



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
302236-18**

Strategic Housing Development

Location	Sandbrook, Doughcloyne (Townland), Wilton, Co. Cork
Planning Authority	Cork County Council Cork City Council
Prospective Applicant	Minkbury Investments Ltd
Date of Consultation Meeting	11 th September 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 0.6 hectares is located approximately 2.8km south-west of Cork city centre. The site is roughly rectangular in shape and is currently overgrown. The site area, as outlined in red, also includes for a narrow strip through an area of public open space which connects to the access road of Sandbrook. Trees and scrub are evident within the site and a stream runs through it into the Glasheen River, which is located immediately to the north. The site is bound by the Southbury Road residential development to the north, the South Ring Road to the south, the Sandbrook apartment development to the west and GAA lands to the east. The site itself is currently land-locked.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises an application for construction of student accommodation comprising 3 no. residential student accommodation blocks with a total of 228 spaces. The blocks vary in height from 4 to 6 floors above ground level. Proposal includes ancillary student support facilities at ground floor level including reception, common room/tv/games room and bicycle storage. Associated site development works include a landscaped courtyard open space at ground floor level, access road and works to public footpath, foul and surface water sewers and ancillary site works.

3.2 The following details are noted:

Parameter	Site Proposal
Application Site	0.64 hectares
Area of Development	Gross Floor Area 6,512 sq.m (internal)
No. of Apartments	47
No. of Bedspaces	228
Other Uses	Ancillary student support facilities
Car Parking	Zero- setdown only
Bicycle Parking	85 spaces
Plot Ratio	1.02
Vehicular Access	From proposed access road.
Density	73 units per ha
Open Space	Courtyard space, buffer zone and river corridor

3.3 The breakdown of the 228 units are as follows:

	1 bed	2 bed	3 bed	4 bed	5 bed	6 bed	Total
Student Clusters	-	-	-	17	20	10	228 bedspaces

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
- Urban Development and Building Heights, Guidelines for Planning Authorities Consultation Draft August 2018

The following documents are also considered relevant:

- Dept. of Education and Skills 'National Student Accommodation Strategy' (July 2017)
- Dept. of Education and Science 'Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999' (1999).
- Dept. of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.' (July 2005)

4.2 Local

The proposed development site is on the border of Cork City Council and Cork County Council administrative areas.

The proposed access roadway and access point from the public road are located within the Cork City Council administrative boundary.

The Cork City Development Plan 2015 applies.

This part of the site has two zoning objectives-

- The western most portion of the site is zoned ZO 14 Public Open Space, which seeks to 'protect, retail and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates.
- The eastern most portion of the site are zoned ZO 4 Residential, Local Services and Institutional Uses, which seeks to 'protect and provide for residential uses, local services, institutional uses and civic spaces, having regard to employment policies outlined in Chapter 3. These lands are also designated as an Area of High Landscape Value (AHLV), with the objective being to 'conserve and enhance the character and visual amenity of AHLV through the appropriate management of development, in order to retain the existing characteristics of the landscape, and its primary landscape assets.

Objective 11.7 states that there will be a presumption against development of land zoned public open space for alternative purposes

Variation No. 5 related to Student Accommodation

Objective 10.9 River and Waterway Corridors

The remainder of the development site is located within the administrative boundary of Cork County Council. The Cork County Development Plan 2014 is the operative County Development Plan for the 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 A (20-50 units per hectare)

Relevant Objectives:

SE-R-13- Medium A density residential development, subject to satisfactory vehicular and pedestrian access arrangements*

*flood risk objective IN-01 applies and is as follows 'All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives WS 6-1 and WS 6-2 as detailed in Chapter 11, Volume 1 of the Cork County Development Plan, 2014, as appropriate, and with the provisions of the Ministerial Guidelines-The Planning System and Flood Risk Management. In particular, a site-specific flood risk assessment will be required as described in WS 6-2.

Part of the site where the access road is proposed lies within the Flood Extent Zones as identified in the Ballincollig Carrigaline LAP 2017.

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 recent relevant history pertaining to the subject site. Applications for developments in the late 1990s are noted. Of particular relevance is TP99/23482 (PL28.116872), an application on this site for road, footpath and bridge to serve residential development, on lands zoned public open space at rear of Southbury Road with connection from existing roadway serving Sandbrook, which was refused on appeal as it was considered that the proposed development would materially contravene the zoning objective for the area and would be contrary to the proper planning and development of the area.

5.2 Also noted is a previous Bord decision PL28.245709 (decision date 2016) in Ballyvolane, Co. Cork whereby ABP refused permission for a new entrance and vehicular and pedestrian access road to provide access to retail development in

Cork city admin area on lands zoned public open space. The first reason for refusal considered that the construction of this access road would materially contravene the development objective indicated in the City Development Plan for the zoning of this land as public open space.

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

6.1 Both Cork City Council and Cork County Council state that one pre-application consultation took place with them on 11/04/2018.

7.0 **Submission Received from Irish Water**

7.1 Confirmation of Feasibility issued for this site for 250 student bedspaces. As stated in the CoF, for both water and wastewater, the applicant can either connect to existing private networks in proximity to the development or can carry out network extensions to connect into Irish Water networks. Connecting to the Irish Water wastewater network may require pumping. The following third party consents will be required:

- If connecting to the private network, the permission of the third party owner will be required
- If connecting to the Irish Water wastewater network and pumping is necessary, planning permission will be required.

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 **Forming of Opinion**

8.0.1 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

authorities submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

8.0.1 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, letter of consent from landowner, Statement of Consistency, Design Statement, Appropriate Assessment Screening Report, Irish Water CoF correspondence, Proposed Student Accommodation- Operational Management Plan, Area Schedule, Apartment Schedule, A3 Drawings, Preliminary Flood Risk Assessment, Services Report and copy of pre-application request on disc.

8.0.2 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.

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

8.1 Planning Authority Submission

8.1.1 In compliance with section 6(4)(b) of the 2016 Act the planning authorities for the area in which the proposed development is located, Cork County Council and Cork City 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 29th 2018 (Cork County Council) and August 30th 2018 (Cork City Council).

8.1.2 Cork County Council's 'opinion' included the following matters: planning history; policy and principle, ownership and legal control, urban design and layout, access arrangements, traffic and connectivity, flooding, surface water disposal and site

services, AA and ecology, landscaping, impacts on adjoining properties and archaeology. The report concludes that the density of development proposed, access road proposals through zoned public open space, the appropriateness of student accommodation at this location, the lack of parking, the impact on surface water and flooding on the surrounding area and the scale, height and proximity of the proposed buildings to adjoining third party properties have all been identified as significant issues to consider.

8.1.3 A number of points were raised which the Bord may wish to have regard to, which include addressing how the density complies with the zoning objective of the site, 12 key design criteria of the Urban Design Manual, Policy IN-01, principle of student accommodation at this location, legal documentation submitted, usable public open space; provision of recreation and amenity facilities, scale, height and design, turning areas, flooding, zero parking, separation distances, proximity to third party properties, safety issues of access roadway, whether consent to public mains and foul sewer is available, Policy Objective GI 6-1 and GI 6-2 boundary treatments, landscaping and biodiversity enhancement, archaeological monitoring

8.1.4 Cork City Council's 'opinion' included the following matters: statement on key planning considerations, planning history, land-use objectives, principle of development, impacts on amenity, height, scale and design, traffic and transportation issues, drainage/servicing issues, flooding and environmental screening.

8.1.5 In summary the following is noted:

- Proposal would alter the character of the site and the adjacent public open space lands, clearly contravening materially land-use zoning objective ZO14 Public Open Space. The City Development Plan provides that the lands are zoned to be protected against 'development', which includes for example infrastructural works such as a road, and not only buildings or structures.
- Attention drawn to previous ABP decisions
- Lands also designated as AHLV- Objective 10.4 seeks that development will only be considered where it safeguards the value and sensitivity of the

particular landscape with a presumption against development where it causes significant harm or injury to the intrinsic character of the AHLV and its primary landscape assets- unclear how the proposed development of a new road over these lands would satisfy the requirements of Objective 10.4

- Not convinced that the proposed development site would be the most appropriately located site for student accommodation
- Imperative that proposal would not have detrimental impacts on residential amenities of adjoining properties to the north
- Should demonstrate that there will be no negative impacts on the existing road network with regard to traffic and pedestrian safety and traffic congestion in the area
- In relation to drainage, should provide pumped discharge rates to demonstrate that the existing sewer is not overloaded. Details to be agreed with Irish Water in relation to proposed discharge pipe and connections
- Parts of site located within Flood Zones A and B- requirements outlined in this regard
- Proximity of proposed development site to Glasheen River is noted, which, via the Curragheen River is a tributary of the River Lee, which ultimately feeds into the Cork Harbour SPA (site code 004030). Parts of the site are located with Flood Zones A and B

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

8.2 Consultation Meeting

8.2.1 A Section 5 Consultation meeting took place at the offices of Cork County Council on the 11th day of September 2018, commencing at 11.30am. Representatives of the prospective applicant, both planning authorities and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Development strategy for the site to include zoning; connectivity; quantum and distribution of communal facilities; residential amenity and open space
 2. Traffic and Transportation to include parking and bicycle storage
 3. Drainage- foul and surface water management/flood risk
 4. Ecology and Appropriate Assessment
 5. Any other matters
- i. In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:
- Compliance with zoning objective and meeting requirements of SHD legislation in the context of the proposal to provide an access road over an area of land zoned for public open space; previous ABP decisions on this matter including PI28.116872 and PL28.245709; other landscape designations; connectivity/proximity to third level institutions and submission of Student Demand and Concentration Report; quantum, distribution and quality of communal facilities; residential amenity both for existing and future residents which included discussion on potential safety issues/supervision of area along proposed access route; open space provision and the desire to ensure that it is functional and usable;
- ii. In relation to traffic and transportation, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:
- Report of Cork City Council in relation to impacts of proposal on surrounding road networks; functionality of proposed roadway, car parking provision, location of bicycle parking spaces
- iii. 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 both planning authorities and Irish Water with regards connecting to networks, requirements for pumping and consents required,

- site specific flood risk assessment having regard to location of part of site within Flood Zones A and B, proximity of site to Glasheen River and culverting of stream that runs through site

iv. In relation to AA and ecology, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Clarification that proposal is acceptable in light of issues raised by Cork City Council with regards proximity of proposed development to Cork Harbour SPA; whether there are bats on site/bat survey undertaken
- Clarification as to condition of existing trees/scrub on site and whether an ecological impact assessment is being submitted at application stage

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

- Clarification in relation to materials/finishes, areas to be taken in charge, landscaping/boundary treatments, landscape designations and submission of CGIS/visualisations, management of proposed scheme, waste management, ecological survey of existing site and implications of new EIA directive.

8.2.3 The prospective applicant and the planning authorities 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 302236' 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.

8.3 Conclusion

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 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.

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. Development Strategy

Further justification/re-examination of the documents as they relate to the proposal which includes for the provision of an access road over an area zoned Objective Z0 14 Public Open Space within the Cork City Development Plan 2015. Having regard to, inter alia, the specific wording relating to this

land use zoning objective and the planning history pertaining to the site, the applicant should satisfy himself/herself that they can proceed with an application for this part of the proposed development noting the provisions of section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016. In the event that an application is made, the application documentation should clearly lay out the justification and rationale for the proposed development having regard to the above. The materiality or otherwise of any contravention of the statutory objectives pertaining to the site, should be fully addressed in the application documentation.

2. Public Open Space

Further consideration of the documents as they relate to the open space proposed, with particular emphasis on surveillance/safety along the length of the proposed access road; the usability of the open space and proposals for active/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, third level institutions, 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 16th August 2018, together with section 4.5 of the 'Opinion' from Cork County Council dated 28th August 2018 and 'Drainage/Servicing Issues' section of 'Opinion' from Cork City Council, dated 28th August 2018
2. Additional documentation relating to appropriate flood risk assessment that demonstrates the 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 associated 'Technical Appendices')

3. Noise Impact Assessment, which addresses the potential noise impact from the N40 South Ring Road and clearly outlines noise mitigation measures, if considered necessary
4. Ecological Impact Assessment
5. A site layout plan indicating what areas, if any are to be taken in charge by the planning authority
6. Student Demand and Concentration Report
7. A site specific Student Management Plan which includes details on management outside of term-time

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. An Taisce
2. An Chomhairle Ealaíon
3. Fáilte Ireland
4. Department of Culture, Heritage and the Gaeltacht
5. Heritage Council
6. Inland Fisheries Ireland
7. Irish Water
8. Transport Infrastructure Ireland
9. OPW

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

19th September 2018