



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-307742-20

Strategic Housing Development	276 no. residential units (137 no. houses, 139 no. apartments, creche and associated site works.
Location	Ardarostig, Bishopstown, Co. Cork.
Planning Authority	Cork City Council
Prospective Applicant	Ardarostig, Bishopstown, Co. Cork
Date of Consultation Meeting	10 th of November 2020
Date of Site Inspection	31 st of August 2020
Inspector	Karen Hamilton

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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 subject site (9.86 ha), is located along Waterfall Road, Ardarostig, Bishopstown, Cork City, south of the N40 and west of the Bandon roundabout. The site is approximately 5km south of Cork city centre and approx. 4kms from Ballincollig.
- 2.2. The northern boundary of the site fronts onto Waterfall Road and there are a number of mature trees/hedgerow along this site boundary. Waterfall road is a narrow rural type road characterised generally with hedgerow and trees on either side. The site is currently in agricultural use and comprises of one large field with mature trees/hedgerow to the perimeter. This is a visually prominent site, with the levels rising steeply towards the southern boundary.
- 2.3. A Seveso site, Irish Oxygen Company, is located approximately 100 metres to the western boundary of the site, which is accessed a narrow c. 3m wide country road. There are overhead power lines traversing the site. There are detached residential properties either side of the site facing onto the Waterfall road.
- 2.4. Mary Mount Hospice is located approximately 600m west of the site and is accessed via a private road. This road, while containing barriers, is currently accessible by the public and provides a through route from Waterfall Road to Curraheen Roundabout. The site is visible from this roundabout and from various locations within the Halldene housing development north of the site on the opposite side of the N40.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of the construction of 276 no. residential units and a retail and childcare facility. The proposal also includes additional pedestrian and cycle routes from the site to adjoining public networks.

Key development details

Detail	Proposal
No. of Units	276
Site Area	9.86ha (minus biodiversity area 7.13ha)
Density	38.7 units per ha (minus biodiversity area)
Public Open Space	9,885m ² (14%)
Childcare Facility	271 m ² (60 childcare spaces)
Car parking	419 spaces
Cycle Parking	310 spaces

Number of Residential Units proposed

Units Type	No of units	% of each Unit type
Houses	137	50%
Duplex Units	40	14%
Apartments	99	35%
Total	276	100

Unit type	No of Units	% of total
1 bed	54	20
2 bed	65	24
3 bed	128	46
4 bed	29	10

4.0 Relevant Planning Policy

4.1. Section 28 Ministerial Guidelines

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS)
- Urban Development and Building Heights – Guidelines for Planning Authorities

4.2. Cork County Development Plan 2014

The site is located within the County Metropolitan Strategic Planning Area. The County Plan remains the operative plan until such times as a review is undertaken.

HOU 3-1: Sustainable Residential Communities

- Compliance with sustainable residential density guidelines, promotion for walking, cycling and public transport.
- Urban footpaths and public lighting are required to ensure the delivery of social infrastructure in tandem with the proposal.

HOU 3-2: Urban Design

High quality urban design with compliance with the national guidance/ LAPs and submission of design statements & DMURS compliance.

Landscape

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

The location, siting and design of large-scale developments within these areas will need careful consideration

4.3. Ballincollig Carrigaline LAP 2017

The site is located within the development boundary of the Cork City South Environs.

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

Site Specific Objective:

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

5.0 Planning History

5.1. An SHD application for 240 no dwellings was refused permission by the Board for 3 reasons, detailed below:

1. Having regard to the scale of the proposed development, and the resulting volumes of vehicular and pedestrian/cyclist traffic likely to be generated, it is considered that the proposed development would be premature by reference to existing deficiencies in the local road network in terms of capacity, width, alignment, public lighting, and pedestrian and cycle facilities, and where these deficiencies would render the network unsuitable to carry the increased road traffic likely to result from the development, and the period within which the constraints involved may reasonable be expected to cease. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed interface of the development with Waterfall Road would militate against the creation of an attractive and active urban streetscape. The provision of a stone wall in conjunction with a railing for the entire length of the site frontage, notwithstanding the difference in road levels across the site frontage, is considered to detract from the passive surveillance and creation of an active urban streetscape reinforcing the function of Waterfall Road as a road, which is contrary to the principle of Design Manual for Urban Roads and Streets. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board has serious concerns regarding the future residential amenity of the proposed development and in particular the proposed duplex units. The ground floor units of Duplex Blocks A and B have limited daylight/sunlight to the rear of these units, poor quality private amenity space and poor outlook from the main living accommodation to the private amenity space. The configuration and access to private and semi-private amenity space serving the corner duplex units, A1, A2 and A3 is inappropriate and would be prejudicial to the residential amenity of the future occupants of these units. It is considered that the overall design of the proposed development, including a poor disposition of public open spaces and a significant series of level differences between the proposed houses, and their private open spaces, would offer a poor standard of amenity for future residents and would set an undesirable future precedent for inappropriate private and semi-private amenity space provision. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: While the Board concurred with the Inspector's concerns regarding the unsatisfactory nature of the documentation submitted with the application, and especially the Traffic and Transportation Assessment, and her concerns regarding the car-dependent nature of the proposed development, as outlined in her recommended reason for refusal number 4, the Board decided not to include this refusal reason, having regard to the substantive reasons for refusal set out in its Order, and in particular refusal reason number 1.

6.0 Section 247 Consultation(s) with Planning Authority

- 6.1. The submission from the applicant refers to one S 247 meetings on the 17th of June 2020 and the issues raised by Cork City Council are summarised below:

General

- Site is located on a rural transition area.

Open Space

- PA consider the southern open space may not be appropriate as public open space and could lead to anti-social behaviour.
- The function of the open space should be looked at.

Transport

- DMURS Compliance is required.
- Tall buildings at the side of the entrance could create a stronger approach.
- Concern over the height and density to the east.
- Stronger street required.

7.0 Prospective Applicant's Case

7.1. The application was accompanied by the following:

- Planning Statement;
- Statement of Consistency;
- Environmental Statement;
- Childcare Needs Assessment;
- Part V Cost Methodology;
- Section 247 Meeting Summary;
- Consent letters;
- Site Location Map;
- Site Layout Plan;
- Plans, Sections and Elevation;
- Areas Schedule and Housing Quality Assessment;
- Design Statement;
- Archaeological Assessment;
- Appropriate Assessment Screening;

- Site Location Map;
- Transportation Assessment;
- Preliminary Mobility Management Plan;
- Statement of DMURS compliance;
- Stage 1 Quality Audits;
- Preliminary Infrastructure Report including Irish Water Confirmation of Feasibility;
- Flood Risk Assessment;
- Infrastructural Drawings;
- Landscape Strategy Report;
- Landscape Layout and Sections;
- Tree Survey;
- CGI Photomontages;

7.2. **Statement of Consistency**

The statement contains an analysis of the site and the wider area. Reference is provided to national, regional and local planning and transportation guidance.

Compliance with the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments 2018, SPPR 1, SPPR 3 & SPPR 4 have been complied with.

8.0 **Planning Authority Submission**

- 8.1. 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 City Council, submitted a note of the S.247 meeting, the planning authority opinion, along with interdepartmental reports and the relevant planning applications in the area. These were received by An Bord Pleanála on the 26th of August 2020. The issues raised are summarised below:

8.2. Planning Assessment

- The principle of development is acceptable.
- The net density (35 units per ha) is acceptable.
- The transition zone along Waterfall Road should be addressed.
- The City Architect has concerns in relation to a few design issues including the interface with Waterfall Road to allow an active street frontage.
- The biodiversity zone has no public access. The applicant's submission suggests there no agreement on the future development of this area although this is not the case. There has been no feedback from the Parks Dept. due to timelines etc.
- Apartment Block A (4 storey building) has the potential to overlook and overshadowing the adjoining existing dwelling.
- Due to the position of apartments several balconies may be overlooked.
- All private amenity space at the ground floor of the apartments/ duplex should be of a high quality.
- A daylight/sunlight assessment may be required for the ground floor units.
- Additional sections through the house's N/S would allow for assessment of houses (no. 14- 114, 117/118).
- A rationale for the location of the crèche.

8.3. Interdepartmental Reports

Archaeologist: No objection

City Architects Report: No major objection to the proposal. A number of concerns are raised as summarised below:

- The large square, part of Avenue- Central Spine should include passive surveillance from the dwellings.
- There are a series of courts along the south, within the residential estates, beside a steep hill to the amenity area. Anti-social behaviour is possible due to a lack of passive surveillance.

- Layout of Apartments in Block 5 i.e. access to outside space through bedrooms.

Roads Operations: Some concerns are raised as summarised below:

- The proposed new footpath along Waterfall Road should connect to the existing footpath which terminates at the eastern side of the property immediately east.
- A Traffic Impact Assessment (TIA) should be submitted to consider the impact on the wider area. This should consider the impact on vehicle movements if the private road between the Curraheen Road and Waterfall Road through Marymount should be kept open.
- A breakdown of the car parking spaces should be provided.
- A site plan should be included showing all areas to be taken in charge.
- Asphalt concrete wearing course is required for shred surface areas.

Drainage Section:

- Foul sewer discharge points need to be agreed with Irish Water.
- There is a preference from Cork CC to upgrade the existing receiving wastewater network and construct a new pumping station and rising main in Ardostig.
- The existing wastewater network in the areas of Bishopstown on the northern side of the N40 is already at or above capacity.
- Waste water disposal is currently not feasible.
- SUDS have been ruled out because of the soil conditions.
- Confirmation of the records for Waterfall Road and storm sewer.
- The number of attenuation tanks should be rationalised and the runoff rate is acceptable.

Energy Section: No objection

Housing Section: No objection

Strategic and Economic Development:

- The applicant should be advised to reduce the level of Open Space provision and increase the density of dwellings on site.
- The open space provision would be incidental to the development.
- The phasing of phase one for the transformation of the Waterfall Road should be included.

Traffic Operations:

- The current bus frequency is currently insufficient.
- The CMTAS is proposed along the Bandon Road/ Bishopstown Road.
- The applicant should outline current public transport options.
- The applicant should provide suitable accessible pedestrian options at a minimum from the Waterfall Road to the N40 Overbridge/ The Rise Junction and to the Halldene Villas junction. Curraheen Road/ Rossa Avenue junction and the N40 access road junction at Audi.
- Works outside the red line should be provided at the expense of the applicant.
- The applicant should provide options to restrict the severance from the site to the existing communities and encourage people to walk and cycle.
- The inclusion of a gateway feature is welcome although the necessity for a gateway feature at the west and the absence of a transition zone is questioned.
- A two-way cycle track along the carriageway should be included in the design.
- A review of the cycling design in the context of the cyclist is required.
- The design of the pedestrian and cyclist infrastructure along Waterfall Road should be reviewed to incorporate verges and strips to segregated different users.
- The appropriate use of the shared space internal should be reviewed to respond to DMURS principles with high quality finishes and further details to be submitted.
- Areas for bus stops should be identified.

9.0 Consultation

9.1. Irish Water has issued a confirmation of feasibility for 275 no residential units subject to the following:

Wastewater

- The sewer network in the Bishopstown area is currently overloaded.
- Upgrades to this sewer network will be required to facilitate this connection.
- Currently there is an ongoing analysis in this area to identify the precise upgrades required to facilitate development in the area and any site-specific upgrades to service this development.
- The site-specific upgrades may be contingent on third party consents which will be responsibility of the applicant to secure.

Water

- A connection to the existing water network is feasible without upgrade

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála at 14.30pm 10th of November 2020, via Microsoft Teams. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

1. Previous reasons for refusal in ABP 303137, inter alia, road network upgrade and connectivity.
2. Development Strategy, inter alia,
 - public open space provision and the integration of the Biodiversity Zone,
 - location of dwellings along the south,
 - interface with Waterfall Road,
 - Crèche location.
3. Residential Amenity.

4. Drainage Matters.
5. Any other matters.

10.2. In relation to **Previous Reasons for refusal ABP 303137-20**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The previous reason for refusal relating to the upgrades of the Waterfall Road and the requirements for the proposal to ensure connectivity and permeability from the site across the N40 to Bishopstown and east to Bandon roundabout.
- The works to the public road network which are necessary to ensure the pedestrian and cycle connectivity to schools, retail and community services in the Bishopstown and the Bandon Road roundabout area.
- The design of the pedestrian and cycle networks along the front of the site, Waterfall Road, and the potential connection to the existing footpath to the east of the site in the front of lands also owned by the applicant.

10.3. In relation to **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The site-specific objective on the site, SE- R -10 and the requirement for the designated open space lands to the south to be landscaped and developed as a usable public or private open space.
- The level differences on the site and the potential constraints involved with delivering useable open space on the lands designated as open space along the south of the site.
- The design and orientation of those dwellings along the south of the site adjacent to the open space designation.
- The interface along the Waterfall Road including the design and proposed use of the public plaza, the duplex units along the edges and the integration of the pedestrian and cycle facilities.
- The rationale for the location of the creche within the site.

10.4. In relation to **Residential Amenity**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The design and orientation of the proposed apartments blocks, including Block 1 to the west and Block 5 to the east, and the potential for overlooking on the existing residential properties.
- The provision of daylight and sunlight analysis for the ground floor apartments along Waterfall Road.

10.5. In relation to **Drainage Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The capacity of the wastewater treatment system at Bishopstown and the upgrade works required by Irish Water to service the site.
- The greenfield runoff rate proposed, the location of the outfall in the public system to collect the stormwater, and the inclusion of SUDS.

10.6. In relation to **Any Other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The inclusion of passive surveillance on the large open space area in the centre of the site.
- The management of the access laneway at the rear of the terraced dwellings and the potential for neglect and dumping.

11.0 Assessment

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 the information and submissions before me including the documentation submitted by prospective applicants, 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.

Conclusion

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.

12.0 Recommended Opinion

12.1. 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.**

1. Connectivity and Permeability

Further consideration/ justification for the proposed upgrades to the local transport network in terms of width, alignment and public lighting, necessary to provide pedestrian and cycle facilities from the site to both the Bishopstown area and/or the Bandon Road roundabout. The further consideration/ justification shall include design details on the delivery of works proposed including the phasing of works, the delivery of any infrastructure and the inclusion of any agreements which are necessary to undertake works.

2. Public Open Space

Further consideration/justification of the development along the south of the site including, inter alia, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship of the open space designation within the proposed development which illustrates the topography of the site. The further consideration/justification of the documentation should address the site-specific objective on the site SE-R-10 which requires the delivery of useable public or private open space on lands which have been designated as a “biodiversity area”. The prospective applicant should satisfy itself that any application complies with section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, regarding the material contravention of the provisions of the development plan other than zoning.

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. Statement of compliance with DMURS principles including permeability and connections with existing street network; hierarchy of routes and street function; enclosure including building frontage, furniture and planting along streets; parking; widths of carriageways and footpaths; pedestrian crossing points; and types of junctions and corner radii. The submitted documents should demonstrate specific compliance with the stated provisions of DMURS.
2. Submission of all boundary treatments around the perimeter and within the site. Proposals will integrate any existing and/or proposed treatments on the adjoining residential developments.
3. A Road Safety Audit.
4. A Traffic and Transport Assessment.

5. A phasing plan detailing the delivery of infrastructure in conjunction with the residential units.
6. Additional CGIs/visualisations/3D modelling and cross section drawings showing the proposed development relative to the Waterfall Road and considering the steeply sloping topography of the site.
7. Detailed design of proposed surface water management system proposed integrating any relevant recommendations from Drainage Section of Cork City Council, including run off rates, integration of SUDS features and the locations of any stormwater outfall connections.
8. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking. The report shall include full and complete drawings illustrating daylight and sunlight analysis for the proposed apartments.
9. Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
10. A map showing all areas to be taken in charge.
11. A Community and Social Infrastructure Audit.
12. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.
13. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

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. Health Service Executive (Irish Oxygen Company, Seveso site)
2. Health and Safety Authority (Irish Oxygen Company, Seveso site)
3. Irish Water
4. Transport Infrastructure Ireland.
5. National Transport Authority
6. Relevant 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.

Karen Hamilton
Senior Planning Inspector
27th of November 2020