



An  
Bord  
Pleanála

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

## Inspector's Report on Recommended Opinion

### TC0005

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#### **Strategic Housing Development**

Ten-year permission for 515 residential units, local shopping centre, crèche, community centre, land set aside for a primary school and all ancillary site development works.

#### **Location**

Ballinglanna, Glanmire, Co. Cork

#### **Planning Authority**

Cork County Council

#### **Prospective Applicant**

O'Flynn Construction Co. Unlimited  
Company

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

6<sup>th</sup> September 2017

#### **Date of Site Inspection**

31 August 2017

**Inspector**

Una Crosse

## 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 subject site comprises approximately 31 hectares in area in an irregularly configured site located in the Ballinglanna area of Glanmire. Glanmire village centre is located to the west of the site. Cork City Centre is approximately 6km to the southwest. The Glashaboy River runs to the west of the site. The site is undulating with considerable changes in gradient across and within the site. The site is adjoined to the north by the Fernwood residential development, to the west by the L2999, Dunkettle-Glanmire Local Road to the west and the Caherlag Road to the south. To the east the site is adjoined by the M8 Dublin Cork motorway. There are a number of properties located adjoining the boundary of the site including the southeast boundary, south and the western boundary. The western boundary of the site includes mature trees as does the area in the vicinity of Ballinglanna House, which is located within the site but outside of the proposed application area, save for the access arrangements to same. The site also accommodates two infrastructure wayleaves and a number of structures including outbuildings located on the eastern area of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposal comprises 515 residential terraced, semi-detached and detached units with the following mix: 92 two-bed units (18%) all of which are terraced, 234 three-bed units (45%), 137 of which are terraced and 97 of which are semi-detached and

189 four-bed units (36%), 129 of which are semi-detached and 60 of which are detached.

- 3.2. Local shopping centre proposal which includes a crèche (591 sq.m), shop (380 sq.m) and healthcare facility (172 sq.m).
- 3.3. The reservation of a site of 1.2 hectares for the development of a future 16 classroom primary school.
- 3.4. Community building to provide indoor sport and social facilities.
- 3.5. Landscaping and amenity areas (4.2 ha of passive and 7 ha of active open space), multi-use games areas, district, local and neighbourhood play areas.
- 3.6. Infrastructure including a new link road connecting L2999 to Fernwood estate, new 4-arm signalised junction at entrance to the development, new link road/access onto the Caherlag/Glounthaune Road, new/revised entrance to Ballinglanna House.

## 4.0 National and Local Policy

### 4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Street'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

### 4.2 Local

The site is within the area of the recently adopted Cobh Municipal District LAP 2017. The site is zoned residential and includes a number of objectives as follows: GM-R-06 provides for development with a mix of Medium A and Medium B density

residential development. Development is linked to the provision of infrastructure requirements set out in Tables 3.3.2 and 3.3.3. Land is to be set aside for a new 16 classroom primary school and a local centre with a range of appropriate convenience retail services. GM-U-06 on the site requires the development of a link road serving GM-R-06. GM-U-08 traverses the site and provides for the upgrade of the Dunkettle Road (L2999) from the junction with East Cliff Road as far as the existing slip road on the Dunkettle Interchange. The LAP addresses the Dunkettle/Ballinglanna Urban Expansion Area specially at page 70 and notes that the plan provides for an orderly development of the Dunkettle/Ballinglanna area maximising the development quantum relative to investment in off-site infrastructure. Phasing of development is proposed according to the planned programme for infrastructure delivery with the first phase the lands included as GM-R-06. The investment required for the infrastructure delivery is proposed to be shared by the County Council and the developers by way of a Section 47 agreement and Section 48 contributions.

It is stated at Section 3.3.53 that development within each phase should vary in terms of type, tenure and density in order to avoid uniformity in design and to ensure that a broad spectrum of housing needs are addressed. Availability of permeability through the site to access critical pedestrian, cyclist, public transport and vehicle transport. Phase 1 is stated as comprising approx. 36 hectares to consist of a mix of Medium A and Medium B density development. Objective HOU 4-1 of the Cork CDP provides that Medium A density is minimum 20/maximum 50 per hectare and Medium B is minimum 12/maximum 25 per hectare. The early delivery of the road link to Fernwood to the north is considered critical. The transport assessment identified that approx. 400 houses can be constructed prior to the upgrading of the Dunkettle Interchange. A local centre and the setting aside of land for a primary school is also required. Tables 3.3.2 and 3.3.3 set out the road improvements and cycle/pedestrian improvements required for each phase.

## 5.0 Planning History

- 5.1. **08/4584 / PL04.233061**: Site of c.95 hectares which included the subject site in addition to lands at Dunkettle to the south, permission sought for 1,210 dwellings, restoration, conservation and change of use of Dunkettle House (protected

structure), two. neighbourhood centres to include retail uses, cafes, creches and a medical centre. The reservation of sites for a future primary school and day care centre for the elderly was also proposed. Refused on appeal for 4 reasons as follows: 1) Premature pending the determination of the future road layout of the area including the improvement of the Dunkettle Interchange; 2) Premature having regard to deficiencies in the local road network; 3) materially and adversely affect the character and setting of the protected structure; and 4) peripheral location of the school and community buildings adjoining the nearby M8 and the absence of playing pitches was not considered acceptable for the scale of development proposed.

- 5.2. **05/6392 / PL04.218603:** Mixed-use residential and commercial development including 700 dwellings (reduced to 694 at RFI stage), a crèche, 3 no. commercial units, a range of recreation / amenity facilities including tennis courts, kick about and play areas. Refused on appeal by the Board for 3 no. reasons relating to 1) Impact on the National Road Network (premature pending the determination of a future road layout for the area including the Dunkettle Interchange); 2) Impact on the Local Road Network (premature having regard to the deficiencies in the local road network) and 3) under-provision of community/recreation/amenity facilities.

## 6.0 Forming of an Opinion

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

### 6.1. Documentation Submitted

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 submitted included the following: a Completed Application Form; cover letter, site location plan and site layout plans, Statement of Consistency,

Minutes of Pre-planning meetings, Confirmation of Feasibility Statement from Irish Water, Possible Effects on the Environment document.

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

## 6.2. Planning Authority Submission

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 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 23rd August 2017.

The planning authority's 'opinion' included the following matters:

- Offers an opportunity to stimulate population growth close to City Centre;
- Outlines the matters relating to transport infrastructure which was included in previous refusal and provides updates on delivery of infrastructure;
- The approval in principle of LIHAF funding to facilitate infrastructure improvements and the proposed Section 47 agreement between the County Council and prospective applicant;
- Issues raised regarding design and mix included the dominance of cul-de sacs, width of internal roads, elevations facing open spaces, proximity of units to M8, landscaping along northern boundaries, housing mix to be justified,
- Connections to East Cliff Road and relationship with adjoining neighbouring residential development;
- Requirement to seek Department of Education's opinion on the proposed school site;
- Need for woodland management;
- Topography of site provides challenges in terms of visual impact, workable amenity spaces and need to avoid abrupt transitions;
- Board to consider most appropriate course of action for archaeological assessment of the site with need for detail assessment and geophysical survey and licensed testing in advance;

### 6.3. The Consultation Meeting

A section 5 Consultation meeting took place at the offices of Cork County Council on the 6<sup>th</sup> September 2017, commencing at 2:30 pm. 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 advanced and contained the following issues:

1. Connectivity and Permeability.
2. DMURS, Transportation, Access and Traffic
3. Development Strategy for the Site including, Design, Density, Mix, Layout and Open Space.
4. Zoning and Adjoining Zonings and Phasing.
5. Part V and Affordability.
6. Section 47 agreement.
7. Residential Amenity & Boundary Treatment.
8. Drainage (Foul & Surface).
9. Ecology and Woodland Management.
10. Archaeology and Architectural Heritage
11. School Site
12. EIA
13. Any other matters

In relation to Connectivity and Permeability and DMURS, Transportation, Access and Traffic, ABP representatives sought further elaboration/discussion on the pedestrian connectivity achievable in the surrounding area and in particular to Glanmire Village, compliance with DMURS, widths of roads, proposal for 3 access points on the Caherlag Road and integration of proposed road into the Fernwood development.



In relation to the Development Strategy for the Site including, Design, Density, Mix, Layout and Open Space ABP representatives sought further elaboration/discussion on the proposed density having regard to the Guidelines for Sustainable Residential Development in Urban Areas, the unit mix proposed was also addressed in relation to density; in terms of the layout further elaboration/discussion was sought in respect of the creation of distinct neighbourhoods and the surveillance of open space.

In relation to Zoning and Adjoining Zonings and Phasing, ABP representatives sought further elaboration/discussion on the residential land to the north of the site and the proposal phasing.

In relation to Part V and Affordability, ABP representatives sought further elaboration/discussion on the proposal to create scattered clusters of social housing within the scheme and the proposal for affordable housing within the development.

In relation to the proposed Section 47 agreement, ABP representatives sought further elaboration/discussion on the LIHAF funding proposed, the nature of the agreement and how it could be considered in the context of the current Development Contribution Scheme.

In relation to Residential Amenity & Boundary Treatment, ABP representatives sought further elaboration/discussion in respect of the boundary between the site and Fernwood Estate, the M8 motorway and the dwellings located to the southeast of the site.

In relation to Drainage, ABP representatives sought further elaboration/discussion on the proposed pumping station and surface water discharge to the Glashaboy River.

In relation to Ecology and Woodland Management, ABP representatives sought further elaboration/discussion on Appropriate Assessment and the proposed arrangements for the management of the existing Woodland.

In relation to Archaeology and Architectural Heritage, ABP representatives sought further elaboration/discussion on the requirement for/timing of geophysical testing and the consideration of protected structures and buildings of architectural merit within and in the vicinity of the site.

In relation to the proposed School Site, ABP representatives sought further elaboration/discussion on consultations undertaken to date with the Department of Education and Skills and the use of the Multi-Use Games Areas adjacent to the school.

In relation to EIA, ABP representatives sought further elaboration/discussion on the preparing of the EIAR and the requirement to consider the infrastructure improvements proposed to facilitate the proposal.

In relation to any other matters, ABP representatives sought further elaboration/discussion on the mobility management/sustainable transport options available for the working population of any development.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting TC0005' 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**

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 s.28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: proposed Development Strategy including Density; Design, Layout, Mix and Open Space, and the Caherlag Road details of which are set out in the Recommended Opinion below.

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.

## **8.0 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:

### Density

1. Further consideration of documents as they relate to the density in the proposed development, specifically in relation to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as they refer to Outer Suburban/Greenfield sites. Particular regard should be had to the need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Cork City Centre and to established social and community services in the immediate vicinity. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

### Design, Layout and Unit Mix

2. Further consideration of documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix, the configuration of the layout, design and widths of roads, the creation of a high quality urban extension to Glanmire and the creation of character areas within should be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### Public Open Space

3. Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the open space

proposed particularly in the context of the surveillance of the open space, the usability of the active open space on the site and the proposals for the passive open space in the context of the landscaping proposals. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

#### Access points onto Caherlag Road

4. Further consideration of documents as they relate to the design rationale/justification for the proposed layout and arrangement of access/egress points onto the Caherlag Road. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

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

1. A plan outlining the location of the proposed road improvements and cycle/pedestrian improvements required in the Cobh Municipal District Local Area Plan 2017 to facilitate the development of the subject lands;
2. Details of consultation undertaken with the Department of Education and Skills in respect of the proposed school site.
3. A Draft Section 47 agreement to be submitted.
4. Justification to be provided of the survey and testing proposed as part of the EIAR process in respect of archaeology. This should have particular regard to the context of the assessment undertaken in the previous applications for permission and environmental assessment on the site and the acceptability or otherwise of the approach previously undertaken.
5. A draft agreement for the management of the Woodland on the site.
6. The design of community buildings should seek to incorporate natural light and ventilation.
7. A phasing plan for the proposed development should be provided.

8. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority.

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. The Minister for Culture, Heritage and the Gaeltacht (for archaeological heritage protection and nature conservation)
2. The Heritage Council
3. An Taisce
4. Inland Fisheries 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.

Una Crosse  
Senior Planning Inspector

September 2017