



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-300549-17

Strategic Housing Development	135 no. residential units comprising a mix of 2,3 and 4 bed terraced, semi-detached and detached units and 12 no. apartments and crèche
Location	Hazel Brooke, Spaglen, Mallow, Co. Cork
Planning Authority	Cork County Council
Prospective Applicant	Greenstone Properties Ltd.
Date of Consultation Meeting	2 nd February 2017
Date of Site Inspection	29 th January 2017
Inspector	Joanna Kelly

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

- 2.1 The proposed development is located to the north west of Mallow town, in Co. Cork approx. 2kms from the town core. The site with a stated area of 5.02ha is located in the townland of Spaglen. The development lands were originally part of the overall residential development known as Hazel Brooke, which is identified as an unfinished housing estate. The proposal is to provide housing south and west of the constructed units, thus completing the overall residential scheme.
- 2.2 The immediate area is characterised by low density residential development. There is another unfinished housing estate located to the north-east of the site i.e. Clonmore.
- 2.3 Access to the site is via the Spa Glen road through the existing access serving the Hazel Brooke estate. The Spa Glen road has footpaths on either side. However, there are no footpaths linking the Spa Glen road with St. Joseph's Road, a critical pedestrian route to the town core. The N72 abuts the southern boundary of the development site.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c. 5.02 hectares will be developed to accommodate a total of 135 residential units giving rise to a density of approx. 26.9 units per hectare gross. The prospective applicant has stated that the net density is 30.6 units per hectare.

Figure 1: Residential Unit Types

Residential Units		
Houses	No. of Units	% Mix of bed type only
2 beds	16	12%
3 bed	88	65%
4 bed	19	14%
Apartment Units		
2 bed	12	9%
Total	135	100%

4.0 Planning History

History associated with site

File Ref. No. PL.04.208647 Permission granted by Cork County Council and upheld on appeal for 207 dwelling houses. Condition 2 of said permission required the omission of 21 units in total.

File Ref. No. 05/2837 Permission granted for a change of plan and house design pertaining to 66 no. dwelling units permitted under PL.208647. Decision by third party to appeal withdrawn.

File Ref. No. 06/11672 Permission refused for 138 no. dwelling houses comprising of 78 no. semi-detached dwellings, 32 no. terraced dwelling houses in 8 no. blocks of 4 no. dwellings, 24 no. terraced dwellings in 8 no. blocks of 3 no. dwellings and 4 no. detached dwellings, crèche with 4 no. first floor apartments and all associated site development works

File Ref. No. 06/5271 Permission granted for retention of 14 units permitted under File ref. no. 05/2837 (includes alterations to houses and minor repositioning of houses).

File Ref No. 07/5997 Permission granted for demolition of dwelling house and construction of 130 residential units.

The Board are advised that no plans, particulars or planning reports were available to the Inspector in respect of the history files other than An Bord Pleanála reports in respect of File Ref. No. PL04.208647.

5.0 National and Local Planning Policy

5.1 National

5.1.1 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:

- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Local

5.2.1 The Cork County Development Plan 2014-2020 is the statutory development plan for the area. Under objective CS 3-1 of the plan, the strategic aim for Mallow is:

"To grow its population to 20,000 as envisaged by the NSS. Develop as a major integrated employment centre so that it fulfils its role at regional and county level and should be location of choice for most people especially those with an urban employment focus."

5.2.2 Mallow is located in the Greater Cork Ring Area. Objective CS 4-2 provides that

"CS 4-2 a) Recognise the importance of the role to be played by Mallow as a 'Hub' town in the implementation of the National Spatial Strategy and the Atlantic Gateway Initiative to focus growth in North Cork and; to promote its development as a major centre of employment and population where there is a high standard of access to educational and cultural facilities, and to provide the necessary infrastructure to ensure that the expansion of Mallow can be achieved without having adverse impacts on the receiving environments."

5.2.3 In the 2017 Kanturk Mallow Municipal District LAP, the lands form part of the MW-R-03 zoning, with the following specific objective:

MW-R-03: Medium A Density Residential Development. Consideration should be given to the provision of serviced sites within the overall layout. Lands to the south of the site which are at risk of flooding should in general be retained as open space with potential to be included in an extension of the Spa Glen Amenity Corridor.

5.2.4 The LAP contains specific development objectives for Mallow at section 3.2.109.

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 submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

6.1.1 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.

6.1.2 The information submitted included *inter alia*: a completed application form; Schedule of accommodation; cover letters; site location and site layout and other plans; Pre-connection enquiry letter from Irish Water; Statement of Consistency; Architectural Design Statement; Engineering Planning Report; Part V proposals; Flood Risk Assessment; Traffic and Transport Assessment; Public Lighting Design Report; A3 booklet of drawings.

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

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Cork County Council, submitted a note 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 25th January 2018.

6.2.2 The planning authority's opinion included the following matters: section 247 consultations; planning history; reference to local planning policies; and reference to the following particular issues:

- Quantum of development and density – Number of units proposed has increased since section 247 consultations. The net density of 30.6 units per hectare is within the scope of Medium A range of 20-50 units/ha set out in the Cork Development Plan.
- Housing Mix – Key consideration for ABP is to determine if mix of house types and sizes are appropriate for the site.
- Quality of layout including open space provision – Noted that block of 12 apartments in south-east corner and 14 no. units along southern end of site have been introduced in areas where there was previously open space indicated. Public open space in existing development limited.
- Integration with the character and pattern of development in Mallow – Applicant to demonstrate proposal integrates with site's natural boundaries and relates appropriately to neighbouring proposals and facilitates possible future integration with neighbouring lands.
- Traffic and Road Infrastructure within Mallow – LAP identifies that it is not feasible for the volume of traffic associated with the development of this North East Urban Expansion Area to be routed down St. Joseph's Road and through the town centre. Existing traffic problems is a key consideration for ABP.
- Connectivity – The consideration of pedestrian and cyclist connectivity is an issue to be considered.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Cork County Council on 2nd February 2018, 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.

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

1. Surface Water Management and Flooding
2. Traffic and Access
3. Development Strategy to include density, layout, open space, connectivity, phasing and integration with adjoining lands.
4. Any other matters

6.3.3 In relation to surface water management and flooding, ABP representatives sought further elaboration/discussion on this matter having regard to the proximity of the site to the Spa stream channel to the south east of the site.

6.3.4 In relation to Traffic and Access ABP representatives sought further elaboration/discussion on this issue having regard to the planning authority's opinion referring to congestion and capacity of the network in Mallow to cater for development.

6.3.5 In relation to the development strategy, ABP representatives sought further elaboration/discussion on density having regard to national guidelines, quantum and configuration of open space, typology of units and clarification regarding boundary treatment to N72.

6.3.6 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-300549-17' 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

- 7.1 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.
- 7.2 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 section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 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.**
- 7.4 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

- 8.1 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.

- 8.2 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 **constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 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 detailed statement of consistency and design/planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with relevant guidelines issued by the Minister under section 28 of the Act of 2000 as amended, in particular in respect of the proposed density, layout and mix of units.
 2. Flood Risk Assessment – Additional documentation relating to the 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' Guidelines for Planning Authorities (including the associated 'Technical Appendices').
 3. Additional documentation regarding the full extent of works to be carried out by the prospective applicant with regard to the upgrade of roads and footpaths as outlined in the information submitted. All proposed works by the prospective applicant should be included in the red line boundary. Where lands are outside the ownership of the prospective applicant relevant consents to carry out works should be submitted. Full costings including the methodology for calculating the costs pertaining to the proposed road/footpath upgrades which are not located within the housing scheme itself should be provided with the application. Acquisition costs of lands to carry out such works, if considered appropriate, should also be indicated.

4. Proposal outlining compliance with Part V of the Planning & Development Act 2000 (as amended). With regard to the documentation relating to obligations under Part V the applicant should have regard to the requirements of the Housing Section of Cork County Council.

5. Full and complete drawings, including levels and cross sections showing how the development will interface with adjoining lands including the N72 at the southern boundary.

6. A contextual layout plan which indicates the layout of adjoining developments existing and proposed where possible.

7. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping.

8. A construction and demolition waste management plan should be provided.

9. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.

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. Inland Fisheries Ireland
3. 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.

A handwritten signature in black ink, appearing to read 'J. Kelly', is written over a solid horizontal line. The signature is cursive and extends slightly below the line.

Joanna Kelly

Senior Planning Inspector

9th February 2018