



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304364-19

Strategic Housing Development	222 dwellings
Location	Cluain Ard, Ash Grove, Cobh, Co, Cork
Planning Authority	Cork County Council
Prospective Applicant	Ash Grove Land Limited
Date of Consultation Meeting	11 th June 2019
Date of Site Inspection	24 th May 2019
Inspector	Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location

The development land is a site which forms part of a previously permitted housing development on the northern end of Cobh. The lands while disturbed have not been developed. The topography of the lands fall from the existing housing development Chestnut Drive and Beechwood Court towards the local road (Ashgrove Road) along the eastern perimeter. There are recent housing developments located on the opposite side of the site along the Ashgrove Road. There is an existing small structure on the site along Ashgrove Road which the prospective applicant refer to as a 'hut'. The road to the north of the site is a local rural road which links to the Tay road.

3.0 Description of proposed development

The applicant is proposing 222 residential units with a childcare facility

The following details are noted:

Parameter	Site Proposal
Application Site	7.8 ha
No. of Units	222 units

Other Uses	Childcare facility
Open Space	13.4% of site area
Stated Net Density	35.1 u/ph
Net Site Area	6.33ha as stated by prospective applicant
Part V	22 units

4.0 Planning History

The most relevant history associated with the site is noted as follows:

File Ref. No. PL.04.125893/ 99/4752 Permission granted on appeal for 244 dwelling houses, 12 no. serviced sites, construction of new site entrances and an effluent treatment plant to service the proposed development. **This permission was constructed.**

File Ref. No. 04/6297 Permission sought for 202 dwelling houses, 24 apartments and 21 serviced sites for dwellings and associated site development works on 17th August 2004. Permission was granted for 235 units in total. (phase 2). A total 235 units were permitted of which 101 units were constructed.

5.0 National and Local Planning Policy

5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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')

- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’
- Urban Development and Building Height, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2. Local Policy

5.2.1 The Cork County Development Plan 2014 applies. Within the settlement hierarchy, Cobh is a main town within Metropolitan Cork and is the third largest Metropolitan Cork town after Ballincollig and Carrigaline. The 2014 County Development Plan categorises these Metropolitan towns as higher order settlements. The strategic aim for these settlements, as set out in Objective CS 3-1, is to encourage critical population growth in service and employment centres within the Cork “Gateway”. These locations should aim to provide high levels of community facilities and amenities with sufficient infrastructure capacity and high quality integrated public transport connections.

4.4 The site comprises zoned lands as contained within the Cobh Local Area Plan 2017 with the specific objective CH- R-03

“medium A density residential development to include a mix of house types and sizes. Any layout shall be designed to allow for connectivity with and in particular pedestrian and cyclist movement between the masterplan lands to the west”.

The vision for Cobh is identified as an opportunity to increase Cobh’s population further to sustain and deliver additional retail, commercial and service functions. The most appropriate areas for this growth are to the north of the town in the Ballynoe valley. This area is identified as an Urban Expansion Area in the Local Area Plan, and the bulk of the residential zonings for Cobh are in this area. It is suggested in the plan that growth in this area should be linked to the provision of a new rail station at Ballynoe as well as improved connectivity to Cobh Town. The Local Area Plan sets out a housing requirement of 1778 additional units.

Detailed policies in relation to the Ballynoe Urban Expansion Area are set out in the LAP. Table 3.2.3 provides for phased development programme.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including but not limited to, Schedule of documents; Statement of Consistency, Design Statement, Social Infrastructure Assessment, Appropriate Assessment Screening, DMURS Design Statement and Landscaping proposals.

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

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Cork County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on April 2019.

6.2.2 The planning authority's opinion refers to key planning considerations as follows:

- Site is zoned Medium 'A' density which provides for 20-50 units per hectare
- There are two indicative road objectives relevant to the site CH-U-03 and CH-U-04
- Principle of residential development on the lands already established by way of previous permissions.
- Proposal acceptable in principle
- There was a strong emphasis on pedestrian and cycle connectivity at the pre-planning consultations both north-south and east-west within the scheme but also in the wider area and in particular connectivity with the UEA.
- There is no currently funding stream for planning/design/implementation of the local housing infrastructure within the UAE.
- Site is relatively well served with footpath connectivity to the town and to the public transport services of the railway station and the Cobh connect bus service.
- One of the key issues discussed at the pre-planning consultations was the provision for widening of the public road along the northern and eastern boundary of the subject site to provide for cycle lanes and footpaths in accordance with policy objectives CH-U-03 and Ch-U-04.

- The development will impact substantially on the local roads immediately adjoining the site boundaries and should be required to upgrade these roads to the required standard.
- A special contribution may be levied towards the costs of upgrading the Cork Road R624/Cobh Road to a signalised junction.
- The road north of the site Tay road junction would also require upgrading.
- The scope and costs of these proposals will need to be considered and the applicant should be requested to provide for interim solutions to be incorporated at the junctions in the absence of an overall design proposal for these proposed public road interventions.
- The layout plan provides for good pedestrian and cycle connectivity throughout the site between the different zones and the different zones and amenity spaces are well linked.
- Drop -off/ pick up arrangements to the crèche need to be considered
- No known flooding issues at the site.
- A detailed construction environmental management plan should be submitted.
- Environmental section set out that the services of a suitably qualified and experienced person to carry out a detailed geotechnical investigation that will include boreholes, trial pits and sample soil testing to established ground conditions in all areas of the proposed development.
- 22no units are to be transferred as part V agreement
- Applicant should screen the development for both AA and EIA.
- The proposed development is consistent with the Council's plans and policies and the planning authority welcomes the completion of the existing residential development at Cluain Ard, Cobh.

6.2 Submission from Irish Water

IW has issued a Confirmation of Feasibility for this development of 223 residential units. The proposed development is a standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. There IW confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place the proposed connection can be facilitated.

7.0 Consultation Meeting

- 7.1 A Section 5 Consultation meeting took place at the offices of Cork County Council on 14th June 2019, commencing at 14.30 pm. Representatives of the prospective applicant, Cork County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 7.2 The main topics raised for discussion at the tripartite meeting were as follows:
1. Development Strategy to include density and layout and consideration of the 12 criteria in the Urban Design Manual.
 2. Urban Design response to include use of materials and creation of distinct character areas
 3. Connectivity and permeability to include upgrade to local roads as set out in Planning Authority's opinion
 4. Any other Matters
- 7.3 In relation to Development Strategy to include density and layout and consideration of the 12 criteria in the Urban Design Manual, ABP representatives sought further discussion/elaboration on this issue.
- 7.4 In relation to Urban Design response to include use of materials and creation of distinct character areas, ABP representatives sought further discussion/elaboration on this issue. The need for greater street hierarchy, creation of attractive streets and use of materials were discussed.
- 7.5 In relation to Connectivity and permeability to include upgrade to local roads as set out in Planning Authority's opinion, ABP representatives sought further discussion/elaboration on this issue having regard to future connections to lands in the wider area and clarity regarding proposals to upgrade/signalise junctions in the wider area.

- 7.6 In relation to Any other matters, ABP representatives suggested liaising with Water Services Department regarding surface water management, providing details of Taking in Charge and providing a rationale for unit mix proposed.
- 7.7 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-304364-19' 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.

8.0 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 8.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 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 elements that are set out in the Recommended Opinion below.
- 8.4 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.

8.5 I would 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.

9.0 Recommended Opinion

9.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

9.2 Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion, that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

9.3 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. Layout and Density

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 Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, and the Design Manual for Urban Roads and Streets. The matters of configuration of the layout, design and alignment of roads including drop-offs for the crèche. Further consideration how the proposal will

contribute to the creation of an urban streetscape along Ashgrove Road should be considered particularly in the context of road and footpath improvements required by the planning authority at this location.

Consideration should also be given to how the net site density is calculated having regard to the provisions of Appendix A of the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and justification for exclusion of particular areas should be provided in the documentation with any such areas clearly identified on the site layout plan.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Traffic and Transportation

Further consideration of the documents as they relate to the delivery and timing of road infrastructure upgrades and/or provisions for future connections in particular objectives CH-R-03 and CH-U-03. Regard should be given to Table 3.2.3 Phased Development Programme for Ballynoe Urban Expansion Area and strategic infrastructure and service requirements in so far as they apply to the site. The Specific and General Development Objectives for Cobh in so far as they relate to the site should also be considered in this context. Documentation should be clear as to the full extent of works proposed to be delivered by the prospective applicant and phasing details including time-frames for the delivery of such works.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Public Open Space

Further consideration should be given to the documents as it relates to the public open space provision particularly in the context of the disposition, usability and qualitative nature of these spaces. Passive surveillance to these areas should also be considered in this context. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

9.3 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission

1. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous lands and adjoining public roads.
2. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
3. A site layout plan which clearly identifies the full extent of areas to be taken in charge. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
4. Landscaping details to include layout plan which identifies existing trees/hedgerows to be retained and details of tree protection measures during the construction period.
5. Additional details to address matters raised in the planning authority's opinion dated 27th May 2019 in particular the Water Services and Environmental Departments comments.
6. A statement setting out how the proposed layout is consistent with the principles of Design Manual for Urban Roads and Streets.

7. An Appropriate Assessment screening report and/or Natura Impact Statement if considered necessary, which should consider inter alia the issue of surface water run-off and in-combination effects of relevant Natura 2000 sites in particular Cork Harbour SPA.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. Minister for Culture, Heritage and the Gaeltacht
4. The Heritage Council
5. An Taisce- the National Trust for Ireland
6. 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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.



Joanna Kelly

Senior Planning Inspector
18th June 2019

