

An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-310181-21**

Strategic Housing Development

164 no. residential units (147 no. houses, 17 no. apartments), creche and associated site works.

Location

Courtstown, Little Island, County Cork.

Planning Authority

Cork County Council

Prospective Applicant

Ruden Homes Limited

Date of Consultation Meeting

30th June 2021

Date of Site Inspection

24th June 2021

Inspector

Rachel Gleave O'Connor

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located to the south of Ballytrasna Park Road in Courtstown, to the east of Little Island. The subject site is bounded by the road and standalone residential dwellings to the north, with open fields with scrub and hedgerow planting to the west and south. The site itself forms the western portion of a single field area, with the eastern portion of this field falling outside of the application redline boundary, but within the applicant's blue line ownership extent. Further to the east of the field is warehouse and industrial uses in Courtstown Industrial Park.
- 2.2. The application site has a gross site area of 6.55 hectares and exhibits a slight change in level from north to south. There is a portion of the northern boundary of the site which adjoins Ballytrasna Park Road, with the rest of the site landlocked by field areas, as well as a small number of houses to the north.
- 2.3. The site is approximately 10km from Cork City Centre and approximately 3.5km to the east of the Dunkettle Interchange and Jack Lynch Tunnel. The site is also approximately a 25 minute walk to Little Island rail station and a 20 minute walk to Little Island Retail Park. Little Island forms an employment area with business, retail and industrial park areas in areas surrounding the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves 164 no. residential units as follows:

House Type	Number of Bedrooms		Total
Houses	1 bed	0	147
	2 bed	6	
	3 bed	89	
	4 bed	52	
Apartments	1 bed	0	17
	2 bed	12	
	3 bed	5	
Total			164

The development has a stated net residential density of c. 34 units/ha based on a development area of c. 4.82 ha. The development scheme comprises the following:

- 164 units (147 houses and 17 apartments) 18 no. 2 bed, 94 no. 3 bed and 5 no. 4 bed in total.
- A creche of approximately 420sqm with capacity for 52 childcare spaces.
- The creation of a signalised junction including a right turn lane on Ballytrasna Park Road.
- The provision of a new distributor road, in line with Policy Objective LI-U-05, including footpaths and cycle lanes, connecting with the proposed residential development and Ballytrasna Park Road.
- The provision of landscaping and amenity areas to include a multi-use games area (MUGA), local play areas, kick around area, footpaths and cycle lanes.
- The provision of woodland planting along the eastern boundary of the new distributor road to act as a landscape buffer with business and other uses proposed for lands to the east.
- The diversion and undergrounding of the existing 10KV ESB electrical cable traversing the site.

- All associated ancillary site development works including lighting, drainage, boundary treatments, bicycle and car parking and refuse areas.

4.0 Planning History

- 4.1. Reg. Ref. 07/6541: Site development works incorporating roads, services and ancillary works to facilitate future industrial and / or warehouse and distribution development. GRANTED.
- 4.2. Reg. Ref. 12/6311: Extension of Duration of application 07/6541 (noted above). GRANTED.
- 4.3. Reg. Ref. 18/06021 ABP Ref. 304271-19: A residential development comprising the construction of 75 no. dwelling houses, a creche and all associated site development works including access, parking, footpaths, drainage, landscaping and amenity areas. The development includes the creation of a new vehicular access road along the sites eastern boundary via Ballytrasna Park to service the site. The ancillary site development works consist of the diversion and undergrounding of the existing MV (10KV/20KV) ESB electrical cables. REFUSED on Appeal to An Bord Pleanála for a single reason, concerning the low density of the proposed development at less than 20 dwellings per hectare, on serviceable lands, close in proximity to social and community services and contrary to the Sustainable Residential Development in Urban Areas Guidelines.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) 2009
 - Design Standards for New Apartments Guidelines for Planning Authorities 2018
 - Design Manual for Urban Roads and Streets (DMURS) 2019

- The Planning System and Flood Risk Management (including the associated Technical Appendices) 2009
- Childcare Facilities Guidelines for Planning Authorities 2001

5.2. **National Planning Framework**

5.3. The NPF seeks to achieve compact urban growth by targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas and plans for growth of 490,000 to 500,000 people in the Eastern and Midlands Region.

5.4. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

5.5. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

5.6. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.7. **Cork County Development Plan 2014 and Cobh Municipal District Local Area Plan 2017**

5.7.1. Zoning: The site is zoned 'L-X-02' for Medium B density with a maximum of 250 dwellings, incorporating a landscape buffer between the residential units and other site units. The site is also subject to objective LI-U-05 relating to the provision of a distributor road.

5.7.2. To the east of the site and outside of the redline boundary, but within the same single field of which the subject site forms part, are lands zoned under objective LI-I-02 for industrial estate and/or warehousing and distribution with provision for local access road. Minimum 20m wide tree planted buffer along the northern and western

boundary of the site. This area is known to be an important feeding location for a number of species of bird for which the Cork Harbour SPA is designated (including Oystercatcher, Curlew and Black-tailed Godwit). Consideration of implications for these species will be integral to the assessment of new development proposals for this area. It may be necessary to retain a portion of this zone as undeveloped land to ensure that sufficient undisturbed field feeding habitat remains available to maintain the favorable conservation status of populations of these species.

- 5.7.3. General: The Cork County Council Development Plan 2014 and Cobh Municipal District Local Area Plan contain the planning policies applicable to the site. The policy chapters of the County Development Plan, especially Chapters 2 – Core Strategy, 4 – Housing, and 14 – Zoning and Land Use, detail the policies and objectives for residential development, and should be consulted to inform any proposed residential development. The Local Area Plan provides specific policies to be referred to for development within the Little Island area. The vision for Little Island is “one of the of the key employment locations in Metropolitan Cork and is designated as a Strategic Employment Area in the County Development Plan 2014. The main vision for the area is to promote a high quality work place environment for the existing and future workforce population and limited residential expansion. According to the CSO POWSCAR data from the 2011 census, there are approximately 5,693 persons working in Little Island, with 1 in 5 employed as employers and managers. Current Local Area Plan policy for the area is to reaffirm Little Island’s function as a strategic centre of general business development while protecting the amenity enjoyed by existing residential communities.”
- 5.7.4. LI-GO-02: To secure the development of 250 no. new dwellings in Little Island over the lifetime of the plan. These dwellings will be located primarily within the LI-X-02 lands with the development boundary.
- 5.7.5. LI-GO-07: All development shall contribute to improved pedestrian and cyclist connectivity and shall include proposals for the provision of improved pedestrian / cycle access routes, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists, as appropriate. It is an objective of this plan that a network of designated walking and cycling routes shall be established to provide safe, convenient and pleasant routes between the town’s main residential areas, schools, the town centres in accordance with the Cork Cycle Network Plan 2017.

- 5.7.6. LI-GO-09: Retail a substantial proportion of existing landscape features, including field banks, hedgerows and treelines within zoned lands.
- 5.7.7. LI-X-02: Medium B density residential development up to a maximum of 250 dwelling units incorporating a landscape buffer between the residential units and other site uses.
- 5.7.8. L-U-05: Distributor Road.

6.0 Forming of the Opinion

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

6.2. Documentation Submitted

6.2.1. 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. This information included, inter alia, the following:

- Application Form for a Section 5 Pre-Application Consultation Request in respect of a Strategic Housing Development;
- Cover letter (including Appendix 1: Minutes of s.247 meeting; and Appendix 2: Schedule of Accommodation and Areas);
- Letter of consent from landowners;
- Letter of consent from Cork County Council;
- Planning Report (including Appendix 1: Confirmation of Feasibility Statement from Irish Water; Appendix 2: Acceptance of Design Letter from Irish Water; and Appendix 3: ESB Consultations);
- Statement of Consistency;
- Material Contravention Statement;

- Architectural Design Statement;
- Schedule of Drawings;
- Architectural Drawings;
- Draft Part V Proposal and Costs Methodology including Draft Part V Site Layout;
- Section 5(5)(iii) Report on Possible Significant Effects of Development on the Environment;
- AA Screening Report;
- Arboricultural Impact Assessment Report (including Tree Constraints Plan ref.RH-TS-001 and Tree Protection Plan ref.RH-TS-002);
- Landscaping Development Report;
- Landscaping drawings;
- Traffic and Transportation Statement and Statement of Compliance with DMURS;
- Proposed Site Access Drawing;
- Civil Engineering Report, including statement of compliance with DMURS;
- Civil Engineering Drawings;
- Housing Quality Assessment Report;
- Construction and Environmental Management Plan;
- Operational Waste Management Report;
- Building Life Cycle Report;
- Childcare Provision Assessment;
- Lighting (Public Lighting Design Report and Schedule);
- Lighting Drawings.

6.2.2. 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.

6.2.3. I have reviewed and considered all of the above-mentioned documents and drawings.

6.3. Planning Authority Submission

6.3.1. 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 County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. The planning authority's 'opinion' included the following matters:

- Note the reason for refusal by ABP (ref.304271-19) stated that in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. In this context and national guidance, the planning authority considers that a higher density of development on this site may be appropriate.
- Objective HOU 3-3 of the County Development Plan seeks to secure the development of a mix of house types and sizes throughout the county as a whole to meet the needs of the likely future population in accordance with the guidance set out in the Joint Housing Strategy and Guidelines on Sustainable Residential Development in Urban Areas. The proposal is dominated by 3 and 4 bedroom units with no 1 bed units and a low percentage of 2 bed.
- Concern regarding the visual and quality of the development, particularly in relation to the tight grained approach of the layout; relationship between blocks; proposed amenity / privacy; dominance of surface car parking and quantum; lack of urban edge to the spine road; lack of green infrastructure / quality soft landscaping and connections between open spaces; location of proposed creche; lack outdoor amenity space to apartment block; lack of variety in design; and lack of provision of housing for step down / aged community.
- A CEMP should be submitted with any application and the applicant should consult with the Council's Area Engineers Office;

- Significant Transport Infrastructure improvements are being delivered / are planned for the area, including public transport upgrades, which should be recognised and reflected in the design of the proposed development;
- A Traffic and Transport Assessment will be required in accordance with the current TII's Guidelines. Assumptions in relation to mode split and traffic generation should be agreed with Cork County Council Traffic and Transport Section;
- Insufficient provision for cycle lanes. High quality pedestrian / cycle connectivity to employment, public transport and amenities will be critical;
- A Special Contribution will be required;
- Identification of school and childcare demand and capacity in the area, will be required;
- Sections illustrating relationship with adjoining residents requested;
- Possible links to SPA and SAC site(s) should be addressed through AA Screening, with clarification on surface water management; waste water management; and potential risk of disturbance to populations of birds for which the SPA is designated, both during construction and occupation phases.
- Retention of treeline and hedgerow boundaries requested;
- Recommend that opportunities for biodiversity enhancement are explored;
- Consideration of the presence of Invasive Species required;
- Regard to CDP policies HE 2-1, HE 2-2, HE 2-3, HE 2-4, HE 2-5, HE 2-7, GI 3-2, WS 5-1, WS 5-2 and WS 5-3 and Cobh MD LAP Policies LI-G0-03, LI-G0-04, LAS-01. Consideration shall also be given to CCC Guidance – Biodiversity and the Planning Process in the development of the scheme.
- The applicant should consult with Cork County Council's Housing Department regarding Part V provision.

6.4. Irish Water

6.4.1. The submission from Irish Water (dated 2nd June 2020) states that a Confirmation of Feasibility has been issued for a development of 164 units on the site subject to the following:

6.4.2. *In respect to Water: 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 70m. Irish Water currently does not have any plans to extend its network in this area. Please note, in order for a gravity connection to be possible, connection via third party land (from the site to the road) may be required. The applicant will be required to fund the required network upgrades and obtain any consents or permissions for works not in the public domain.*

6.5. Consultation Meeting

6.5.1. A section 5 Consultation meeting took place via a video conference on the 30th June 2021. 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.

6.5.2. 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. Zoning and planning context (including ecology);
2. Transport;
3. Design (including layout, connectivity, boundary treatments, elevational appearance and impacts / quality of accommodation);
4. Car parking (quantity and appearance);
5. Mix;
6. Any Other Matters.

6.5.3. 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-310181-21' 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.

7.0 Conclusion and Recommendation

- 7.1. 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.
- 7.2. 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 development plan for the area.
- 7.3. Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements – Ecology, Planning Context, Design Strategy and Daylight / Sunlight - as set out in the Recommended Opinion below.
- 7.4. 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.
- 7.5. 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.

8.0 Recommended Opinion

- 8.1. 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.
- 8.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, 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 will need to be addressed in the documents submitted to which section 5 (5) of the Act of 2016 relates that could result in the constituting a reasonable basis for an application for strategic housing:

Ecology

The prospective applicant should provide further justification and/or detail in relation to potential relationship between the subject site and Natura 2000 Sites. Specific consideration of potential habitats within the site that might support feeding grounds for species of bird for which the Cork Harbour SPA is designated and any implications for these species is required, with a view to ensuring sufficient undisturbed field feeding habitat remains available to maintain the favorable conservation status of populations of these species.

Planning Context

Further consideration and/or justification is required with respect to the future development potential of the LI-X-02 lands and surrounding development lands, and how the proposed development accounts for this, particularly in relation to transport impacts, capacity of junction improvements proposed and the distributor road, as well as provision for future connections.

Design Strategy

The prospective applicant should provide further justification and/or detail in relation to the design strategy for the proposed development. In particular, the layout of the development and consideration of an urban edge to the spine road, provision of distinct character areas through the detailed design of buildings, and quality open spaces / landscaping in the site, with clear provision for private and communal amenity areas. Consideration of typologies / mix of housing type is also required, to provide a sustainably mixed tenure, typology and density of community on the site. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted. Photomontages and CGIs will be required to accurately illustrate the appearance of the proposed development.

Daylight and Sunlight

The prospective applicant should provide further justification and/or detail in relation to the quality of the proposed residential accommodation, and potential impacts on the adjacent residential dwellings to the north, particularly in relation to daylight and sunlight. A Daylight, Sunlight and Overshadowing Assessment is required to demonstrate how the proposed development responds to recommendations in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (the BRE guidelines). In relation to the proposed accommodation, analysis is required of the proposed apartment units, with each floor tested until it can be demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass. Further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. Traffic and Transport Impact Analysis, to be prepared in consultation with Cork County Council.

2. Additional details and/or revised proposals in relation to the quantum and arrangement of car parking as part of the proposed development, with specific consideration of the Council's planned public transport improvements for the area.
3. Additional detail is required of existing connections from the site to surrounding employment opportunities, social and community infrastructure, which should focus on sustainable transportation modes.
4. Additional details and/or revised proposals in relation to mix of residential types and sizes of units to be included in the development, with particular consideration of the Council's identified housing need for the current and future population of the area.
5. A plan showing separation distances between the development to existing adjacent properties should also be included, annotating key distances to boundaries, buildings and windows.
6. Additional details and/or revised proposals in relation to landscape, having regard to comments from the Planning Authority.
7. A plan of landscape proposals clearly delineating communal and private spaces should be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required.
8. Additional details and/or revised proposals in relation to site services/SUDs, in consultation with the Council's Area Engineers Office.
9. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development.
10. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

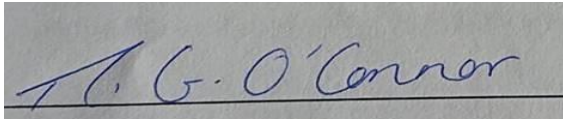
11. A building life cycle report shall be submitted in accordance with section 6.3 of the 'Sustainable Urban housing: Design Standards for New Apartments (2018)'. The report should have regard to the long-term management and maintenance of the proposed development.

8.3. 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. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. Fáilte Ireland
3. The Heritage Council
4. An Taisce – The National Trust for Ireland
5. Irish Water
6. Transport Infrastructure Ireland

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.

A rectangular box containing a handwritten signature in blue ink that reads "R. G. O'Connor". The signature is written on a light-colored background with a horizontal line underneath.

Rachel Gleave O'Connor

Planning Inspector

09 July 2021