



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-309195-21**

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<b>Strategic Housing Development</b>	Demolish existing buildings and construct 109 residential units (73 no. houses and 36 no. Apartments)
<b>Location</b>	Ballynaroan, Glounthaune, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Prospective Applicant</b>	Ruden Homes Limited.
<b>Date of Consultation Meeting</b>	12 <sup>th</sup> March 2021.
<b>Date of Site Inspection</b>	4 <sup>th</sup> March 2021
<b>Inspector</b>	Daire McDevitt

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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**

The site is in the settlement of Glounthaune Co. Cork, a primarily residential settlement located c.9 km east of Cork City Centre and on the northern side of the N25 and the Cork – Cobh – Midleton suburban rail line. The village centre is to the southeast and Glounthaune Railway Station is located to the east of the settlement. Glounthaune is a designated key village within Metropolitan Cork.

The site is located on the western side of Glounthaune and is generally surrounded by low density housing with Glounthaune National School adjacent to the south-east corner. The site as defined excludes a playing pitch adjacent to the school. The main road frontage of the site is the Ballynaron Road (L2970) which runs along the southern boundary. A lane along the western boundary provides access to 4 no. detached houses and the farmhouse that is associated with the overall landholding of which the site forms a part.

The site is an irregularly shaped field. An area of woodland is included at the northern end and a strip of trees extends along the eastern boundary. The southern boundary is formed by mature hedgerow/trees and the western boundary is open. The area is elevated and site ground levels generally slope downwards from north-west to south-east.

### 3.0 Proposed Strategic Housing Development

The proposal is for the demolition of the existing buildings and construction of 109 residential units (73 no. houses and 36 no. Apartments).

Development parameters:

<b>Site Area</b>	Overall site area of 7.192 ha with a developable area of 3.514ha
<b>Development</b>	Demolish existing farmhouse and outbuildings & construct 109 Residential Units (73 no. houses & 36 No. Apartments)
<b>Density</b>	31 uph
<b>Height</b>	Houses (2 storey) Apartments: Block 1 (2-3 storey), Block 2 ( 3-4 storey)
<b>Dual Aspect (apartments)</b>	20 apartments (56%)
<b>Open Space</b>	This includes Open space and principle recreational/amenity area (zoned C-01) to serve the future 'Ballyhennick site'
<b>Parking</b>	Apartments: 36 no. car spaces, 36 no. bicycles spaces & 18 no. visitor bicycle parking. Houses (133 no. car spaces) TOTAL: 169 residential & 13 visitor (residential) 13 no. visitor car parking for C01 recreational area TOTAL PARKING PROVISION: 217 no. spaces.
<b>Access</b>	Off Ballynaron Road. Pedestrian/cycle links to village via existing housing estate
<b>Creche</b>	Indicated in future 'Ballyhennick site'
<b>Part V</b>	10

Unit Mix:

Unit Type	No. of Units	
Houses	73	
2 bed	13	

3 bed	48	
4 bed	12	
<b>Apartments:</b>	<b>36</b>	<b>% of total apartments</b>
1 bed	18	50%
2 bed	18	50%
<b>TOTAL</b>	<b>109</b>	

## 4.0 Planning History

### Site:

ABP-303912-19 refers to a 2020 decision to refuse permission for 70 residential units for the following reasons:

1. *Having regard to the infrastructural improvements required to provide safe connectivity for pedestrians, cyclists and motorists, to the village centre and to the railway station, it is considered that development of the kind proposed would be premature pending the determination by the planning authority of a road improvement works scheme for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the likelihood that the proposed development would be predominantly car based for transport purposes and to the uncertainty that the traffic and transport assessment is sufficiently robust in identifying relevant peak traffic conditions in Glounthaune, the Board is not satisfied that the proposed development would not give rise to serious traffic congestion. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
3. *The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under Section 28 of the Planning and Development Act 2000. The site of the proposed development is on serviceable lands, within the development boundary of Glounthaune, which is designated as a Key Village within the Metropolitan Cork area where the objective of the Cobh Municipal District Local Area Plan 2017 is to secure a significant increase in the population of the settlement. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would*

*be contrary to these aforementioned Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

Lands to the west of the site (labelled 'Ballyhennick site') which are included in the indicative masterplan layout submitted with this consultation but do not form part of the current SHD consultation:

**P.A. Ref. 18/6684** refers to a 2019 decision to refuse permission for the construction of 40 houses. Reasons for refusal referred to; prematurity in the absence of a decision on ABP Ref. 303912 (current appeal) in relation to the matter of securing safe and convenient pedestrian and cycle connectivity to Glounthaune Village; and failure to provide a creche facility when considered in combination with ABP Ref. 303912.

Other Applications of interest in the area include:

**P.A. Ref. 17/5699, ABP Ref. 300128-17**

This refers to a 2018 permission for a residential development. The application for permission was for 40 houses but the permission (Condition 2) reduced the number to 31 and stipulated that the freed up part of the site be developed for low profile single-storey dwellings only with no attic accommodation. These were to be the subject of a separate planning application

**P.A. Ref. 195659, ABP Ref. 305398-19** refers to a 2019 decision to refuse permission for 55 no. dwellings for the following reason:

- 1. Having regard to the infrastructural improvements required to provide safe connectivity for pedestrians, cyclists and motorists, to the village centre and to the railway station, it is considered that the proposed development would be premature pending the determination by the planning authority of a road improvement works scheme for the area.*
- 2. Having regard to density, it is considered that the proposed development would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under Section 28 of the Planning and Development Act, 2000, and to the provisions of the National Planning Framework (2018). The site of the proposed development is on serviceable lands, within the development boundary of Glounthaune, which is designated as a Key Village*

*within the Metropolitan Cork area, where the objective of the Cobh Municipal District Local Area Plan 2017-2023 is to secure a significant increase in the population of the settlement. It is considered that the proposed development would not be of a sufficiently high density to provide for an acceptable efficiency in serviceable land usage, and that the low density proposed would be contrary to the Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. Furthermore, it is considered that the proposed development would be contrary to the National Planning Framework which aims to achieve compact growth through effective density and consolidation rather than more sprawl of urban development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

**P.A. Ref. 14/06679, ABP Ref. 244987** refers to a 2015 refusal of permission for 40 houses for reasons related to; poor connectivity to village core; car dependency; traffic hazard; lack of integration with the village; and other urban design considerations

**SHD Application:**

**ABP Ref. 301197-18** refers to a 2018 permission for 174 dwelling units (164 houses and 10 apartments), creche and doctor's surgery. The development also provides for pedestrian footpaths and cycle lanes along the L3004 connecting to Glounthaune Railway Station, including a pedestrian crossing to the station.

## **5.0 Policy Context**

### **5.1. National**

#### **Project Ireland 2040 - National Planning Framework**

National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables

alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

### **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 section 28 Ministerial Guidelines are:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013) (updated May 2020)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities

## **5.2 Regional**

### **Southern Regional Spatial and Economic Strategy (RSES) 2019-2031**

This provides a long term regional level strategic planning and economic framework, in support of the implementation of the National Planning Framework, and the related Government policies and objectives, for future physical, economic and social developments for the Southern Region.

This includes the **Cork Metropolitan Area Strategic Plan (MASP)** which is a high level and long term strategic vision to identify critical priorities for the sequencing and delivery of growth that supports the core city area.

## **5.3 Local**

### **Cork County Development Plan 2014-2020**



Glounthaune is located within the County Metropolitan Cork Strategic Planning Area. It remains outside the newly extended Cork City.

Within the metropolitan strategic planning area the key villages, including Glounthaune, are lower order settlements where limited growth is to be facilitated at a scale, layout and design that reflects the character of the village. The main areas for future growth are the immediate city suburbs and the metropolitan towns (Objectives CS3-1 and CS3-2).

Objective HOU3-1 promotes the development of sustainable residential communities which prioritises and facilitates walking, cycling and public transport.

Objective HOU4-1 defines Medium Density 'B' as between 12 and 25 per hectare.

It is stated that this density category allows for a wide range of densities and a broad range of house types (parags. 3.4.20 and 3.4.21).

The Ballynaroona Road (L2970) is a designated scenic route (S41). Glounthaune is included within the High Value Landscape designation associated with the surrounds of Cork Harbour.

### **Cobh Municipal District Local Area Plan 2017-2023**

The site is located within the defined development boundary of Glounthaune.

The bulk of the site is subject to 'existing built up areas' land use zoning designation, the overall objective for which is to encourage housing development on the scale set out in Table 4.2.1 for the period 2017-2023 (**Objective GO-01**).

Part of the site adjacent to the school is subject to **Specific Development Objective C-01**: Provision for extension to school and recreational facilities.

Section 4.5.8 recommends that no more than 400 more homes should be provided there until 2027 and recommends that no individual scheme should be larger than 40 units.

**Objective DB-01** sets out that a) up to 400 units by 2023, b) traffic calming measures in the village and c) public car park in close proximity to the railway station.

Section 4.5.13 of the plan states that development in the village should generally be at the medium B density is a range of 12-25 dph

**Other:**

**Cork Metropolitan Area Transport Strategy (CMATS) (2020)**

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

It is stated by the prospective applicant that a pre-application consultation meeting took place with the Planning Authority on 20<sup>th</sup> October 2020.

## **7.0 Forming of the Opinion**

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

### **7.2 Documentation submitted**

7.2.1 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.

The information inter alia included: cover letter (including minutes of s.247 meeting with Cork County Council and Schedule of accommodation and areas), application form, letter of consent form Cork County Council, Letter of consent from landowner (Ballyhennick site), Planning Report, Statement of Consistency, Architectural Design Statement, Schedule of drawings, Architectural Plans and drawings, Development overview Booklet of proposed application site (including Master Site Layout Plans of application site, Density & Proposed Unit Mix, Dwelling House and Apartment Block Typology, Neighbourhood Character Areas, Phasing plan, Part V Unit Mix & Location, Taking in Charge/Management Company Areas), Master Site Layout Plan, Site Layout Plan of Future Sequential Development of Ballyhennick site, Master Booklet of Future Sequential Development (includes Density & Proposed Unit Mix, Dwelling House & creche Typology, Neighbourhood Character Areas, Part V Unit Mix & Location, Draft Part V proposals & costs methodology including Draft Part V Site Layout, Section 5.5iii Report, AA Screening Report, Bat Assessment,

Landscape Design Report, Tree Survey Report, Landscaping and Tree Survey Drawings, Photomontage Viewpoint Locations & Baseline Photos, Archaeological Assessment Report, Traffic & transport Assessment, Drawings in respect of proposed upgrading of existing footpath, Statement of Compliance with DMURS, Engineering Assessment Services Report and Drawings, Confirmation of Feasibility Statement from Irish Water for proposed application site at Ballynaron, Confirmation of Feasibility Statement from Irish Water for Ballyhennick site (future sequential development), Housing Quality Assessment, Construction & Environmental Management Plan, Operational Waste Management Plan, Building Life Cycle Report, Childcare Provision Assessment, Public Lighting Design Report Public Lighting schedule, Public Lighting Design Layout, Public Lighting Duct Layout.

7.2.2 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.

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

### **7.3 Planning Authority Submission**

7.3.1 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 1st February 2021.

The report included planning history, issues relating to the proposal and issues that may be considered by An Bord Pleanála.

The issues raised relate to:

#### **Compliance with the Core Strategy and Local Area Plan.**

- The Cobh Municipal District Local Area Plan (2017) seeks to encourage up to 400 additional units (Objective DB-01) within the lifetime of the plan 2017-2023. It is stated in the Plan that any single development should not normally exceed 40 units. There is a footnote on table 4.2.1 (p.168) which states that

individual schemes in excess of the recommended scale may be considered where it is demonstrated that the overall scheme layout reinforces the existing character of the village and the scheme is laid out, phased and delivered, so as not to reflect a residential housing estate more suited to a larger settlement. CCC accept that there is scope to consider a development of more than 40 units provided it performs satisfactorily in terms of the footnote accompanying table 4.2.1. A phasing proposal might be considered having regard to the scale of development envisioned in the Plan.

- The LAP notes that in 2015, the number of dwellings in the settlement was 506 with 31 of the units provided between 2010 and 2015. Since the adoption of the LAP in August 2017, permission has been granted in Glounthaune for 234 units. An SHD was granted for 175 units and 38 units were granted in a nearby site at Lackenroe. The current proposal of 109 units would bring the total number of units to 343. In addition, there is approximately 590 units at pre-planning stage currently within the settlement. While the proposed development, if it were to be delivered before other units at pre planning would be within the cap in the LAP, the cumulative potential number of units currently either granted or at pre-planning raises possible concerns in terms of compliance with Objective DB-01.
- The site is relatively peripheral within the settlement and has challenges particularly with regard to connectivity. The sequencing of the development of this site, possibly ahead of other more central sites in the village requires consideration. In addition, the scale of development proposed here (and bearing in mind the lands to the west which are in the applicant's ownership and identified for further development) underlines the difficulties in providing for adequate supporting community and neighbourhood services/facilities. There is a primary school adjoining, but other services and community facilities are more distant. With the poor connectivity and the challenging gradient of the settlement, the provision of a higher density of development at the edge of this settlement raises concerns.

#### **Quantum of Development and Density.**

- Concerns about high density development on the site given its constraints were expressed by the planning authority at the pre planning meeting. A key

consideration for ABP will be whether the proposed density of 31 is appropriate given these constraints and the previous reasons for refusal on the site.

### **Housing Mix.**

- A key consideration in assessing the proposal will be to determine if the mix of house types and sizes is appropriate for the subject location and the extent to which it satisfies the requirements of HOU 3-3 of the Cork County Development Plan 2014 and the provisions of the S28 Guidelines for Sustainable Residential Development in Urban Areas.
- The percentage of 4 bed units is relatively low with regards to the strategy with a relatively high percentage of 1 bed units. This may be a consequence of attempting to achieve a higher density. It is important that the houses have built-in extendibility and the applicant should demonstrate this in any application.
- A further key consideration concerns compliance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

### **Visual Impact & Quality of Layout.**

The Planning noted that the following aspects of the layout may be likely significant considerations in determining the suitability of the proposal include:

- The site is located within the landscape character area *CT1 City Harbour and Estuary* within the 2014 Cork County Development Plan and has extensive views of the Estuary and Cork Harbour. The applicant should submit visuals to demonstrate the visual impact of the proposal on the wider landscape and any design should seek to minimise adverse impact on the landscape.
- The proposed design is very tight and urban. Any application will need to clearly demonstrate a positive relationship between the design proposed and the existing character of the settlement and the site's immediate surrounds.
- The proposed dwellings are broken down into home zones. It is considered that any development on the site should seek to bed in community activity, permeability and the need to encourage full mobility through the scheme.

- The relationship between the apartment block in the southern part of the site and the proposed houses adjoining will need to be considered carefully particularly to avoid the potential for overlooking.
- There should be a diversity in design within the scheme, in terms of variety in the design approach to residential units and in distinguishing between different character areas.
- Consideration should be given to the different paving solutions used within the scheme.
- The applicant would need to demonstrate compliance with the Council's recreation and amenity policy.
- The proposed apartment blocks and associated facilities (car parking, bin storage, bike storage, public lighting etc.) shall be clearly defined and maintained in perpetuity by a newly appointed Management Company prior to the occupation of the apartment complexes.
- All turning areas shall be adequately sized and an auto track analysis shall be undertaken.
- All public areas shall be adequately lit and overlooked.
- The public road adjoining the proposed site shall be minimum 6m wide with a 2m footpath. The applicant shall ensure that adequate sight distance is provided for in both directions of the proposed entrance.
- Fencing to public areas shall be 1.8m in height and shall be durable in nature. Timber is not preferable.
- The proposed development will need to satisfy the principles and standards of the Urban Design Manual and DMURS.

#### **Irish Water Infrastructure.**

The applicant proposes connection to the existing 225mm diameter public sewer, located to the south-east of the development site, with adequate capacity on the receiving wastewater works. A pre-connection inquiry (CDS20003683) from Irish Water supports the application. *Strategic Housing*

It is noted the adjacent DN100 watermain needs to be upsized to DN150, with a deficiency in water supply for the purposes of fire-fighting, and an extension of the sewer network of approx. 500m is required, all of which shall be funded by the

developer. In any future application, the applicant should submit proposals to address the fire water deficiency as per pre-connection inquiry response from Irish Water.

### **Surface Water.**

The Planning Authority have outlined that having regard to the site location contiguous to a transitional water body Lough Mahon (Harper's Island), (WFD Code IE\_SW\_060\_0700), enhanced SUDs measures to encourage groundwater recharge are not considered necessary. The attenuation and hydrocarbon interceptors are considered sufficient surface water protection. It is considered that surface water drainage as outlined in plans and drawings which accompanied the proposal, should be discharged via Class 1 hydrocarbon interceptor and grit trap to (IS EN 858) prior to discharge to the surface water drain. An inspection chamber with sump to be provided between hydrocarbon interceptor and discharge point. The inspection sump shall be of a minimum size of 500mm by 500mm and 400mm deep and shall be of watertight construction. A high level alarm shall be fitted to the oil storage chamber of the hydrocarbon interceptor

### **Air Quality.**

The applicant should demonstrate that there would be adequate protection measures implemented to protect the school.

### **Traffic/Transportation/Connectivity**

The site is peripherally located within the settlement of Glounthaune and on a relatively narrow road, which already suffers from congestion at certain times. The site has a number of issues and challenges with regards to connectivity and traffic which need to be addressed successfully. These include:

- Capacity of the local road network,
- Capacity issues at the Dry bridge junction,
- Gradients in parts of the proposed connectivity route are not conducive to cycling.
- A proposal with a 6m meter roadway with 3-meter shared surface is the preference of Cork County Council.
- Proposed connectivity of the site with the Village of Glounthaune is through "The Highlands" estate. This estate is in the charge of Cork County Council.

The applicant shall ensure that adequate public space is available for required upgrade works and agreement is reached from the Local Area Roads Office to carry out such works. If additional public lighting is required, this shall be provided for at the expenses of the applicant.

The applicants should include detailed proposals for connectivity with any proposal. A detailed traffic and transportation assessment should be undertaken and submitted by the applicant.

The applicant would need to provide full details of public lighting and traffic calming measures.

The issues of traffic impact and connectivity were raised under the previous refusal by An Bord Pleanála on the site. It is considered that these issues are key to the acceptability of any proposal on the site.

### **Schools/Creche**

The analysis submitted by the applicant shows that there is only 1 childcare facility within the settlement. The scale of development currently proposed would suggest that a childcare facility is warranted. There may also be advantages in locating such a facility close to the primary school to reduce trips for families accessing both services.

### **Residential Amenity**

A key consideration in determining the suitability of the proposal will be its impact on the residential amenity of the adjoining existing residential dwellings and between dwellings in the development.

The applicant should submit sections through the proposed development illustrating in detail the relationship with adjoining residential properties.

### **Ecology**

Aerial photographs indicate that most significant ecological feature associated with this site would appear to be the existing woodland area located to the north of the site and field boundaries which support mature treelines and hedgerows. From an ecological perspective it would be desirable that these would be retained and enhanced as part of any landscaping proposals. It is also noted that proposals



include for the demolition of an unoccupied house and associated outbuildings to the north west of Site 1 which may have potential for bats which are a protected species. Consideration shall be given to the preparation of an Ecological Impact Assessment Report.

#### **Other Issues**

- Requirement for Appropriate Assessment Screening Report
- Archaeology. Liaison with the County Archaeologist is advised.
- Part V. Advised to consult with the Housing Department

#### **Conclusion:**

A key consideration in the context of the site's peripheral location within the development boundary is whether the proposed development is appropriate to the scale, character and setting of the village.

Consideration will need to be given as to whether the level of residential development proposed in Glounthaune would benefit from a more plan led approach to ensure that such development would be sustainable with adequate ancillary social and commercial facilities, schools, shops, employment and community facilities. This exercise is currently being undertaken in the review of the County Development Plan. The Draft Plan is due for publication in April 2021.

The Planning Authority 's Opinion submitted does not include inter departmental reports.

#### **7.4 Other submissions**

##### **Irish Water (16<sup>th</sup> February 2021):**

Irish Water has assessed and has issued the applicant a Confirmation of Feasibility for connection(s) to the Irish Water network(s) subject to the following:

##### **In respect of Wastewater:**

In order to accommodate the proposed connection to Irish Water network at the Premises, upgrade works are required to extend the length of the network by

approximately 500m. Irish Water currently does not have any plans to extend its network in this area. Should the applicant wish to progress with the connection they will be required to fund this network extension. Any third-party consents and or permissions required will be the responsibility of the applicant to obtain.

**In respect of Water:**

New connection to the existing network is feasible without upgrade.

**Planning Observations;**

All development is to be carried out in compliance with Irish Waters Standards Codes and Practices and that design layouts for the development proposal have been submitted to Irish Water and that a Statement of Design Acceptance has been issued to the applicant by Irish Water ahead of any SHD Application.

Irish Water does not permit build over of its assets and the separation distances as per Irish Waters Standards Codes and Practices which must be achieved. In order to ensure appropriate and access to this critical infrastructure the applicants are required to engage with Irish Water Diversions to agree separation distances, appropriate wayleaves and or access ahead of any SHD application.

## **8.0 The Consultation Meeting**

8.1 A Section 5 Consultation meeting took place online via Microsoft Teams on the 24<sup>th</sup> February 2021, commencing at 10 am. 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 based on the Agenda that issued in advance and contained the following issues:

1. Land Use Zoning and Specific Development Objective C-01.
2. Development Strategy including inter alia: density, unit mix & typology, phasing, layout and childcare.
3. Connectivity, transportation, access and traffic.
4. Visual Impact Assessment .
5. Drainage .
6. Any other matters.

In relation to **Land Use Zoning and Specific Development Objective C-01** ABP representatives sought further elaboration/discussion/consideration of:

- How the development falls within the remit of SHD and extent of 'other uses'.
- Clarify connection between the C-01 lands and the overall development.
- Provide justification for car park on C-01 portion and clarify if it falls under the remit of 'other uses'.
- Clarity on the use of the wooded area as amenity associated with the residential development and compliance with SHD legislation,

In relation to **Development Strategy** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for proposed density.
- Justification/rationale for unit mix and typology.
- Clarify on phasing and how the development ties in with lands to the west shown on the overall masterplan.
- Address any potential material contraventions if they arise.
- Clarify who will be responsible for the maintenance/management of the wooded amenity area.
- Childcare provision.

In relation to **connectivity, transportation, access and traffic** ABP representatives sought further elaboration/discussion/consideration of:

- Address how the proposed difference from the previous application refuse under 303921 and how concerns have been addressed in relation to pedestrian, cycling and vehicular connectivity.
- Justification/rationale for connectivity proposals.
- Carparking strategy and management.

In relation to **visual impact assessment** ABP representatives sought further elaboration/discussion/consideration of:

- Justification/rationale for visual impact given the highly sensitive location and visibility of the site from sensitive receptors. Long and short views.
- Ballynaron road is a designated scenic route.

In relation to **drainage** ABP representatives sought further elaboration/discussion/consideration of:

- Address issues raised in Irish Water submission.

In relation to **any other matters** ABP representatives sought further elaboration/discussion/consideration of:

- ABP highlighted to the requirement to address all technical issues prior to lodging an application as no recourse to further information under SHD.
- Address any material contraventions if they arise.
- Ensure all documentation correlates.

The prospective applicant and the planning authority were given the opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 309195' 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.

## **9.0 Conclusion and Recommendation**

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 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 development plan for the area.

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.

I would also 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.

## 10.0 Recommended Opinion

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.

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. Policy**

Further consideration and/or justification of the documents as they relate to local objectives contained in the Cobh Municipal District Local Area Plan 2017-2023.

- the consideration of objectives GO-01 and DB-01
- consideration of the specific objective C-01 and how the proposed development of a car park on said lands ties in with the proposed residential development and complies with the requirements of objective C-01.
- the use and management of woodland area located outside the identified development boundary of Glounthuane as amenity area associated with the proposed development.

### **2. Movement and Transportation**

Further consideration and/or justification of the documents as they relate to the provision of access for the proposed development having regard to the need to provide safe and convenient pedestrian and cycle connections to the railway station and other services in Glounthaune and the nature and extent of works to public roads and relevant consents where required. This should include cross-sections showing details of proposed works. Specifications for all works proposed should also be included.

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. A detailed/comprehensive response to the reasons for refusal cited in ABP 303912-19 relating to the application site.
2. Detailed rationale/justification regarding the suitability of the proposed site to accommodate the proposed height particularly in the context of the site within a

highly sensitive landscape identified in the Development Plan and Local Area Plan. The response should include a Landscape Impact Assessment and a Visual Impact Assessment including CGIs and details of proposed materials and finishes that would address the impact of the proposed development on Ballynaron Road (designated scenic route) and neighbouring residential areas, as well as the environment provided within the scheme. The assessment should include long views of the site from all approaches given the location of the site in Character Area CT1 – City Harbour & Estuary.

3. Detailed rationale/justification for the proposed residential density and housing mix with regard to the provisions of the Cork County Development Plan 2014-2020 and the Cobh Municipal District Local Area Plan 2017-2023 and relevant national and regional planning policy including the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’); The ‘Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020) and the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’ (2018).
4. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2020 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
5. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants). Full and complete drawings including levels and cross sections showing the relationship between the development and nearby residential properties should be submitted.
6. Masterplan showing the relationship between the Ballynaron site and the potential development of the Ballyhennick site to the west.

7. (a) Traffic and Transport Impact Assessment (TTIA) of the development, the scope of which is to be discussed in advance with Cork County Council.
  - (b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual in relation to the proposed housing and the works along public roads.
  - (c) A Carparking Strategy and Mobility Management Plan.
8. An Ecological Impact Assessment.
9. An Archaeological Impact Assessment.
10. A Tree survey and Arboricultural Assessment.
11. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.
12. Address issues raised in the Irish Water Submission dated 16<sup>th</sup> January 2021
13. Respond to issues raised in the Planning Authority Opinion received by An Bord Pleanála on the 1<sup>st</sup> February 2021.
14. Where the prospective 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.

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. Department of Housing, Local Government and Heritage
3. The Heritage Council.
4. An Taisce – the National Trust for Ireland.
5. 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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Dáire McDevitt  
Planning Inspector,  
12<sup>th</sup> April 2021