Policy

#### 6.3.1. Cork City Development Plan 2015-2021

The site is zoned '*Residential, Local Services and Institutional Uses*' with the objective "To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3".

The area to the east is identified as a Landscape Preservation Zone. Objective SW2 is a specific objective to provide a riverside walkway/cycle way running north-south along the Glasheen River.

Objective 6.1 Residential Strategic Objectives (includes)

- a. To encourage the development of sustainable residential neighbourhoods.
- b. To provide a variety of sites for housing to meet the various needs of different sections of the population.
- g. To protect and, where necessary, enhance the amenities and the environment of existing residential areas.

The Joint Housing Strategy in Chapter 6 sets out the housing needs of categories requiring special attention. Objective 6.5, *Student Accommodation*, resists any change of use from student to any other type of accommodation unless it can be adequately demonstrated that an over provision of student accommodation exists in the city. Objective 6.9, *Housing Density*, seeks to promote suitable densities to meet the needs outlined in the Core Strategy

#### Building Height in Suburban Areas

Section 16.25 and 16.29 identify the following building height categories: Low rise building (1-3 storeys in height) Medium rise buildings (less than 32m in height, 4-9 storeys approx.). Tall buildings (32m or higher, 10-storey equivalent). Buildings which are taller than the general building height in any area will be considered 'taller' even where they are less than 10 storeys.

The site is located within the south-western suburbs. The plan notes that within the suburban areas, low rise buildings will be considered appropriate except in the following areas:

- Major development areas identified in the development plan for which a local area plan or Development Brief will be prepared;

- Larger development sites (> 0.5 hectares (or one residential block)) which are capable of accommodating their own intrinsic character without having an adverse impact on their neighbours.

Buildings of 3-5 storeys will be considered appropriate in principle in major development areas and larger development sites, subject to normal planning considerations. In exceptional circumstances local landmark buildings may be considered with a height of up to 20-23 metres (approximately 6-7 storey equivalent). Building heights greater than this will only be considered where specifically identified in a local area plan.

### **Student Accommodation (Variation no. 5)**

Section 6.15a notes that purpose-built student accommodation should become a larger supply source in lieu of the private rental sector which has become over-concentrated in certain areas.

Objective 6.5 Student Accommodation: In accordance with the National Student Accommodation Strategy, the City Council will support the provision of high quality and managed, purpose-built student accommodation, on campus, in areas in close proximity to Third Level Institutes and in locations within easy access of public transport corridors and cycle routes serving Third Level Institutes.

16.68 identifies criteria to be taken into account when assessing planning applications for such developments, including.

- The location and accessibility to Third Level Educational facilities and the proximity to existing or planned public transport corridors and cycle routes.
- The scale of development and the potential impact on local residential amenities.
- The provision of amenity areas and open space, (quality and quantity),
- The provision of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities, (retail /café uses), car parking and amenity.
- The architectural quality of the design having regard to its context, including scale, height, massing, on-site layout and materials. The internal design and layout should be robust and capable of future adaptation and change of use.
- Include a Management Plan demonstrating how the scheme will be professionally managed and operated 'year round' (term-time and out -of-term periods).

- Demonstrate how the scheme positively integrates with receiving environmental and the local community and creates a positive and safe living environment for students.
- Demonstrate adherence to the Minimum Standards for Purpose Built Student Accommodation as outlined in Table 16.5a.

Student accommodation development shall only be used for accommodation for students of a tertiary / higher education institute, including residential accommodation used as tourist or visitor accommodation outside of academic term times. Such developments shall not be used as permanent residential accommodation or as a hotel, hostel, apart-hotel or similar.

### 6.3.2. **Cork Metropolitan Area Transport Strategy (CMATS)**

CMATS supports the delivery of the 2040 population growth target for the Cork Metropolitan Area. It will provide the opportunity to integrate new development at appropriate densities with high-capacity public transport infrastructure in conjunction with more attractive walking and cycling networks and associated public realm improvements.

The strategy proposes the provision of a Light Rail Tram system for the corridor between Ballincollig and Mahon, serving CIT, CUH, UCC, Kent Station, Docklands and Mahon Point. This meets the long-term objective for the CMA for the development of an east-west mass transit, rapid transport corridor.

In advance of development of the LRT, and to allow the development consolidation to support its delivery, this route will be served with a high frequency bus service with bus priority measures to enable a high level of performance in advance of its transition to light rail. During the early period of the Strategy, it is intended to identify and protect an alignment for the light rail scheme, allowing development consolidation along the corridor.

CMATS identifies an indicative Bus Route running along Victoria Road. In April 2022, Bus Connects Cork published the Sustainable Transport Corridors Report for consultation.

## **7.0 Submissions Received**

**Irish Water:** A Confirmation of Feasibility has been issued to the applicant.

There is an existing 1050mm sewer on the eastern side of the site. This sewer cannot be diverted and must be protected during the construction stage. No structure is permitted within 5m of either side of the pipeline. The developer shall carry out site investigations to confirm the exact route of this combined sewer. The developer must submit the proposed development layout to Irish Water Diversions Section for assessment and approval. A wayleave in favour of Irish Water over the Sewers will be required.

Water and wastewater connections to service the development can be facilitated without infrastructure upgrades.

## **8.0 Forming 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 submission and the discussions which took place during the tripartite consultation meeting.

### **8.1. 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. The documentation submitted with this pre-application consultation request is set out in Appendix 1 to this report.

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 relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be

granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

A Statement of Consistency under S.5(5) has been submitted, which considers compliance with the provisions of the following policy documents:

- Project Ireland 2040: National Planning Framework (2018).
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016).
- National Student Accommodation Strategy (2017).
- Quarter 3 (Q3) 2019 Progress Report on the National Student Accommodation Strategy.
- Urban Design Manual – A Best Practice Guide 2009.
- Design Manual for Urban Roads and Streets (DMURS) 2013.
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018).
- Southern Regional Assembly: Draft Regional Spatial and Economic Strategy, (2019) (sic).
- Cork Metropolitan Area Transport Strategy (CMATS) 2020.
- Cork Metropolitan Area Strategic Plan (MASP).
- Cork City Development Plan 2015.
- Draft Cork City Development Plan 2022-2028.

The statement adopts a tabular format to identify relevant policy provisions and to set out how it is considered that the proposed development is consistent therewith. The documentation does not identify or describe any potential material contravention of the development plan.

## **8.2. Planning Authority Submission**

A submission from Cork City Council was received by An Bord Pleanála on the 19/01/2022 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes the following:

- A record of pre-planning consultation meeting held on 11/04/2019.
- A statement on the key considerations.
- Details of relevant planning history for the area.

- Copies of Internal Reports.

The statement of key considerations makes the following points:

- The Draft City Development Plan is expected to come into effect in August 2022.
- The development would comply with the land use zoning objective and would be acceptable in principle.
- The layout provides a setback for an amenity route along the Glasheen River Landscape Preservation Zone, which is a site-specific objective.
- Based on the National Student Accommodation Strategy, demand for student accommodation will exceed supply in Cork by the end of 2020. Further monitoring in Q1 2020 indicates that national targets would not be met.
- The site is well located and additional PBSA supply would help to meet demand.
- Two other permitted student accommodation schemes in the applicant's ownership of the along Wilton Road have not yet commenced construction.
- The applicant should clarify if there is an overall management plan for all 3 schemes, to be operated concurrently.
- A detailed Student Accommodation Management Plan should clarify the extent of on-site management personnel, including management outside of term-time.
- Integration with the permitted development to the south (19/38385, ABP-306714-20), in same ownership, should be clearly shown.
- Future adaptability for use as standard apartments should be demonstrated.
- The layout and building set-back should provide for future road widening to accommodate Bus Connects and possible LRT along Wilton Road.
- The layout should facilitate pedestrian and cyclist movement along Winton Road.
- The treatment of the set-back from the eastern boundary and projecting elements at upper floor levels are a concern.
- There are no details of the treatment of the riparian corridor.
- The interface with Orchard Road in terms of access to the riverside amenity route and access and security for the communal amenity space should be addressed.
- Clarification is required regarding the provision of bicycle parking and bin storage, which is not identified on the plans.
- Plot ratio and residential density are significant, suggesting that this constitutes over-development of the site.

- There are high levels of existing and proposed student accommodation in this area. The development may result in an over concentration of such, potentially impacting on adjoining residential amenities.
- Studio units do not meet minimum development plan standards and no justification for the shortfall is provided. This would set an undesirable precedent for future development.
- All accommodation should accord with Variation No. 5 of the Development Plan.
- The quantum of communal amenity space is acceptable.
- The development may result in inappropriate visual massing and scale.
- Cumulative visual impact with similar permitted developments in the vicinity should be considered.
- The use of brickwork provides architectural unity and reduces the sense of scale.
- The elevation treatment and fenestration on the west and north elevations is queried.
- The prevailing building height in this area will change in the coming years with permitted developments.
- The site has capacity for a high-density scheme with a corresponding taller building, but the massing of the building may be excessive.
- A Landscape and Visual Impact Assessment, including photomontages and rendered drawings, showing the full impact of the development and the cumulative impact should be provided.
- The development should contribute to placemaking and the creation of a new street edge. A local service use to animate the ground floor would be welcome.
- While the general layout and design is acceptable, it could result in repetition of such building type and design in this area.
- The development could result in overlooking, over-bearing and loss of light to residential properties to the east and southeast.
- A detailed sunlight/daylight assessment should be undertaken.
- The City Architect raises no objection in urban design or architectural terms.
- Further details of the set-down area on Orchard Road are required.
- A Quality Audit should be provided including a RSA and CTMP, along with public lighting details.

- Cross section detail of the Victoria Cross Road frontage and public footpaths should be provided, for the interim and post-Bus Connects scenarios.
- Development within the Irish Water wayleave, including attenuation tanks and landscaping should accord with the requirements of Irish Water.
- Adequate separation from the storm sewer on the western site boundary should be provided. Further SUDS measures should be considered.
- The FRA is satisfactory, and the justification test has been passed.
- The construction management plan should have regard to proximity to the Glasheen River and should be aligned with the findings of the AA screening.
- Insufficient information regarding fire safety arrangements is provided.

Copies of internal reports from the following departments are provided:

- Urban Road and Street Design
- Environment
- Parks
- Traffic Operations
- Planning Policy
- Drainage
- Architects
- Infrastructure Development
- Housing
- Chief Fire Officer

### **8.3. The Consultation Meeting**

A Section 5 Consultation meeting was held on 05/04/2022, commencing at 2pm, via Microsoft Teams. 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 and the main topics raised for discussion at the tripartite meeting were as follows:

1. Land Use and Development Strategy, including mass and scale of development and nature of proposed development



2. Landscape Preservation Zone and proposed amenity route
3. Access and Transport
4. Residential amenity
5. AOB

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 ABP-312211-21' 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.

In relation to Land Use and Development Strategy, including the mass and scale of development and nature of proposed development, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- The development and design strategy and the concerns raised in the PA Opinion in terms of the mass and height of development.
- Compliance with the provisions of the City Development Plan in respect of building heights.
- The relationship with adjoining permitted development to the south.
- Clarification of the position of the planning authority regarding the level of PBSA provision at this location.

In relation to the Landscape Preservation Zone and proposed amenity route, An Bord Pleanála sought clarification and further elaboration of the documents and in respect of the following:

- The design of the proposed amenity route and details regarding public access from Orchard Road / Victoria Road.
- The operation and management of the route and the distinction between public areas and communal residential open space.

- The relationship with the Irish Water sewer and associated wayleave.

In relation to Access and Transport, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following:

- The planning authority was requested to provide an update on public transport / Bus Connects proposals for Victoria / Wilton Road.
- The likely building set-back / corridor required along Victoria / Wilton Road.
- The status of referenced bicycle parking spaces, bin storage and set down area on Orchard Road, which are not shown on the submitted plans.
- The accommodation of operational and servicing transport requirements.

In relation to Residential Amenity, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- The assessment of impacts on adjacent residential properties.
- The rationale for the floor area of proposed studio units.

In relation to Any Other Business, An Bord Pleanála highlighted a possible conflict in the siting of an attenuation area within the Irish Water wayleave. The Planning Authority noted the concerns expressed in the report of the Fire Officer.

## **9.0 Conclusion and Recommendation**

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, including relevant s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

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.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements, details of which are set out in the Recommended Opinion below (if 'requires further consideration and amendment option').

1. The height and massing of development proposed on the site, and the requirement for a satisfactory landscape and visual impact assessment thereof.
2. The accommodation of bicycle parking to meet the needs of future residents and visitors.
3. Detail in relation to the proposed riverside walkway / cycleway, including means of access thereto.
4. Accommodating the operational and servicing needs of the development, including bin storage and collection, and need for appropriate set-down areas.

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.

## 10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **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 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. Further consideration / justification of the documents as they relate to the height and massing of development proposed on the site.

The application should be accompanied by a detailed rationale / justification for the proposed development, having regard to the pattern of existing and permitted development in the surrounding area, the provisions of the City Development Plan and the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' 2018. A full Landscape / Townscape Visual Impact Assessment and associated rendered CGI's should be submitted, which should in particular, consider views to the development on the approach from Victoria Cross to the north.

This may require possible amendment to the documents and/or design proposals submitted.

2. Further consideration of, and possible amendment to the documents having regard to the need to accommodate adequate levels of bicycle parking for future residents of the development, and for visitors thereto. Application documentation should demonstrate that the functional and operational requirements of such parking provision are met, including requirements in relation to ceiling height, circulation and access.
3. Further consideration and elaboration of the proposals with regard to the design and layout of the proposed riverside walkway / cycleway. Application documentation should clearly describe the nature and extent of the development and works proposed in this regard, including details of access to the walkway / cycleway, proposed finishes and its relationship with the proposed adjoining communal residential open space.
4. Further consideration of, and possible amendment to the documents having regard to the need to accommodate the servicing and operational needs of the development. In this regard, consideration should be given to measures to ensure that deliveries and collections, including refuse / bin collection, can be facilitated without impacting on the operation of the adjoining road network. The plan should identify bin storage and collection / staging areas, which should not obstruct or interfere with pedestrian movement along the adjoining roads and footpaths. Consideration should also be given to the provision of appropriate set-down facilities for residents and / or visitors.

This may require possible amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A statement, and appropriately detailed drawings, describing the relationship between the proposed development and the adjacent permitted development to the south (PA ref. 18/37795, 19/38385, ABP ref. ABP-306714-20). The response should identify and describe any common spaces or linkages between the two

developments and their management. The layout should seek to obviate the creation of any unsupervised or dead spaces between these developments.

2. Detailed section drawings illustrating the relationship between the proposed development and the adjacent residential property to the east. The application should clearly address any potential impacts thereon in terms of overlooking or overshadowing.
3. A response to the matters raised in the reports of (i) the Cork City Council Traffic Operations section and (ii) the Urban Road and Street Design section.

Plan and section drawings accompanying the application should illustrate how the proposed development layout provides for / accommodates future public transport and pedestrian and cycle provision along Victoria Cross Road / Wilton Road.

4. A Construction Environmental Management Plan and a Construction traffic Management Plan which should consider potential cumulative impacts with adjoining development to the south.

A Construction and Demolition Management Plan should address the potential for the presence of hazardous materials within existing structures or for contaminated soils within the site, and any required mitigation or management measures.

5. A Student Accommodation Management Plan, providing details of the ongoing management of the proposed development, including any use of the facility as tourist accommodation outside of term.

6. (i) A report addressing the matters raised in the report of the Cork City Council Drainage Section.

(ii) Further detail in respect of the treatment of, and relationship with, the existing Irish Water combined sewer and the public surface water sewer to the east and west of the site respectively. The application should demonstrate that any necessary wayleave and associated maintenance requirements are provided for within the development, including any required building set-back or revised landscaping arrangements.

7. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detail of external finishes, landscaping and paving,

pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

8. Plan and section drawings showing existing and proposed ground levels across the site and clearly describing how any transition in levels between the proposed development and the adjoining public realm will be treated.
9. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified. The assessment should demonstrate that due regard was had to any screening to windows proposed to address potential overlooking of adjoining properties.

10. An Operations and Servicing Management Plan, which should also address the management of likely vehicular access and parking demands at both the commencement and end of each academic term.
11. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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:

- Inland Fisheries Ireland
- Irish Water
- NTA
- TII

**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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Conor McGrath  
Senior Planning Inspector

26/04/2022



## **Appendix 1 Documentation accompanying the S.5 request.**

- Cover letter which includes:
  - A schedule of accommodation
  - Copy of Pre-Planning Minutes
  - Confirmation of Feasibility statement (COF) from Irish Water
- Completed Application Form and relevant fee.
- Statement of Consistency
- Architect's Design Statement
- Schedule of Drawings
- Schedule of Accommodation
- Architectural Drawings
- Housing Quality Assessment
- Landscaping Plan
- Civil and Structural Engineering Support Document
- Storm Water Management and SUDS Assessment
- Engineering Drawings
- Flood Risk Assessment
- Mobility Management Plan
- Section 5(5)(iii) Report – A description of the nature and purpose of the development and of its possible effects on the environment and on any European Site.
- Information to Inform a Stage 1 AA Screening
- Draft Student Accommodation Management Plan
- Report on Supply and Demand of Student Accommodation