



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
302125-18**

Strategic Housing Development

Location	Ardarostig, Bishopstown, Co. Cork
Planning Authority	Cork County Council
Prospective Applicant	Ardstone Homes Ltd
Date of Consultation Meeting	27 th August 2018
Date of Site Inspection	8 th August 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 9.14 hectares, is located on Waterfall Road, Ardarostig, Bishopstown, Co. Cork. The northern boundary of the site fronts onto Waterfall Road and there are a number of mature trees/hedgerow along this site boundary. The site is currently in agricultural use. Detached, residential properties on either side of the site. This is a visually prominent site, with the levels rising steeply towards the southern boundary. A Seveso site, Irish Oxygen Company, is located approximately 600 metres to the west. There are overhead power lines traversing the site.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for construction of 207 no. residential units, comprising 152 dwelling houses and 55 no. apartment units, crèche, and all ancillary site development works.

3.2 The breakdown of the 207 units are as follows:

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	30	80	42	-	152
Apts/Duplex	5	50	-	-	-	55
Total	5	80	80	42	-	207

3.3 A mix of terraced, semi-detached and detached dwellings are proposed, together with apartment/duplex units. The proposed crèche has a states capacity for 40 children and is located towards the northern end of the site, with fronting onto the local roadway.

3.4 The gross density is stated as being 22.6 units/ha (based on a site area of 9.14 hectares) while the net density is stated as being 30.2 units/ha (based on a site area of 6.85 hectares).

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')
- Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities
- Design Manual for Urban Roads and Street
- Childcare Facilities – Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

4.2 Local

The Cork County Development Plan 2014 is the operative County Development Plan for the area. The site is located within the County Metropolitan Strategic Planning Area.

The Ballincollig Carrigaline LAP 2017 applies and site is located within the development boundary of the Cork City South Environs.

Zoning: Residential Zoning-Medium B (12-25 units per hectare)

Relevant Objectives:

SE-R-10- Medium B density residential development which will be restricted to the low-lying northern portion of the site and will include appropriate improvements to the local road network. Development will be serviced by a single estate road access and there will be no access from individual properties on to the local road. The southern portion of the site should be landscaped and developed as a usable public or private open space

Majority of the site is located within a High Value Landscape- Policy GI 6-2 applies- Landscape Character Type 1 'City Harbour and Estuary' with landscape importance of 'National'.

5.0 **Planning History**

5.1 There is no relevant history pertaining to the subject site. Applications for minor developments on adjoining lands are noted.

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 The planning authority states that one pre-application consultation took place with them on 30/05/2018.

7.0 **Submission Received from Irish Water**

Confirmation of Feasibility issued for this site for 300 residential units. As stated in the CoF, the applicant must upgrade an existing wastewater pump station and deliver wastewater network upgrades to accommodate the development.

Planning permission may be required for the pump station upgrade. No statutory or third party consents will be required for the network upgrades other than a road opening licence from the local authority.

Therefore, based upon the CoF, Irish Water confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

8.0 **Response Received from Cork City Council**

A response to a request from the Board under Section 6(10) of the Act of 2016 was received from Cork City Council. This submission outlines planning context and states that in the current LAP the site is part of land identified (SLR6) as possible site

for consideration of a Strategic Land Reserve Option- SE-R-10 applies with Medium B density- upper limit of 25 units/ha.

Key Issues:

Density- considered to be low and would be a missed opportunity to provide higher yield of housing, given location of site in context of national policy

Quality of open space provision- ensure it is accessible and practical for future inhabitants

Seveso site- engage with HAS

Transport- proposals to be designed in sustainable manner as set out in DMURS- Waterfall Road will become an urban road- applicant needs to propose measures to reduce speeds- cycling provision would be fully integrated with existing and future cycle network- provision of dedicated cycle facilities, such as cycle track on southern side of Waterfall Road, would achieve the objectives of Cork Metropolitan Cycle Network plan- applicant should demonstrate how it is intended to achieve delivery of a cycling track with a minimum width of 1.5m on the southern side of Waterfall Road along site boundary

Pedestrian provision- minimum width of 2.0m footpath on southern side of Waterfall Road along development site frontage, with appropriate tie in to existing facilities- pedestrian crossing to be relocated- review current provision of raised tables following consideration of DMURS

Traffic and Transportation Assessment-demonstrate whether a right-turn lane is required to access the development and also if a right-turn lane is required for the entire build out of the developable lands to the south of the current proposals

Road Safety Audit- no designer response has been submitted with RSA

Drainage- in relation to wastewater, the proposed discharge point is to be agreed with IW. Wastewater network in the areas to the north of the N40 is at or above

capacity and it is not appropriate for wastewater discharge- applicant to identify a discharge point with sufficient capacity, in conjunction with IW. In relation to stormwater, a SuDS strategy should be prepared.

Taking in Charge- clarify it is intended to have proposed development taken in charge

Wayleave- to be granted to IW or local authority, as appropriate for any existing or proposed public wastewater, stormwater or combined sewer infrastructure, located within development site boundary.

9.0 Response Received from Health and Safety Authority

On the basis of the information supplied, the Authority does not advise against the granting of planning permission in the context of Major Accidents Hazards.

10.0 Forming of Opinion

10.0.1 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.

10.1 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. This information included, inter alia, cover Letter and schedule of documents, SHD Application Form for Section 5 Consultation, Minutes of Section 247 Pre-application meeting of 30/5/2018, letter of Consent from site owner, Part V Proposals, Section 5(5) Environmental Report, Statement of Consistency, Landscape and Visual Impact Assessment, Road Safety Audit, Appropriate Assessment Screening Assessment, Statement of Traffic, Access and DMURS Design Consistency, Archaeological Assessment, Preliminary Infrastructure Report

(inc Irish Water correspondence), Statement of Rationale on Childcare Provision, Tree Survey and Report, Construction & Waste Management Report, Schedule of Accommodation and Housing Quality Assessment, Drawings, Photomontages Report (A3 booklet) and Planning and Design Statement

7.1.1. 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.

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

10.2 Planning Authority Submission

10.2.1 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 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on August 10th 2018.

10.2.2 The planning authority's 'opinion' included the following matters: planning history; policy and principle, density and housing mix, urban design and layout, access arrangements, traffic and connectivity, conservation, surface water disposal and site services, AA and ecology, landscaping and boundary treatment, archaeology, visual impact, Part V, Seveso site and administrative boundary. The report concludes that the density of development proposed, the location of parts of the development on the southern part of the site and the absence of proposed improvements to the local road render the proposal inconsistent with the requirements of the zoning objective for the site. A number of points were raised which are the Bord may wish to have regard to, which include addressing how the density complies with the zoning objective of the site, whether development is sufficiently contained within the low lying northern portion of the site, 12 key design criteria of the Urban Design Manual, how net developable area has been calculated; that the layout does not make adequate provision for pedestrian connectivity to/from the site; usable public open

space; inclusion of southern part of site as amenity spaces, provision of recreation and amenity facilities, breakdown of private open space; capacity of crèche; parking space arrangements and extent of parking provided to serve crèche; pedestrian permeability and linkages to public transport in addition to cycle facility provision, requirement for TIA which considers impact on wider area including potential for creation of rat run through Marymount Hospice, separation distances, proximity to third party properties, integration of apartments/duplex into streetscape, Road Safety Audit, whether consent to public mains and foul sewer is available, Policy Objective GI 6-2 in relation to highly visible location, landscaping , Woodland Management Plan, geophysical survey, archaeological assessment, Serveso site.

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

10.3 Consultation Meeting

10.3.1 A Section 5 Consultation meeting took place at the offices of Cork County Council on the 27th day of August 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.

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

1. Development strategy for the site to include consistency with zoning objective and national policy, density, integration of development site with strategic land bank
2. Urban Design to include layout; open space; connectivity/permeability
3. Traffic and Transportation
4. Irish Water Confirmation of Feasibility
5. Drainage including flood risk- service connection via adjoining local authority
6. Archaeology
7. Any other matters

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

- Consistency with zoning objective and national policy; density proposed in the context of the Sustainable Residential Development Guidelines; clarification on integration of development site with strategic land bank

10.3.4 In relation to urban design, An Bord Pleanála representatives sought further elaboration/discussion on the following:

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, given the location of the site in the overall context of Cork city and its built-up areas
- Mix/typology of units proposed particularly in respect of prevalence of three/four bedroom, semi-detached properties proposed in the documents
- Open space provision and the desire to ensure that it is functional and usable, passively supervised with good pedestrian and cycle linkages; landscaping
- Connectivity achievable in the surrounding area and in particular to Bishopstown, to nearby shops and services, to existing public transport links and to adjoining zoned lands

10.3.5 In relation to traffic and transportation, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Improvements to local road network; hierarchy of proposed internal road layout, particularly in the context of DMURS

10.3.6 In relation to Irish Water Confirmation of Feasibility, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Advised prospective applicants of the need for Irish Water Confirmation of Feasibility to be submitted with section 5 pre-application requests, as per the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016 and associated Regulations of 2017.

10.3.7 In relation to drainage, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Clarification that proposed drainage arrangements are acceptable in light of issues raised by the planning authority and Irish Water with regards upgrading of existing wastewater pump station and wastewater network upgrades; site specific flood risk assessment

10.3.8 In relation to archaeology, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Details relating to potential subsurface archaeology within the site boundary and whether an Archaeological Assessment and Geophysical Survey has been undertaken

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

- Clarification in relation to areas to be taken in charge, phasing plan, landscaping/boundary treatments, landscape designations and submission of CGIS/visualisations, size of proposed childcare facility, Building Lifecycle Report, School Demand Report, undergrounding of power lines, proximity to Seveso site, Part V, ecological survey of existing site, Woodland Management Plan for open space area, if applicable and implications of new EIA directive.

10.3.10 Both the prospective applicant and the planning authority were given the 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 302125' 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.

10.4 Conclusion

10.4.1 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.

- 10.4.2 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.
- 10.4.3 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.

11.0 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. 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 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 Bishopstown and Cork City Centre, to established social and community services in the vicinity and to nearby strategic land reserves. 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.

2. 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; arrangement and hierarchy of streets; 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.

3. 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. In addition, further consideration of the documents as they relate to pedestrian and cycle facilities connecting the proposed development with nearby centres, existing transport services and existing amenities and facilities. The further consideration of these issues 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 Pre-Connection Enquiry Report of Irish Water dated 14th August 2018, together with section 4.6 of the Cork County Council report dated 10th August 2018 and 'Drainage Issues' section of response from Cork City Council, dated 23rd August 2018
2. Archaeological Impact Assessment and Geophysical Survey
3. Ecological Survey of existing trees and hedgerows which clearly identifies all trees proposed for removal
4. TIA which considers impact on wider area including potential for creation of rat run-through Marymount Hospice
5. A phasing plan for the delivery of the proposed development
6. A site layout plan indicating what areas are to be taken in charge by the planning authority
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.
8. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
9. A Childcare Demand Report outlining anticipated demand likely to be generated by the proposal and the capacity of existing childcare facilities 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. The Minister for Culture, Heritage and the Gaeltacht
2. The Heritage Council
3. An Taisce
4. An Chomhairle Ealaíon
5. Fáilte Ireland
6. Irish Water
7. Transport Infrastructure Ireland
8. Commission for Energy Regulation
9. Health and Safety Authority
10. 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

05th September 2018

END