



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-301758-18

Strategic Housing Development

157 no. residential units, access from the existing Maple Woods entrance off the R630, provision of pedestrian and cycle way improvements on the R630 from the entrance to the existing Maple Woods estate to the Ballynacorra junctions to the north and associated site works.

Location

Maple Woods, Ballynacorra, Midleton, Co. Cork.

Planning Authority

Cork County Council

Prospective Applicant

Glenveagh Homes Ltd.

Date of Consultation Meeting

16 July 2018

Date of Site Inspection

13 July 2018

Inspector

Una Crosse

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 application site has a stated area of 5.5 hectares with 4.9 hectares the area of the site and 0.6 hectares the area of the public road where works are proposed. The site adjoins and is fenced off from an existing housing development of c.135 residential properties known as Maple Woods. Access to the site is via an internal road within the estate. The site is relatively flat and disturbed as a result of development permitted. Six houses are currently under construction which are not part of the application site. The site is located in the Ballynacorra area of Midleton which is south of the town and N25 and comprises a village settlement with services.

3.0 Proposed Strategic Housing Development

The proposal comprises a development of 157 residential units as follows:

Unit Type	No. of Units	%
1-bed apartment	7	4.5
2-bed apartment (two types – G2 & G3)	17	11
2-bed house (terrace and semi-detached – (types E & F)	48	30
3-bed (terrace and semi-detached – types C1 & D1)	54	34.5
4-bed (semi-detached and detached – Types A, B1 & B2)	31	20
Total	157	100

Development Parameters

Parameter	Site Proposal
Density	Gross – 32 per/ha Net – stated as 36.5 per/ha with internal roads excluded.
Car Parking	324 spaces (266 (2 spaces per house) 30 (1.25 per apartment) 28 (Visitor))
Part V	5 units (based on increase in number of units to that permitted in original scheme)
Vehicular Access	Proposed through existing entrance to Maple Woods
Application Site	Application site 5.5 hectares with 4.9 within site and 0.6 on public road.
Open Space	15.5%

Road Improvements

The development also comprises works to the R630 from the existing entrance into the Maple Woods residential development to the Bailick Road junction. It is stated that the design/detail of road upgrades has to be agreed with the Council but that agreement in principle has been reached on extent of works required. It is stated that the detailed design of the proposed pedestrian/cycle link from the site to the L3621 Bailick Road and pedestrian connectivity to 'The Grotto' junction is being prepared and includes all necessary build out at junctions, a two-way off-road cycle facility, Toucan crossing linking to Ballincurra Village, new bus stops on both sites of the road and a footpath connection to 'The Grotto' junction. It is stated that the upgrade works would be in lieu or partly in lieu of any special contribution being sought by the Council for the general area.

4.0 Planning History

On Site

Ref. 04/6917 - Permission granted for 211 dwellings including 16 apartments/duplex and 12 serviced sites with access from Whitegate Road.

Ref. 12/4879 – Permission sought by NAMA for completion of residential development granted under Ref. 04/6917.

129 units have been constructed and are occupied comprising the estate known as Maple Woods, 6 units have been constructed and are in the ownership of the current applicant. That part of the development on the subject site comprised of 104 units/serviced sites with part complete services undertaken on the site which are now stated to be defunct.

Ref. 06/12085 – Permission granted for crèche. This permission has expired.

5.0 National and Local Planning Policy

5.1. National Policy

5.1.1. Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. 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'
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Childcare Facilities – Guidelines for Planning Authorities
- The Planning System and Flood Risk Management (including associated Technical Appendices).

5.2. Local Planning Policy

5.2.1. Cork County Development Plan 2014

Table 2.2 and CS 3-1 set an estimated population target of 160,141 for 2022 for the County Metropolitan Main Settlements with the total number of new units required estimated at 24,478. Objective CS 4-1 seeks to maximise new development for both jobs and housing in the Metropolitan towns served by the Blarney-Middleton/Cobh rail routes and enhance the capacity of these towns to provide services and facilities to the needs of their population.

5.2.2. East Cork Municipal District LAP 2017

The LAP seeks to build on the success of Middleton's rail connections to Metropolitan Cork and manage development in the environs to support the town centre (policy/objective 3.3.1).

Policy Objective 3.3.8 relates to Ballinacurra and states that it has become a major suburb of the town retaining quite a strong character and identity with good range of services except for a local primary school. It states that the R630 divides the village from the traditional quay areas to the west.

Policy Objective 3.4.8 states that in order to accommodate the growth envisaged that an additional 5,243 units are required in Middleton with the plan providing for 180 hectares of lands with the capacity to provide c.4125 units.

Policy Objective 3.3.15 reference the availability of lands south of the N25 at Ballinacurra where it is noted that short term improvements can be made to the local road network to accommodate some development in Ballinacurra including works to

the Lakeview roundabout to the N25. It is stated that Cork County Council have recently published Part 8 proposals for upgrade works at the roundabout comprising the provision of a slip lane on the southern approach to the roundabout onto the eastbound carriageway of the N25.

Policy objective 3.3.47 seeks to facilitate a modal shift to walking and cycling for local journeys within the town with new cycle routes provided in the newer estates and significant potential for further routes.

Policies 3.5.53 & 54 refer to water supply and the constraints in the Whitegate Regional Water Scheme and the need to extend the trunk water main from Carrigtwohill to connect with a new reservoir and the towns existing supply network with a new supply network for Ballincurra required.

6.0 Prospective Applicant's Case

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, a Completed Application Form, Cover Letter, letter of consent from Cork County Council, Statement of Consistency, Childcare Facilities assessment, Architectural Drawings, Architectural Design Statement and schedule of accommodation, Engineering Drawings and Infrastructure Report including Irish Water PCE, Traffic and Transport Assessment, Tree Survey Report, Landscape Plan, Badger Survey, Archaeological Assessment, AA screening, Schedules of drawings and documents.

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. The applicant's case is summarised as follows:

- Permission previously granted on the site for 104 units/serviced sites with services part complete on site but now defunct.

- The area is served by local services, schools and served by public transport on the R630;
- Applicant committed to delivering a high quality residential scheme with a range of different house types to assist in reducing housing need in Cork.
- Cork Area Strategic Plan prioritised Middleton as a location close to the city for new population growth with a targeted increase from 10,315 to 23,429 persons;
- Proposal seeks to integrate the use of existing access points and linkage to pre-existing green areas which influences how these residual lands are developed.
- Density of the scheme has been increased from 25.2 per/ha as originally permitted to 32.05 units per/ha on subject site with exclusion of internal roads providing net residential density of 36.5 units per hectare.
- Results of traffic modelling show that the proposed completion of the estate would have minimal impact on the two junctions assessed.
- Number of local road improvements proposed which will significantly enhance connectivity between the site and Ballinacurra village and Middleton. The design/detail of road upgrades are to be agreed with Cork CC but agreement in principle reached on extent of works required which is set out in Figure 6.
- A connectivity document is included which shows connectivity of the site to local services within Ballinacurra and Middleton.
- Scheme designed having regard to principles of DMURS;
- Proposal complies with policies in Cork County Development Plan and East Cork Municipal District LAP 2017.
- Badger survey undertaken outlines no evidence of badgers or badger setts with survey recording presence of possible long eared owl and recommended vegetation clearance and tree removal undertaken outside of bird breeding season and a nest check undertaken.
- Archaeological assessment found that proposal will not give rise to impacts upon any archaeological sites or deposits and recommended proposal can proceed without any further investigation;
- Tree survey undertaken with 16 individual trees as part of three tree groups inspected with proposal seeking to retain trees and hedgerows within rear

gardens or open spaces where possible and proposed to remove 8 trees with loss mitigated by replacement planting.

- Part V provided for in original application and agreed that Part 5 only applicable if number of units exceeded what was permitted with proposed 157 units proposed which is a 53 unit increase necessitating the transfer of 5 units.
- Contributions paid on permitted development with credit accruing of €473,692 and request that this is written off against whatever is levied as part of any application;
- Carried out an audit of existing known childcare facilities in the area and population data with review showing some available capacity in childcare facilitate in area and high level of stay at home parenting with proposal likely to generate demand for 9 spaces which can be catered for through existing facilities;
- Proposal is consistent with the policies and objectives contained in National and Local Planning Guidelines and Plans.

7.0 Planning Authority Submission

A submission was received by An Bord Pleanála on the 26th June 2018 from Cork County Council. The 'opinion' of the planning authority included, inter alia, the following:

- Outlines the planning history of the site with the proposal seeking to re-establish the principle of a residential development on the site to complete the overall scheme although with a larger number of units than originally permitted;
- Core strategy designated Midleton as a Metropolitan Town within the Cork Gateway with the strategic aim of critical population growth with the projected population growth requiring an additional 5,243 units;
- Primary land use in the area is residential and proposal consolidates same;
- The key considerations for the Board in respect of development in existing built up areas include, objectives of the CDP, relevant objectives in LAP, character of surrounding area and other planning and sustainable development considerations considered relevant;

- Completion of an unfinished housing estate within a Metropolitan Town supports the overall growth objectives for Midleton;
- LAP does not specify density with objective for adjoining residential site (MD-R-07 medium A (20-50) and guidelines recommending density below 30 to be discouraged with consideration of sites location, character of area and LAP objectives suggesting proposed density accords with the CDP and a key consideration for the Board is to determine if scale and density of units is appropriate for the site;
- Key consideration for the Board to determine is if the housing mix and sizes is appropriate for the subject location to the south of the town centre, has due regard to the house types already constructed in the existing development and extent to which objective HOU 3-3 is satisfied;
- Council raised some concerns at s.247 meeting about the quality of the open spaces and the relationship to buildings and supervision of spaces, adequacy of pedestrian connections within the site and external connections, adequacy of diversity in design within the schemes distinguishing with different character areas and how well scheme relates to existing development and protection of existing amenity;
- Compliance with the principles in the Design Manual and DMURS key considerations.
- Council have advanced a proposal to provide a slip lane at Lakeview roundabout which is currently going through the Part 8 process and envisaged that special development contributions required;
- Consideration of pedestrian and cyclist connectivity critically important with proposal having to demonstrate that proposal can be provided for safe movement of pedestrians and cyclists with measures developed with the Council with the Board required to be satisfied that connections are adequate for the development to successfully integrate with the settlement;
- Crèche previously permitted but not developed and no crèche proposed and given scale of development consideration may be given to the provision of a childcare facility;

- Part V proposal will be considered by the Housing Directorate with the proposal modified slightly since the s.247 meeting;
- Proposal meets Council's recreation and amenity policy which requires 7 points;

7.1. **Other Prescribed Bodies**

Submissions were received from Irish Water in relation to the proposal and is appended to this report. It is stated that Irish Water must carry out works to the Midleton wastewater treatment plan with a project currently underway to produce a concept design for the proposed upgrades but no current programme for the completion of the concept design or the physical works with third party consents including planning permission and EPA licencing required. IW state that subject to the upgrades being complete and to a compliant water and wastewater layout that proposed connections can be facilitated.

8.0 **The Consultation Meeting**

A Section 5 Consultation meeting took place at the offices of Cork County Council on the 16th July 2018, commencing at 11.30 AM. 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. Development Strategy for the site including density, layout, connections to adjoining lands
2. Roads Infrastructure, Access and Parking
3. Wastewater
4. Surface Water Management and Flooding
5. Childcare
6. Any other matters

In relation to the Development Strategy for the site including density, layout, connections to adjoining lands, An Bord Pleanála sought further

elaboration/discussion/consideration of the following: net density and compliance with the Residential Density Guidelines, surveillance of open spaces and requirement to avoid blank walls addressing open spaces, proposed finishes and need to minimise use of render on the Apartment building, the extent of parking proposed particularly in the context of the 2-bed houses, future connectivity to adjoining lands and taking in charge, the turning area located to the south of the entrance to the existing development and housing mix.

In relation to Roads Infrastructure, Access and Parking, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the works proposed to the public road in relation to connectivity and how the works for within the proposed Part 8 process, the proposed Lakeview slip road onto the N25 and special development contribution for same, the proposed level of parking particularly in the context of the two-bed housing units and the potential for a DMURS retrofit to the existing Maple Woods scheme.

In relation to Wastewater, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the existing constraints within the wastewater network and proposals to address same including timelines and the potential consents required for any upgrades and the requirement to liaise with Irish Water.

In relation to Surface Water Management and Flooding, An Bord Pleanála sought further elaboration/discussion/consideration of the following: the proposed surface water management proposals and any proposals for the incorporation of SuDS measures within the site.

In relation to Childcare An Bord Pleanála sought further elaboration/discussion/consideration of the following: the justification outlined in respect of the proposed units and the need to consider the existing residential development within Maple Woods in any assessment.

In relation to any other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Part V and development contributions.

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 301758' 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.

9.0 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 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: infrastructural constraints, density, design and layout and childcare facilities which are set out in the Recommended Opinion below.

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:

Infrastructural Constraints

1. Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints, whether such constraints require statutory consent and/or may be subject to a compulsory purchase process and if such consent has been received or CPO completed, who is going to undertake the works required and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

Density

2. Further consideration of documents as they relate to the density in the proposed development, specifically in relation to the 'Guidelines for Planning Authorities on

Sustainable Residential Development in Urban Areas' (May 2009) as they refer to out of centre sites and to net density at Appendix A. Particular regard should be had to the 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 existing rail connections and to established social and community services in the area. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Design and Layout

3. Further consideration of 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 configuration of the layout particularly as it relates to the creation of high quality open spaces with maximum surveillance and amenity should be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Childcare Facilities

4. Further consideration of documents as they relate to the childcare facilities assessment. The justification should have regard to the existing development at Maple Woods as well as the proposed development. Further consideration of these issues may require an 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 detailed report outlining the proposed connectivity works to the public road and a detailed design of same, the report should also detail who is going to undertake

the works required and the timelines involved relative to the construction and completion of the proposed development.

2. A report that specifically addresses the proposed materials and finishes to the scheme and the requirement to provide high quality and sustainable finishes and details.
3. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
4. A report that addresses issues of residential amenity (both existing residents of adjoining properties and future occupants), specifically how the proposed apartment building will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units.
5. A layout plan that details the location and appropriate quantity of bicycle parking spaces.
6. A plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces.
7. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority and which should include lands up to the boundary with adjoining holdings.

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. Transport Infrastructure Ireland
2. National Transport Authority
3. Minister for Culture, Heritage and the Gaeltacht
4. Heritage Council
5. An Taisce — the National Trust for Ireland

6. Irish Water

7. Cork County 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.

Una Crosse
Senior Planning Inspector

July 2018