



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-302436-18**

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#### **Strategic Housing Development**

308 residential units (236 no. houses, 72 no. apartments/duplexes), the demolition of out buildings and rear annex's associated with Lakeview House (a Protected Structure), change of use and extension of Lakeview House to provide a creche and all associated ancillary development works.

#### **Location**

Lakeview, Castleredmond, Midleton, Co. Cork.

#### **Planning Authority**

Cork County Council

#### **Prospective Applicant**

O'Flynn Construction Company

#### **Date of Consultation Meeting**

5<sup>th</sup> October 2018

**Date of Site Inspection**

28<sup>th</sup> September 2018

**Inspector**

Stephen J. O'Sullivan

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## 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 site has a stated area of 10.696ha. It lies c1.5km to the south of the town centre at Midleton, Co. Cork. The bypass of the town along the N25 national primary route runs between the site and the town centre. There is a large roundabout at the junction of the N25 and the R630 just to the north-west of the site. The site includes the curtilage of Lakeview House, which is a villa that dates from the 18<sup>th</sup> century. It is currently vacant and in poor repair. Its landscaped garden contains several mature trees. It is a protected structure. The rest of the site is in agricultural use. Suburban residential development lies to the south of the site and on the western side of the R630 in front of the site.

## 3.0 Proposed Strategic Housing Development

3.1. It is proposed to renovate Lakeside House and use it to house a childcare facility with a floor area of 640m<sup>2</sup>. It is also proposed to build 308 homes, consisting of 236 houses and 72 apartments. The homes would be of the following types –

- 22 three-bedroom apartments of 100m<sup>2</sup>
- 34 two-bedroom apartments of between 76m<sup>2</sup> and 82m<sup>2</sup>
- 16 one-bedroom apartments of 50m<sup>2</sup>
- 13 four-bedroom houses of 136m<sup>2</sup>
- 87no. two-bedroom houses of between 66m<sup>2</sup> and 83m<sup>2</sup>

- 142 three-bedroom houses of between 100m<sup>2</sup> and 117m<sup>2</sup>
- 6 one-bedroom houses of 54m<sup>2</sup>

3.2. Access would be from a new signalised junction off the R360. The internal layout would facilitate connections to adjoining undeveloped land. 611 car parking spaces are shown, which is equivalent to 2 for each house, 1.5 for each apartment, 16 spaces for the creche and 15 visitor spaces.

3.3. The total floorspace of the proposed development is given as 30,826m<sup>2</sup>, of which all but 640m<sup>2</sup> would be for residential use.

## 4.0 Planning History

Reg. Ref.05/4124 – permission was granted for 267 homes and a nursing home. This permission was modified and extended under Reg. Ref. Nos. 06/9880, 07/10590 and 11/5034, but has now expired.

## 5.0 National and Local Planning Policy

### 5.1. 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.

## **5.2. 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).

## **5.3. Local Planning Policy**

### **5.3.1. 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.

### **5.3.2. 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).

The larger part of the site is zoned under objective MD-R-04 for residential development at Medium A density, which is between 20 and 50 dph. The curtilage of Lakeview House is zoned as part of the existing built up area of the town.

## **6.0 Forming of the Opinion**

### **6.1. Documentation Submitted**

6.1.1. 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 can be summarised as follows-

- The proposed residential development is consistent with the zoning of the site for residential development at a medium density by the Cork East Municipal Local Area Plan 2017. The proposed density of 31 dph is within the range of 20-50dph defined by the Cork County Development Plan 2014-2020 as 'Medium A'. The density is above the minimum of 30dph below which section 5.11 of the 2009 Guidelines of Sustainable Urban Residential Development advises that development should be discouraged on greenfield suburban sites. It is within the range of 20-35dph recommended for edge of centre sites in small towns by section 6.11 of those guidelines.
- The proposed development would provide a suitable range of housing types in accordance with objection HOU3-3 of the development plan.
- The proposed development has a hierarchy of streets with additional pedestrian routes. 596 parking spaces will be provided in accordance with the county development plan standards.
- The statement includes a table which asserts that the proposed development would comply with numerous elements of the applicable policies, including the 2009 guidelines and its accompanying manual, DMURS, the 2018 guidelines on apartment standards, the 2011 guidelines on architectural heritage protection, the Cork County Development Plan 2014, and the East Cork Municipal Local Area Plan 2017. The assertions are general in nature, although the statement does specify that the apartment sizes required by the 2018 guidelines will be adhered to.

6.1.2. The prospective applicant has also submitted initial reports regarding the preparation of an EIAR, an architectural heritage appraisal, an infrastructure report and compliance with DMURS.

## **6.2. Planning Authority Submission**

6.2.1. A submission was received from the planning authority. It included minutes of a meeting that took place between the prospective applicants and the planning authority on 22<sup>nd</sup> June 2018 under section 247 of the planning act-

- The constraints upon the site included the protected structure, the trees and heavily trafficked road, as identified by the prospective applicant.
- The prospective applicant was considering using the protected structure as a creche with apartments in its vicinity. The planning authority did not object in principle to this approach. Any extension to the creche should be of good quality modern design.
- The council noted that the density was below the 35-50dph range required under national policy but within that set down in the development plan and the established density of the area. The prospective applicant said that the board has accepted densities between 30-35 dph in other cases with better transport links. TII have yet to put forward proposals for the slip road at the roundabout, which might reduce the size of the site.
- The council expressed a preference for a creche rather than a nursing home in the house. School provision needs to be raised in the context of the application, possibly within the red line of the site.
- The prospective applicant is updating the tree survey and intends to keep the trees associated with the house in the public domain, which the council welcomed. The proposed open space was designed in smaller linked spaces, allowing a better sense of ownership and for pedestrian movement. The standard of 12% of site area would be achieved if the curtilage of the protected structure is omitted.
- The prospective applicant stated that houses would be shallow with a simple design, with railings rather than walls and a mix of on-street and on-curtilage



parking. The council advised that there should be more pedestrian priority on the site, and that a mix of materials would enhance legibility of the scheme.

- The prospective applicant stated that the proposed entrance had been moved north to be near the existing pedestrian crossing, and that a signalised junction was required because there were significant delays accessing the main road. Traffic modelling was being carried out. Consideration was given to providing cycle links to the Dark Road. The council stated that it required the access to change, possibly to a 4 arm crossroads at the south east of the site, and that cycle and pedestrian connectivity should be provided to the town centre.
- As the site was over 10ha an EIAR should be prepared.
- The proposed residential development is consistent with the zoning of the site for residential development at a medium density by the Cork East Municipal Local Area Plan 2017. The proposed density of 31 dph is within the range of 20-50dph defined by the Cork County Development Plan 2014-2020 as 'Medium A'. The density is above the minimum of 30dph below which section 5.11 of the 2009 Guidelines of Sustainable Urban Residential Development advises that development should be discouraged on greenfield suburban sites. It is within the range of 20-35dph recommended for edge of centre sites in small towns by section 6.11 of those guidelines.
- The statement includes a table which asserts that the proposed development would comply with numerous elements of the applicable policies, including the 2009 guidelines and its accompanying manual, DMURS, the 2018 guidelines on apartment standards, the 2011 guidelines on architectural heritage protection, the Cork County Development Plan 2014, and the East Cork Municipal Local Area Plan 2017. The assertions are general in nature, although the statement does specify that the apartment sizes required by the 2018 guidelines will be adhered to.

6.2.2. The planning authority's comments on the proposed development can be summarised as follows-

- The proposal generally accords with the provisions of the county development plan and the local area plan.

- The proposed density would be 32 dph, somewhat below the minimum of 35 dph sought by the national guidelines but in keeping with local planning policy.
- The proposed housing mix is generally in accordance with the Joint Housing Strategy that applies to the area.
- The proposed layout does not provide a separation distance of 22m between the back of houses so the achievement of adequate privacy for residents would need to be demonstrated.
- Between 12% and 18% of the site would need to be provided as public open space to meet the development plan standards. The council's recreation policy would also require facilities to be provided that meet its criteria which are calculated on a points basis.
- The layout should provide priority to pedestrian and cycle movement and links to adjoining housing. Compliance with DMURS is necessary.
- A diversity of design is required.
- The impact on adjoining properties is a consideration.
- The proposed use of the protected structure as a creche is acceptable in principle but its setting would need to be preserved.
- The connection to Irish Water's wastewater network is dependent on upgrades to the network due to be completed in Q4 2021.
- The Lakeview Roundabout needs upgrading and a new slip road there might impinge on the site. Consideration should be given to moving the access to the proposed development to form a crossroads.
- A screening report for AA should be provided with respect to the SAC and SPA at Cork Harbour.

### 6.3. The Consultation Meeting

- 6.3.1. A meeting was held at the planning authority's offices on Friday, 5<sup>th</sup> October 2018 between the representatives of the board, the prospective applicant and the planning authority

The main issues discussed at the meeting were

- Access and connectivity, including the provision of links to adjoining lands and compliance with the provisions of DMURS
- Wastewater drainage, stormwater drainage and the supply of water
- Architectural heritage
- The provision of a suitable mix of housing, having regard to the needs of the community and the capacity of social infrastructure including that of local schools
- Residential amenity for occupants and neighbours
- Any other issues

6.3.2. A record of the meeting has been made and is attached to the file. The following is a synopsis of the discussion at the meeting regarding the submitted documents.

- The wastewater drainage issues at Midleton were discussed first. The planning authority stated that the treatment plant for the town could not accommodate significant additional development. The prospective applicant stated that it understood from consultations with the council that it is proposed to lay a sewer to the system serving Carrigtohill which would provide additional capacity to allow development to proceed at Midleton in accordance with the local area plan. It is intended that the council would carry out this project on behalf of Irish Water whereby the consent would be through the Part 8 process. Route selection is ongoing. A CPO may be required. It may be possible for the project to be completed by the end of 2020. It may be possible for interim drainage solutions to be implemented. The board's representatives indicated that, while the proposed development might be able to proceed in tandem with authorised works to the wastewater network, a grant of permission could not be issued that would presume the outcome of the statutory consent processes for the latter works. The planning authority accepted that there were concerns in this regard. It stated that LIHAF funding is available for works to facilitate development on the northern side of Midleton but only for a specified period, which is why it intends to take responsibility for the relief sewer project on behalf of Irish Water and use the Part VIII procedure.

- With regard to surface water drainage, the prospective applicant stated that a sewer has been laid along the road in front of the site to serve the development upon it. Additional attenuation measures were not necessary. The outfall from that surface water sewer is to the estuary. The planning authority stated that the soil conditions in the area were not suitable for infiltration of surface water runoff, but that it might be prudent to have some attenuation on the site to preserve capacity in the stormwater sewer.
- With regard to access, the planning authority indicated that it understood the arguments made by the prospective applicant in favour of the location of the proposed access at the existing signalised crossing rather than as a 4-arm junction at the south-western corner of the site. However it would still need to be shown that there was capacity on the public road network to accommodate any development on the site without exacerbating congestion at the roundabout. The council is designing cycle facilities along the R630 with funding from the NTA. It is intended to seek consent for this scheme under Part VIII in 2019. The scheme would narrow the carriageway and so improve the environment for vulnerable road users, and provide a link to the town centre and adjacent schools across the N25 dual carriageway. The board's representatives stated that the advice of the NTA would be sought on any application to ensure that it was consistent with the works which are required to render the R630 suitable for its current role as an urban road within a town. The prospective applicant stated that its proposed road layout was based on the principles set out in DMURS in relation to both detailed design and connectivity to other lands. There was discussion on matters of detail between the prospective applicant and the planning authority, which expressed concern with likely traffic speeds along the spine road notwithstanding its horizontal alignment. Vertical deflections may be required. On-street parking and tree planting were mentioned as methods to discourage vehicular speed.
- The planning authority advised that a Part VIII consent was in place for a slip road at the roundabout that would serve city bound traffic from the site. Construction may begin this year. The project was being funded by the council from local resources to serve local traffic needs. It would therefore be appropriate for a special contribution to be levied on development on the site

towards its funding as it is crucial to providing proper access from the R630. Similar contributions had been imposed under the SHD process for housing at Mallow. The board's representatives advised that the position of the council and the applicant on any such contribution would have to be clearly set out in the submitted documentation in order for the board to determine the matter because the SHD process did not allow further consultation to be carried out after the lodging of an application and a submission from the planning authority, in normal circumstances.

- With regard to the protected structure, the prospective applicant stated that it would be suitable for a creche of considerable size, using a contemporary extension to create a courtyard. The building was in a dangerous condition and had not yet been fully surveyed. The planning authority referred to a conservation report prepared for the planning application in 2005. Its conservation officer was supportive of the proposed use and the layout of the apartments and houses around the curtilage of Lakeview House, but stated that an architectural heritage impact assessment was required.
- With regard to housing mix and density, the prospective applicant stated that 2-bedroom units would facilitate downsizing from the older and larger houses that predominate in the area, while the 3-bedroom houses would serve families that are growing. The latter would allow for attic conversions to 4-bedroom units if required in the future. There were several schools close to the site on the other side of the N25. There would be 2 south-facing single-aspect units on each floor in the apartment buildings. The proposed density is higher than that which prevails in the vicinity. The planning authority stated that the proposal was generally in keeping with the objectives on the county development and local area plans on these matter, although the share of 4 bedroom units was rather low.
- With regard to environmental impact assessment, the board's representatives noted that the site area was above 10ha. The prospective applicants stated that an EIAR would be submitted with any application.
- With regard to appropriate assessment, the planning authority stated that the outfall from the surface water sewer serving the site was to the estuary, which

including the SPA for Cork Harbour and the SAC for Great Island Channel, and that they had previously advised that an appropriate assessment screening report would be required with any application.

## 7.0 Conclusion

## 8.0 Conclusion and Recommendation

- 8.1. 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.
- 8.2. 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.
- 8.3. I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.4. **Recommended Opinion**
- 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).

#### Access

2. Further consideration/clarification of the documents as they relate to the provision of access to the development. The documentation submitted at application stage should demonstrate that adequate access would be provided to the proposed development without unduly affecting the operation of the road network in the vicinity of the site or proposals for its improvement. It should also demonstrate that adequate provision would be made for pedestrian and cycle movement within the development and between it and the rest of the town including that on the northern side of the N25.

#### Architectural Heritage

3. Further consideration/clarification of the documents as they relate to the proposed works at the protected structure of Lakeview House and its curtilage. The documentation submitted at application stage should clearly indicate the extent to which the historic fabric of the house and its curtilage (including its garden and boundaries) would be retained, altered or removed, and illustrate how the proposed development would affect the protected structure and its setting.

### Density

4. 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

5. Further consideration of documents as they relate to the layout of the proposed development, the design of the proposed buildings, the treatment of surfaces and boundaries and the landscaping of the site. The documentation submitted at application stage should refer 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. It should also demonstrate that the proposed development would be compatible with the development of adjoining zoned land and the provision of access thereto.

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:

- An Architectural Heritage Impact Assessment Report.
- A Site Specific Flood Risk Assessment Report.
- A Transport Impact Assessment Report which shall include the result of traffic modelling of the likely impact of the proposed development on traffic movement and upon proposed works to improve the public road network including those to provide cycle and pedestrian links on the R630 and to



alleviate congestion at the Lakeview Roundabout. It should also demonstrate compliance with the applicable standards and policies set out in DMURS, including those for road widths, block sizes and connectivity to adjoining the built up area of the town and adjoining lands that may be suitable for future development.

- The conclusions of any discussions between the planning authority and the prospective applicant regarding the attachment of a condition requiring the payment of special contributions on any grant of permission that might be issued on foot of the application.
- 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.
- A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
- 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.
- The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018

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. Irish Water
4. Minister for Culture, Heritage and the Gaeltacht
5. Heritage Council

6. An Taisce — the National Trust for Ireland
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.



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Stephen J. O'Sullivan  
Planning Inspector

24<sup>th</sup> October 2018