



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion TC0020.

Strategic Housing Development	Demolition of existing structures, construction of 255 no. bed spaces, medical centre, and commercial unit.
Location	The Former Crow's Nest Site, Victoria Cross/Carrigrohane Road, Cork.
Planning Authority	Cork City Council.
Prospective Applicant	University College Cork.
Date of Consultation Meeting	13 October 2017.
Date of Site Inspection	5 October 2017.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

The site is located at the former 'Crow's Nest' Public House site, Victoria Cross/Carrigrohane Road, Cork City. The site opens onto the Carrigrohane Road (N22) to the north and Wilton Road (R641) to the east. The western side of the University College Cork main campus is approximately 400 metres to the east, Cork Institute of Technology is 2.5 kilometres to the west and Cork University Hospital is located 900 metres to the south.

The application site is irregular in form and incorporates an existing workshop building and yard, four derelict two storey terraced houses and the area occupied by the former Crow's Nest public house. To the west there is a four storey student accommodation block known as 'The Village'. The southern boundary of the site comprises the walls of the existing workshop building and a 2 metre high boundary wall to the rear garden of an adjoining two storey semi-detached house. The eastern boundary of the site adjoins Victoria Cross a busy traffic intersection between, Carrigrohane Road, Wilton Road and Western Road. The area is broadly known as Victoria Cross. The Curragheen River flows south of the site and the south channel of the River Lee flows north of the site.

Cork County Hall is located to the west of the site, it is 67 metres in height (17 storeys) and is a protected structure. There are student accommodation apartments directly opposite the site along Victoria Cross, the buildings range in height of between four and nine storeys.

3.0 Proposed Strategic Housing Development

The development of 255 student bed spaces (66 apartments) in four tower blocks over a double height ground floor and comprises two, three and four bed apartments. The tower blocks rise to between 8 and 10 storeys (30 to 36 metres), specifically:

- Block A – 8 storeys.
- Block B – 9 storeys.
- Blocks C and D – 10 storeys.

Landscaping is proposed at podium level.

Other development includes:

- Medical Facility (462 sq.m.).
- Retail/Café 125 sq.m.

The development includes the demolition of existing buildings on the site, a total floor area of 734 sq.m. Vehicles will access the site from the Carrigrohane Road and pedestrian access is provided at both road frontages.

The site area is 0.27 Hectares and the gross floor space proposed is 8,664 sq.m. Residential density (66 apartments over 0.27 Hectares) 244 units per hectare. Floor area ratio 1:3.2.

4.0 Planning History

Subject site:

PA reference 09/33647. Permission for demolition of all buildings on site construction of mixed use student accommodation and commercial development comprising 69 no. apartments/pub/restaurant. (October 2009)

PA reference 05/30071 and An Bord Pleanála reference PL28 .217701.

Permission for demolition of existing buildings including 4 no dwelling houses and construction of a mixed use development comprising of commercial units and 74 no. apartments. (July 2007)

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Streets'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').

Guidelines on Residential Development for 3rd Level Students - These guidelines issued by the Department of Education and Science under the Finance Act, in 1999 are of relevance in relation to the design of student accommodation.

5.2 Statutory Plan for the area

Cork City Development Plan 2015-2021.

The majority of the site is Zone 10 - Local Centre; 'To protect, provide for and/or improve the retail function of local centres and provide a focus for local centres'. The remainder of the site, a portion on the western side is Zone 4 – Residential, Local Services and Institutional Uses; 'To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3'. Nearby County Hall, a 17 storey office building (67 metres), is a protected structure recorded on the RPS, reference number PS527, other protected structures in the vicinity are Victoria Cross Cycles (PS434) and a post box (PS1027).

The site is located within a View designated as Linear View CH1 on Map 18 Views and Prospects South West.

The site is located approximately 750 metres east of the Airport Public Safety Zone associated with Cork Airport, Map 19 - Cork Public Safety Zone (Outer).

Relevant City Development Plan Policies and Objectives, include:

Section 16.68 - Student Accommodation, which includes a number of criteria that should be taken into account including:

- The location and accessibility to educational facilities and the proximity to existing or planned public transport corridors and cycle routes;
- The potential impact on local residential amenities;
- Adequate amenity areas and open space;
- The level and quality of on-site facilities, including storage facilities, waste management, bicycle facilities, leisure facilities (including shop/café uses), car parking and amenity;
- The architectural quality of the design and also the external layout, with respect to materials, scale, height and relationship to adjacent structures. Internal layouts should take cognisance of the need for flexibility for future possible changes of uses;
- In all schemes the applicants will be required to provide written documentary confirmation for a 'Qualifying Lease' as defined in the Guidelines on Residential Developments for third level students published by the Department of Education and Science in May 1999, to prove that the accommodation is let to students within the academic year.

Section 16.69 - As per Objective 6.5 in Chapter 6, all permissions for student housing shall have a condition attached requiring planning permission for change of use from student accommodation to other type of accommodation. Future applications for this type of change of use will be resisted except where it is demonstrated that over-provision of student accommodation exists in the city.

Smaller Scale Health Services

Section 3.40 outlines that small scale GP practices and other small scale local medical service providers will be open for consideration within the Residential, Local Services and Institutional Use zones, provided general planning issues such as access are acceptable.

Section 3.41 Specialist medical services should be located in the City Centre or District, Neighbourhood or Local Centres and will not normally be permitted in other locations.

Section 16.41 - Residential Density

Densities higher than baseline levels will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;
- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres).

The CDP outlines policies with regard to Building Height in the City Centre and Inner Urban Areas and Tall Buildings, Objective 16.7 Tall Building Locations, designates tall building locations.

Objective 16.4 Skyline and roofscapes, outlines how the city roofscape could be managed.

6.0 Forming of the Opinion

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

6.1 Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map; complete application form; site layout plans; a landscape masterplan; architectural design statement; visual impact assessment; photomontages; planning report/cover letter; engineering drawings and services report; mobility management plan; flood risk assessment report; stage 1 and 2 road safety audit; daylight/sunlight and overshadowing study;

external lighting report; outline construction methodology; pedestrian level wind assessment; statement of consistency with planning policy report; bat survey; environmental, construction and waste management plan; pre-planning notes; habitats directive screening report; EIA screening report; student accommodation operational management plan and a completed pre-connection enquiry feedback form from Irish Water.

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

6.2 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted copies of their records of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 02/10/2017.

The planning authority's 'opinion' included, *inter alia*, the following: an assessment of the proposed development in the context of City Development Plan and reference to the non-statutory Bishopstown and Wilton Area Action Plan 2007; the principle of the development; commentary on the scale/height/visual impact of the development; impact upon residential amenity; design standards, access, traffic and transportation; flooding, EIA and habitats directive; compliance with ministerial guidelines.

The planning authority are satisfied that the proposed development accords with both national guidelines and local zoning objectives for the area. The location is appropriate (in principle) for student accommodation. The proposal is located at a strategic gateway to the city and there are other tall buildings in the area, including the County Hall, a protected structure. There are protected views in the vicinity. The proposed development comprises a 'tall building' (classified as 32 metres or higher) and would not accord with the Development plan location strategy for tall buildings in the city (Docklands and South Mahon). The planning authority went on to highlight that the site is located in an area designated as City Centre and Inner Urban Areas (developed until 1920), as such design, visual and residential amenity impact assessment together with on site management will be key considerations. The site is

situated in Flood Zone A, flood risk assessment and the justification test assessment will be significant.

The planning authority's opinion is interspersed with a list of matters that require further consideration and amendment. These related to: assessment of the visual impact of the proposed tall buildings, justification of tall buildings at this gateway location in the context of City Development Plan objectives to locate tall buildings in the Docklands and South Mahon, assessment of the impact upon residential amenity and the management strategy for the student accommodation, parking and set down areas in accordance with Development Plan standards, flood risk assessment and EIA/AA screening.

There were three formal pre-application consultation meetings held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). These were held on the 26/01/2017, 08/05/2017 and 24/07/2017. The planning authority have submitted the reports of the meetings. Issues raised at those meetings included, inter alia, the following: the principle of student accommodation at the proposed site, the demand for student accommodation, the strategy for tall buildings at a gateway location, regard for the residential amenity of adjacent properties and visual impacts on views specifically County Hall, active use at ground floor, mandatory EIA not required, screening for AA needed, flood risk assessment should be submitted, absence of car parking noted.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

6.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of Cork City Council on the 13 October 2017, commencing at 11.30am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Tall Buildings and City Development Plan Policy.

2. Student Accommodation Concentration Analysis.
3. Residential Amenity, proposed and existing.
4. Urban Design and public realm.
5. Compliance with DMURS.
6. Car Parking and set down.
7. Any other matters.

In relation to tall buildings issues, ABP representatives sought further elaboration/discussion on the following: the design rationale behind the proposed building heights in light of City Development Plan policies

In relation to the provision of student accommodation issues, ABP representatives sought further elaboration/discussion on the concentration of student accommodation and its possible impacts upon residential amenity, together with clarification of on-site management practices.

In relation to residential amenity issues, ABP representatives sought further elaboration/discussion about the effect of tall buildings in close proximity to residential properties. Specifically, the impact of overbearing appearance and overlooking of neighbouring residential units.

In relation to Urban Design and public realm issues, ABP representatives sought further elaboration/discussion on how the proposed development fits into its surroundings and how the public realm could be adapted to accommodate an increase in pedestrian and cycle movements.

In relation to DMURS issues, ABP representatives sought further elaboration/discussion, in relation to how the development interacts with public roads and pedestrian crossovers at entrance points.

In relation to car parking and set down issues, ABP representatives sought further elaboration/discussion on the requirement for car parking given the location of the site, the future student use and the need to provide an appropriate set down area for visitors.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those

comments and responses are recorded in the 'Record of Meeting TC0020' 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.

7.0 Conclusion and Recommendation

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

I have examined all of the information and submissions before me including the documentation submitted by the prospective 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.

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: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an

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

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

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

1. A detailed visual impact assessment. A photomontage report with additional viewpoints from locations where protected views in the vicinity of the site have been identified in the City Development Plan. An accompanying architectural report should outline the design rationale for the proposed building height, scale and massing.
2. A report that addresses issues of residential amenity (both existing residents and future occupants), specifically how the development will limit the potential for overlooking and overshadowing. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units to the west and south.
3. A report that addresses the demand for and concentration of student accommodation in the area, together with an adequately detailed management plan that will address the ongoing operation of the student accommodation facility.
4. Appropriately scaled drawings that show how the development integrates with the existing footpath and road infrastructure. Detailed public realm proposals should be prepared that extend to and include the public footpath and incorporate an appropriately located and dimensioned set down area. This may require an expansion of the red line boundary of the site and the consent of relevant landowners. The documentation relating to the interface between the development

and public roads should be designed in accordance with the Design Manual for Urban Roads and Streets.

5. Additional documentation relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') with specific reference to a Justification Test (if necessary) and should take account of any highly vulnerable development proposed.

6. Landscape and architectural drawings that clearly detail the relationship between wind impact mitigation measures and the design of the public realm at podium and ground level.

7. A layout plan that details the location and appropriate quantity of bicycle parking spaces.

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. Department of Culture, Heritage and the Gaeltacht (in the interests of architectural heritage protection)
3. Transport Infrastructure Ireland
4. An Taisce-the National Trust for Ireland (in the interests of architectural heritage protection)
5. Heritage Council (in the interests of architectural heritage protection)
6. Irish Aviation Authority (in the context of building height)

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.

Stephen Rhys Thomas
Planning Inspector

25 October 2017