



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
300388-17**

Strategic Housing Development

Location	Ballyleary, Great Island, Cobh, Co. Cork
Planning Authority	Cork County Council
Prospective Applicant	Seamus Geaney
Date of Consultation Meeting	17 th January 2018
Date of Site Inspection	11 th January 2018
Inspector	L. Dockery

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 and the documentation received from the prospective applicant, 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

2.1 The subject site, which has a stated area of approximately 14.1 hectares, is located on a steeply sloping site to the north of Cobh, Co. Cork. The site is bound on two sides by roadways, the Tay Road to the north and a local unnamed roadway to the east. The site is currently in agricultural use. It is steeply sloping, rising in a southerly direction by approximately 36 metres. The site is very visible as one travels along the Tay Road with little in the way of roadside boundaries. The local roadway bounding the site to the east is narrow- single carriageway in width; rises steeply and has poor alignment. Native hedgerow is evident for much of the site boundary. Visibility from this roadway onto the Tay Road is poor in both directions.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises a 10 year permission for the construction of 210 residential units, crèche, 5 new entrance points onto the local roadway and ancillary site works. The proposal includes for a link roadway between the local road and Tay Road.

3.2 The breakdown of the 210 units are as follows:

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	3	92	115	-	210
Total	-	3	92	115	-	210

3.3 A mix of terraced, semi-detached and detached dwellings are proposed. The proposed crèche has a stated area of 480 square metres and is located towards the north-eastern portion of the site, with direct access from the local roadway.

4.0 **National and Local Planning Policy**

4.1 National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Street’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- “Childcare Facilities – Guidelines for Planning Authorities’

4.2 Local

4.3 The Cork County Development Plan 2014 applies. Within the settlement hierarchy, Cobh is a main town within Metropolitan Cork and is the third largest Metropolitan Cork town after Ballincollig and Carrigaline. The 2014 County Development Plan

categorises these Metropolitan towns as higher order settlements. The strategic aim for these settlements, as set out in Objective CS 3-1, is to encourage critical population growth in service and employment centres within the Cork “Gateway”. These locations should aim to provide high levels of community facilities and amenities with sufficient infrastructure capacity and high quality integrated public transport connections.

4.4 The site comprises three zoned parcels of land, as contained within the Cobh Local Area Plan 2017 (CH-R-9, CH-R-10 and CH-R-11). Each of the parcels is zoned for residential development Medium B density (range of 12-25p/ha).

The vision for Cobh is identified as an opportunity to increase Cobh’s population further to sustain and deliver additional retail, commercial and service functions. The most appropriate areas for this growth are to the north of the town in the Ballynoe valley. This area is identified as an Urban Expansion Area in the Local Area Plan, and the bulk of the residential zonings for Cobh are in this area. It is suggested in the plan that growth in this area should be linked to the provision of a new rail station at Ballynoe as well as improved connectivity to Cobh Town. The Local Area Plan sets out a housing requirement of 1778 additional units.

Detailed policies in relation to the Ballynoe Urban Expansion Area are set out in the LAP.

5.0 Planning History

There are a number of applications relating to the site and its environs. However, the most recent and relevant application is as follows:

- 05/6541 Permission GRANTED for construction of 243 residential units, 6 serviced sites and creche on the subject lands

- 10/8824 Permission GRANTED for 11 dwellings on front portion of overall site, with frontage onto Tay Road

- 15/6082 Extension of duration of permission GRANTED on 10/8824

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1 The planning authority states that one pre-application consultations took place with them on 08/09/2017.

7.0 Forming of Opinion

- 7.0.1 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 brief detail on each of these elements below.

7.1 Documentation Submitted

- 7.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, scaled drawings (plans, sections and elevations), a completed pre-connection enquiry feedback form from Irish Water, Design Statement, Part V proposals, Cobh LAP extract, Cork County Development Plan extract, Traffic and Transport Assessment, Engineering Overview Report, Storm Sewer Design and Longitudinal

Sections, Archaeological Desktop Study, Ecological Impact Assessment and Habitats Directive Screening Assessment and Statement of Consistency.

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

7.1.3. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.2 **Planning Authority Submission**

7.2.1 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 County Council, submitted the minutes 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 January 11th 2018.

The planning authority's 'opinion' included the following matters: planning history; compliance with core strategy, infrastructure, quantum of development and density, quality of layout, connectivity and housing mix. The report concludes that a key issue highlighted in the S247 meeting relates to the deficiencies in roads infrastructure and the lack of any funding stream at present. In addition the overall layout and design of the development may need further attention to satisfy national guidance and good practice in place-making. The Board also needs to consider if the density and housing mix as presented is optimal for this site and location.

7.2.2 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

7.3 **Consultation Meeting**

7.3.1 A Section 5 Consultation meeting took place at the offices of Cork County Council on the 19th day of January 2018, commencing at 11.00am. 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.

7.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Infrastructural constraints
- Development strategy to include layout, density, housing mix, connectivity, Part V proposals, open space provision
- Any other matters

7.3.3 In relation to the infrastructural constraints, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following

- Justification for the proposal to develop the lands in light of existing road infrastructural constraints at both strategic and local level, as highlighted in the opinion of the Planning Authority to An Bord Pleanála dated January 11th 2018
- Upgrade works required in relation to North Cobh Wastewater Treatment Plant, as per Irish Water Pre-Connection Enquiry report dated 02/11/2017

7.3.4 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual
- Density proposed in the context of the Sustainable Residential Development Guidelines
- Mix of units proposed particularly in respect of prevalence of three and four bed, semi-detached properties proposed in the documents
- Connectivity achievable in the surrounding area and in particular to Cobh town centre, to nearby shops and services, to the areas of zoned public open space to the south, to existing and proposed train stations
- Open space provision and the desire to ensure that it is functional and usable, passively supervised with good pedestrian and cycle linkages; landscaping

- Further details required in relation to Part V in terms of, inter alia, location of proposed units, mix and type of units proposed

7.3.5 In relation to other matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following

- Clarification in relation to extent of visitor parking proposed, areas to be taken in charge, link road to south of site, hedgerows within site, interface between proposed development and public roadways, cut and fill required

7.4 Conclusion

7.4.1 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.

7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage, details of which are set out in the Recommended Opinion below.

7.4.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **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.

8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the

Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

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

In the opinion of An Bord Pleanála, the following issues 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. Infrastructure and Connectivity

Further consideration of the documents as they relate to the phased development programme for Ballynoe Urban Expansion Area, as set out in Table 3.2.3 of Cobh Municipal District LAP, specifically in relation to the 'Prior to Commencement of Development' and 'Phase 1' development stages. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Density

Further consideration/justification of the documents as they relate to the density in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Cobh and Cork city centre, with their established

social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

3. Design, Layout and Unit Mix

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix and design, the configuration of the layout, levels, design and width of roads, the creation of character areas within a high quality scheme should all be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Public Open Space

Further consideration of the documents as they relate to the open space proposed particularly in the context of the quantum of open space proposed, the surveillance of the open space, the usability of the active open space and proposals for passive open space in the context of landscaping proposals. The further consideration of this issue may require an amendment to the documents and/or design rationale submitted.

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. Drainage details, having regard to the Pre-Connection Enquiry report of Irish Water, dated November 2nd 2017
2. A detailed phasing plan for the delivery of the proposed development
3. A site layout plan showing which areas are to be taken in charge by the planning authority
4. Site Specific Construction and Environment Management Plan (CEMP)
5. Colour coded layout plan identifying different unit types proposed

6. A plan showing proposed pedestrian and cycle facilities connecting the proposed development with Cobh town centre, existing and proposed train stations in the vicinity and the area of zoned public open space to the south of the site.
7. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.

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. Commission for Energy Regulation
4. Local 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.

Lorraine Dockery
Senior Planning Inspector

30th January 2018