



Eagle Valley Association of Residents & Home Owners
C/O Mr. William O'Brien, Treasurer,
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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

18th May 2022

AN BORD PLEANÁLA	
LDG-	<u>053579-22</u>
ABP-	_____
19 MAY 2022	
Fee: €	<u>220</u> Type: <u>cheque</u>
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Re: Section 5 Declaration R705/22 Sarsfield Heights, Doughcloyne, Sarsfield Road, Cork

- Cork County Council PA Ref 174877/ An Bord Pleanála PL 04.249194
- Cork County Council PA Ref 85275
- Cork City Council PA Ref 2140139/ An Bord Pleanála ABP-311519-21

Dear Sir or Madam,

This Referral is being made in respect of Cork City Council's Section 5 Declaration R705/22 Sarsfield Height, Doughcloyne, Sarsfield Road, Cork on 22/4/2022.

We submit our arguments in the following pages as to why we believe that the proposed use of Sarsfield Heights is development and should be the subject of the public planning process. The following documentation accompanies this submission:

- (a) Cork City Council Declaration
- (b) €220 Appeal Fee
- (c) 2 no. copies of the Site Location Plan

We trust that the Board will see the merit in this appeal and I look forward to the decision in due course.

Yours sincerely,

William O'Brien
Treasurer

On behalf of Eagle Valley Association of Residents & Home Owners
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Eagle Valley Association of Residents & Home Owners

Section 5 Referral to An Bord Pleanála

Sarsfield Heights

18/5/2022

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1. Subject of Appeal

See Section Error! Reference source not found. Error! Reference source not found. where:

- On 14th February 2022, Eagle Valley Association sought a Section 5 declaration from Cork City Council as to “Whether the use of development Sarsfield Heights PA Ref 174877/PL 04.249194, PA Ref 85275 & PA Ref 2140139/ABP-311519-21 for institutional purposes and as predominantly/exclusively Part 5, PDA, housing is or is not development or is or is not exempted development.”

The Section 5 Request did not include development through “works” as no information is available.

Further, there is a notable lack of information and transparency on the proposed use of the houses. No houses have been advertised as available for sale to the public despite Developer’s normally selling houses off the plans. Over the last 3 years since construction commenced, people have called the Developer’s, O’Brien and O’Flynn, enquiring about when the houses will be available for sale, the response was to take their details to put on a waiting list for when the houses are advertised for sale.

- On 3rd April 2022, the Association sent a follow up letter to Cork City Council as no reply received within the four week time period.
- On 22nd April 2022, Cork City Council issued a Section 5 Declaration R705/22 Sarsfield Heights, Doughcloyne, Sarsfield Road, Cork

“With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise as follows:

In view of the above and having regard particularly to —

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) the planning history of the site
- (c) Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing and Circular Letter NRUP 03/2021

The Planning Authority has concluded that —

- (a) the permitted use or the development (permitted under planning register reference number, 174877 ABP 249194, 185275 and 2140139) is residential
- (b) the proposed use of the dwelling units may be by an approved housing body, which is not considered to come within the scope of a commercial institutional investment in housing
- (c) the proposed use which may be by an approved housing body would remain in residential use and this would not be material in planning terms and, therefore, is not development
- (d) there is no evidence that the development will be used predominately/exclusively Part V, PDA housing.”

Eagle Valley Association now wishes to appeal the Declaration by Section 5 referral to An Bord Pleanála on the basis that this *Is Development and Is a Material Change of Use and Is Not Exempt*.

2. Eagle Valley Association’s Submission

Eagle Valley Association believes that at least 65 of the 69 houses in Sarsfield Heights will be used for social housing under the management of Respond Housing Association (www.respond.ie) and will not be available for sale to the private market. This belief is based on:

- (1) 4th May 2022 - Cllr. Thomas Moloney posted on his Facebook page that 22 Units in Sarsfield Heights under Cork City Council’s Choice Based Letting System
- (2) 5th October 2021 — Respond Housing tweets Minister Darragh O’Brien TD visits the site as delivering 65 new social homes at Sarsfield Road.

See Section 4.1 Appendix 1 Sources of Information on the scope of Social Housing at Sarsfield Heights



2.1. Change of Use

Section 3(1) of the Planning and Development Act, 2000, as amended defines 'development' as follows: "In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

2.1.1. Establishing the Permitted Use of the Development from the Planning Documentation

In PL29/8/279 *McMahon v Dublin Corporation* 1997 1 ILRM 227, Barron J held that: "in the absence of explicit reference in the planning permission to a permitted use, regard must be had to the use for which the structure is designed, i.e, the use which was objectively intended for the structure having regard to the relevant planning documentation." The use of the development is inferred, objectively, by reference to the submitted drawings and documentation, as well as the terms of the permission itself.

It is submitted that the permitted planned use and tenure nature of the units was clearly established during the successive applications for the permissions (PA Ref 174877/PL 04.249194, PA Ref 85275, PA Ref 2140139/ABP-311519-21). All three planning applications presented the *Sarsfield Heights* development as a 69 unit mixed tenure development, combining social housing, affordable housing and residential units for sale to individual purchasers of which:

- 6 of the residential dwellings were designated for use as Part V housing units
- 59 Units would be for sale to range of purchasers as private residential homes
- 4 Units No. 66-69 in PA Ref 2140139 were identified as Family Homes for use as the permanent private residence of the Applicants, Finbarr, Tony and Patricia O'Flynn, O'Brien O'Flynn Construction Unlimited, for the purposes of determining the level of Development Contribution payable. At the final grant of PA Ref 2140139 on 2/9/2021, Condition 9 was added relating to Part V requirements. However, unlike the previous grants, there were no planning documents in the public file relating the location and number of these units.

Section 3 Extracts from Planning Documents relating to Use and Tenure highlight

- (1) Question 17 in the Planning Application forms indicated that the houses would be for sale and not for use as long term or short-term rental.
 - o Section 3.1.1 #174877 Application Completed Form 11th April 2017
 - o Section 3.2.1 #185275 Application Completed Form 18th May 2018
- (2) The Design Statements accompanying the Application forms described the **Mixed Tenure** nature of the development
 - o Section 3.1.2 #174877 Application Design Statement, Statement of Housing Mix, Mixed Tenure, 11th April 2017
 - o Section 3.1.4 #174877 Applicants Further Information Response, 18th July 2017, identifying location of 6 x Part V Units
 - o Section 3.2.1 #185275 Application Design Statement, 18th May 2018
- (3) The Part V Location Maps which were provided with the Application forms which clearly identified the Part V Units
 - o Section 3.1.3 #174877 Application Map showing the proposed location of 7 Part V Units
 - o Section 3.2.1 #185275 Application Map of Proposed Part V Housing, 18th May 2018
- (4) The Housing Officer Reports during the planning process on the distributed nature of the Part V units in support of sustainable development objectives
 - o Section 3.1.5 27/7/2017 Cork County Council Housing Officer's Report on Part V Proposals
 - o Section 3.2.1 7/6/2018 Housing Strategy Officer's Report on Part V Proposals
 - o Section 3.2.2 19/6/2018 Housing Engineers Report

It would appear therefore appear that *Sarsfield Heights* was designed for, and intended for use as, private residential accommodation, without any limitation as to the type of occupant and was not intended for, nor designed for use by, only one category of resident.





2.1.2. The Provision of Care

*“Approved Housing Bodies (AHBs) (also called housing associations or voluntary housing associations) are independent, not-for-profit organisations. **AHBs provide housing in response to a range of different needs including families on low incomes, households with special needs, such as older persons, people with disabilities and homeless persons.** AHBs work in partnership with Local Authorities and take nominations from the Local Authority to fill available accommodation provided by an AHB. Approved Housing Bodies also include housing co-operatives, which are housing organisations controlled by their members/tenants who actively participate in setting their policies and making decisions.”* From Cork City Council’ www.cbl.corkcity.ie

The stated primary objective of Respond Housing Association (<https://www.respond.ie/> and <https://respondsupport.ie>) is to service the most vulnerable groups in society who are referred to Respond via social service providers (**See Section 4.3 Appendix 3 About Respond Housing Association**)

“Respond is Ireland’s leading housing association. We seek to create a positive future for people by alleviating poverty and creating vibrant, socially integrated communities. We do this by providing access to education, childcare, community development programmes, housing and other supports. Respond was established in 1982 and has built more than 5,500 homes nationwide. Respond has provided homes for traditional families, lone-parent families, older persons, the homeless and people with disabilities. Respond aims to:

- *Establish and maintain vibrant, socially integrated communities rather than simply providing just shelter or accommodation*
- *Advance education among residents of our estates*
- *Promote other charitable purposes beneficial to the community*
- *Prevent and relieve hardship and distress amongst those who are homeless and amongst those in need who are living in adverse housing conditions*

Respond believes in providing housing for social investment rather than financial profit. Therefore, we provide housing for some of the most vulnerable groups in society including those who have lived for long periods in hostels, temporary and insecure accommodation.” <https://www.respond.ie/about-us/>

There are specific conditions to qualify to stay in a Respond dwelling. Tenant’s must normally be registered on the local authority housing waiting list in their area, their income must be below a prescribed level, and they must be in genuine need of housing and unable to provide accommodation from their own resources. The real rental cost is a combination of the Tenant’s rental payment and support by the Local Authority through financial subsidy. The Tenant also must undertake to provide Respond with income details of all members of their household each year and when requested to do so. As such, it is submitted that the tenancy arrangements are not comparable to any private landlord tenant arrangements.

Respond describes itself as providing **not only housing but an array of services providing access to education, childcare, community development programmes, housing and other supports** *“The need for housing and community-based services has never been greater. What we in Respond do is all about people and the communities around them. It is vital that new housing developments, so badly needed, also have vital community infrastructure such as those that Respond provide – Early Childhood Care and Education Services, Day Care Centres for Older People, Family Homeless Services, Refugee Resettlement Services and Family Support. We work to promote social inclusion, integration and self-sufficiency. Local services such as these can be the glue that creates and binds a community together.”* <https://www.respond.ie/services/>

Respond’s personnel team has a clear role as “care workers” in seeking to meet the social needs of the residents of the dwellings. For example, Tenant Relations Officers spend a large proportion of their time on estates and go beyond standard property management & maintenance services in their provision of support to the social needs of Tenants in accessing services, addressing financial hardship cases, and organising community events. The Respond housing units and estate also become a place of work for the Tenant Relations Officers. It is submitted that such management services go beyond the property maintenance & **management services in private estates where there is more self-management by residents.** Indeed the 2018 Rebuilding Irish Neighbourhoods reported the repeated emphasis on estate management by Local Authority Officials, including Cork City Council.

The Association submits that the provision of the support described above falls within the scope of “care” as defined at Article 5 of the Planning and Development Regulations 2001, as amended, namely ‘*personal care, including help with... **social needs***’; The use for social housing by AHB’s is an institutional type of use. While a dwelling becomes a place of residence, it also has acquired a use directly associated with the provision of care to meet the social needs of its Residents.



2.1.1. Providing a different Service to a different User Group

- **Section 3.1.2 #174877 Application Design Statement, Statement of Housing Mix, Mixed Tenure, 11th April 2017** is quite clear in its design description including its **mixed tenure nature** in catering for mixed communities with a range of house types and tenures and **saleability** to meet different housing needs in the local market and to appeal to **a broad range of purchasers, providing affordable homes for both individuals and families alike.**
- **Section 3.1.4 #174877 Applicants Further Information Response, 18th July 2017, identifying location of 6 x Part V Units** in magenta on a map illustrating how they would be pepper potted through the Estate as per Guidelines for Sustainable Communities
- **Section 3.2.1 #185275 Application Design Statement, 18th May 2018** emphasises its full regard in its Design Approach to support Sustainable Residential Communities i.e. promoting social integration and provide for a diverse range of household types, age groups and mix of housing tenures.

With at least 65 units, Respond's ownership of virtually the entire development limits the development to a single type of purchaser, a corporate entity (notwithstanding it's not for profit mission), and excludes access by individual purchasers, including First Time Buyers.

It is understood that at least 65 of the 69 units will be transferred into the ownership of Respond to be used exclusively to house tenants of Respond and thus a change of use has occurred whereby the dwellings have been constructed under a permission allowing for permanent residential use without specifying a type of resident, to now limiting occupation to a specific type of resident i.e., those on the local authority housing list.

Moreover, the current government policy is that Respond tenants cannot buy their Respond property. While these units are in the ownership of Respond, they cannot be sold to either the Tenants or on the open market. Indeed, unlike the 100% rental tenure terms of Housing Association Tenants, Local Authority Tenants have a right under their tenure to purchase. This contradicts the mixed tenure character that was proposed in the application process and contradicts the answers to Question 17 in the original Planning Application Forms for the use of the Sarsfield Heights Scheme where the use of the House/Site was for sale rather than a short term let, long term let, use as a second.holiday home, or other.

- Section 3.1.1 #174877 Application Completed Form 11th April 2017
- Section 3.2.1 #185275 Application Completed Form 18th May 2018

Further, the original planning applications were assessed wholly on suitability for permanent residential housing where the residents had no support or care requirements. No consideration was given to the appropriateness of the design to accommodate a considerable number of people with social needs or to facilitate visits from care staff, social services or health professionals.

It is submitted that due to the significant number of units to which the change of use would apply, the use of the proposed development may be more of the character of a sheltered housing scheme containing supported housing and that these needs were not considered within the grants of planning permission. As such, it is considered that the proposed use is different to that assessed by the Planning Authority and therefore a change of use has occurred.



2.2. Material Change of Use

In the case of Galway County Council v. Lackagh Rock Justice Barron held

“that it was not sufficient for the council to establish an intensification of use had taken place. It had to prove that the intensification of activity amounted to a change of use which was material i.e. had given rise to fresh planning considerations.

To test whether or not the use are materially different it seems to me that what should be looked at are the matters which the planning authority would take into account in the event of a planning application being made either for the use on the appointed day or for the present use. If they are materially different, then the nature of use must be equally materially different.”

A material change of use is a change of use which is material from the point of view of planning, i.e., involving something which raises issues that would be considered under *“proper planning and development”* as statutorily used in section 26 of the 1963 Act.

2.2.1. Planning Considerations

Although a residential use is common to both the existing permitted use and the intended use of the dwellings of Sarsfield Heights, it does not mean that the two uses are the same. The new use is not identical to the previous use and its character and effects, in term of scale, care & support services, and restriction to a single category of user, brings a range of new planning considerations that are materially different and did not arise in the context of the original permitted use of Sarsfield Heights solely as dwellings. The proposed tenure nature of Sarsfield Heights and scale gives rise to different planning considerations from the mixed tenure development that was permitted.

Such issues would relate to how the proposed non-residential use would impact upon established residential amenities e.g., how additional care and social support services would be facilitated, the potential increased vehicular traffic and parking associated with the provision of such services, becoming a place of employment, the nature and activity level required in the estate management programme, the need for a resident caretaker, the need to manage the operation and security of the properties as a care facility (including numbers of persons, the rate of turnover of residents, the management of anti-social issues etc.).

In proposed uses for social housing, the availability and access to local community, health and educational services; the ease of access by foot and public transport to local services for tenants who may not have access to private transport e.g., shops, financial institutions, etc., addressing social exclusion and social integration issues considered e.g. communal spaces, community building etc.

The external context of the development would also be planning considerations - the prevailing tenure mix in the neighbourhood and the provision of an adequate supply of houses to meet the variety of housing needs in the locality particularly in light of the location of Sarsfield Heights in a Rent Pressure Zone and is made explicit under part V and section 94(1)(a) of the Planning act. The change of use of Sarsfield Heights would unduly restrict the supply of housing under the proper planning and sustainable development of the area. The concentration of social housing in the area would also be a planning consideration.

The variety in demographic and socio-economic backgrounds and the degree of integration of the new development with the neighbourhood are planning considerations. In its housing strategy under the Planning Act, the Local Authority is required to take account of *‘the need to counteract undue segregation in housing between persons of different social backgrounds.’* (Planning and Development Act 2000, section 94 (3) (d))



2.2.2. Planning Policy

The proposed change of use of *Sarsfield Heights* to a mono tenure, social housing estate represents a material contravention of Planning Policy and the planning considerations that the proposed use would receive from a planning perspective if an application for the new proposal was made specifically:

1. The 2015 Cork City Development Plan

https://www.corkcity.ie/en/media-folder/cork-city-development-plan/corkcitydevelopmentplan_volume_1.pdf

- **Objective 6.7 Private Sector:** The City Council will support the further expansion of the private owner occupier and private rented sectors to ensure the continuation of a range of housing choices in the city.
- **Objective 6.8 Housing Mix:** To encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided. Planning applications for multiple housing units shall submit a Statement of Housing Mix detailing the proposed mix and why it is considered appropriate. The needs of special groups such as the elderly and disabled shall also be considered as part of this process.

2. Cork County Development Plan Objectives 2014

<https://www.corkcoco.ie/en/planning/planning-policy-documents-monard-strategic-development-zone/cork-county-development-plan-2014>

- **Principle 1:** To provide for a diverse range of housing needs to suit varying income levels and social circumstances
 - 1.1 The Requirement for Social Housing under Part V will reflect the conclusions of this study in each housing market area. Each application will be considered on an individual basis and the actual mechanism used to satisfy the Part V requirement will be the one that best facilitates the development of strong, vibrant, mixed tenure communities.
- **Principle 2:** To promote a socially balanced and inclusive society in all housing areas within Cork City and County.
 - 2.1 The Cork Local Authorities will ensure a mix of house types and sizes within individual developments and within communities to promote a socially balanced and inclusive society.
 - Planning Applications for multiple housing units will be required to submit a Statement of Housing Mix detailing the proposed housing mix and why it is considered appropriate. The statement should set out the established mix in the area, design, location, market considerations and recent societal trends. The needs of special groups such as the elderly and disabled should be considered as part of this process. Development Plans and / or Local Area Plans will be required to include specific policies to secure housing mix.

3. Cork Planning Authorities Joint Housing Strategy 2021

<http://corkcocodevplan.com/wp-content/uploads/2017/10/Joint-Housing-Strategy.pdf>

- **Principle 1:** To provide for a diverse range of housing needs to suit varying income levels and social circumstances
- **Principle 2:** To promote a socially balanced and inclusive society in all housing areas within Cork City and County
 - a) Planning Applications for multiple housing units will be required to submit a Statement of Housing Mix detailing the proposed housing mix and why it is considered appropriate. The statement should set out the established mix in the area, design, location, market considerations and recent societal trends. The needs of special groups such as the elderly and disabled should be considered as part of this process. Development Plans and/or Local Area Plans will be required to include specific policies to secure housing mix.

4. Department of Housing, Planning & Local Government Housing Circular 31/2019, Arrangements for the Provision by local authorities of Social Housing through Turnkey Projects, 4th October 2019:

For the attention of each Director of Service (Housing) Arrangements for the Provision by local authorities of Social Housing through Turnkey Projects - Housing provision via Turnkeys can be a good source for new Social Housing delivery when appropriately located and meeting local housing need ... LAs should satisfy themselves that any turnkey acquisition by them, is not removing housing from the market that would otherwise be available to private purchasers, in particular to first-time buyers. Turnkeys are particularly appropriate when the housing would otherwise not be delivered but for the assurance of LA purchase to unlock the development.





2.2.3. Impacts of the Change of Use of Sarsfield Heights to the Area

The proposed use of *Sarsfield Heights* development as predominantly/exclusively for social housing creates potential impacts on the adjoining area and the proper planning and sustainable development of same.

1. Traffic Impact

It is submitted that the planning applications were assessed wholly on their suitability for permanent residential housing and no consideration was given to the developments appropriateness to potentially house and service a considerable number of people with social care needs or to facilitate visits from professional staff, including care or health professionals. No information is available on the nature, volume and frequency of support services to be provided in the *Sarsfield Heights* Development. Compared to permanent residential accommodation, the proposed change of use may represent an intensification of use with the support services associated with such use and a potential increase in traffic movements and parking over those arising from private residential development.

Use of the Development as supported housing on this scale and the potential material impact on the wider environment are the kind of considerations that the Planning Authority would identify and consider in terms of the proper planning and sustainable development of the area, in the event of an application for permission for such use.

Throughout the previous planning applications for the Development, the public made submissions as the existing issues with Traffic at the Eagle Road Junction with Sarsfield Road (See Section 4.4 Appendix 4 Unresolved Traffic & Access Issues with Eagle Valley Road)

Issues of parking, traffic congestion and traffic hazards arise from events at the Funeral Home and the Church that are irregular in pattern but frequent in occurrence and compounded with commercial HGV vehicles. The impact is that traffic is often brought to a standstill for long periods of time at peak hours in the greater Sarsfield Road area preventing access and egress on the Eagle Valley road at the Sarsfield Road junction. With the removal of the COVID restrictions of the last two years, it can be expected that this issue will resurface in the coming months particularly in the Autumn as people return to workplaces etc. Any potential increase in service provider traffic movements over those arising from private residential development in *Sarsfield Heights* may add to the issue.

In the event of an application for use as supported housing, the impact of such traffic issues in terms of risk hazards and providing timely access to support the special needs of potential residents would have been considered by the Planning Authority as well the effect of parking in *Sarsfield Heights* during such events as well as the issues of egress for Residents wishing to exit *Sarsfield Heights* during such events.

It was extremely disappointing in previous applications for *Sarsfield Heights* that the submissions on traffic by the public, both commercial and residential users in the area, were not recognised (See Section 4.4 Appendix 4 Unresolved Traffic & Access Issues with Eagle Valley Road)

The Developer's applications and responses throughout the development of *Sarsfield Heights* have relied on an April 2017 Traffic & Transport Assessment (TTA) Report. The Baseline was a single day, Thursday 2/3/2017, for a morning peak of 8:00 – 9:00 and an evening peak of 17:00 - 18:00. There was no reference in the TTA to Funeral or Church Event traffic which is a regular occurrence. The Developer's also relied on a statement by the An Bord Pleanála Inspector in their response:

The entrance to the site has been approved and addressed in the original application 17/4877 (ABP Ref. PL.04.249194). In this context, we would like the Planning Authority to note the Inspectors comments in relation to traffic, "the proposed development would not result in a significant traffic hazard for existing residents in the area, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider Eagle Valley area and the carrying capacity of either the Eagle Valley Road or Sarsfield Road by reason of the additional traffic resulting from the proposed development "

The Inspector's Report notes that the Inspector undertook a visit to the site on Tuesday 24th October, 2017 but did not say the time of day or whether any event was in progress at the Funeral Home or Church which was the main focus of the Appellants. The Appellants were not appraised of the Developer's response which relied on the April 2017 TTA and were afforded no opportunity to further comment.





In the subsequent 18/5/2018 Planning Application #185275, the Access & Traffic Impact section of the McCutcheon & Halley 2018 Planning & Design Statement states that "Considering the reduction in proposed units and following a discussion with the Traffic & Transport Section of Cork County Council, it was agreed that revising the TTA would be unnecessary. Two Third Party Submissions were submitted by O'Connor Funeral Homes and Eagle Valley Association of Residents and Home Owners, with specific concerns detailed on the Traffic and Parking Issues. In the Engineering Report, Further Information 29/8/2018, Martin McCormick recommended refusal as the Applicants hadn't addressed the issue of event traffic access to the Eagle Valley Road. On 5/9/2018, Cork City Council's Senior Executive Planners Report, Greg Simpson, over ruled the Area Engineer's recommendation to refuse permission on the basis of the An Bord Pleanála Inspector's opinion.

As a result, no new Traffic & Transport Assessment (TTA) Report was undertaken to assess the impact of such events nor has any been undertaken to assess the impact of support service traffic to *Sarsfield Heights*.

2. The Opportunity to address Home Ownership Needs in the Area is Lost

The proposed use of the *Sarsfield Heights* development takes no account of the housing needs, nature and composition of the immediately surrounding neighbourhoods which are predominantly rental or an older population in owner occupied homes. According to the Small Area Census Data (2016), over 64% of households are rental occupants in the greater Sarsfield Road neighbourhood around Sarsfield Heights. Here in Eagle Valley, over 73% of the 301 houses are rented (*Section 4.5 Appendix 5 Census 2016 Small Area Data on Sarsfield Road Area*)

Many people in the area, particularly long-term tenant families and would be first time buyers, are renting here in Eagle Valley and desperately seeking homes. We have many long-term rental households in the greater Sarsfield Road area whose families are going to school and embedded in the local community. We have numerous instances of private Landlords putting houses up for sale and tenant families desperate to try and rent/buy another house in the area to maintain stability for their children.

Sarsfield Heights represented the first new development opportunity in the area in many years for people with roots in the greater Bishopstown, Wilton, and Doughcloyne and Togher areas. They report calling the Developer's, O'Brien and O'Flynn, over the last 3 years since construction commenced, enquiring about when the *Sarsfield Heights* houses will be available for sale. The Receptionist's response was to take their details to put on a waiting list for when the houses are advertised for sale.

The proposed use of the Sarsfield Heights development as exclusively for social housing works against the principle of Home Ownership and choice. It is taking away the opportunity for Downsizers and long term Renters in the area, the majority of whom are First Time Buyers. Many have been approved under the affordable housing schemes. They are severely challenged in achieving ownership and the associated security in a market of rapidly rising prices. The potential opportunity to buy a house in *Sarsfield Heights* and secure their home is now gone for them.

The feeling amongst our community is that Cork City Council, as the paying long-term client, is bypassing the planning and public consultation process to meet its housing targets and enabling the Approved Housing Body to finance the purchase of houses en bloc for rent to one class of user. The impact is effectively driving up market prices rather than ensuring that an adequate choice and supply of housing, including affordable housing, is available for the common public good. Approved Housing Bodies are corporate bodies and effectively acting with the same impact on the market as the commercial institutional investors or Vulture fund investors in bulk buying houses en bloc.

3. The Opportunity to meet the Area Need for more Owner Occupiers is Lost

The opportunity to strengthen and balance the community in the greater Sarsfield Road neighbourhood with the acknowledged stability that a higher proportion of Owner Occupiers would offer to the Community is significantly undermined by the proposed use of Sarsfield Heights.

According to the Small Area Census Data (2016), over 64% of households are rental occupants in the greater Sarsfield Road neighbourhood around Sarsfield Heights. Here in Eagle Valley, over 73% of the 301 houses are rented (*Section 4.5 Appendix 5 Census 2016 Small Area Data on Sarsfield Road Area*)

Landlords acknowledge the reliance on Owner Occupiers for proactive maintenance and improvement of Eagle Valley. Rental Tenants predominantly do not have the same stakeholder interest in the community as Owner Occupiers who have a significant financial investment in their property and the neighbouring community.

The nature of Housing Association Tenure is 100% Rental. Indeed, unlike the typical tenure terms of Housing Association Tenants, Local Authority Tenants have a right under their tenure to purchase. Here in Eagle Valley,





Cork City Council owns 11 of the 301 Eagle Valley houses (as well as 2 leaseholds) and their tenants will eventually have the opportunity to purchase the properties.

4. The Potential Impact of Increased Crime and Anti Social Behaviour

Existing residents in the area, tenants and owner occupiers, are very concerned at the potential increase in incidences of crime and anti-social behaviour that an over-concentration of social housing in *Sarsfield Heights* may present. *"Crime and anti-social behaviour are more closely linked with social housing than with other tenures. Some social housing estates are often seen as 'no go' areas due the prevalence or perceived incidence of crime and criminal activity, which may receive considerable media attention"* *Rebuilding the Irish Neighbourhood, 2018, Cork City Council*).

Resident's concerns are based on their very real experiences. Many of the Estates in the Sarsfield Road Area are mixed tenure in nature where Cork City Council has bought individual houses in a "pepper potting" fashion for social housing over the years. While predominantly successful, there have been sustained periods of crime and anti-social behaviour associated with a few of the Social Housing Units that have placed a considerable burden of fear and nuisance on the neighbouring households. Residents experienced a very poor response from the authorities and a considerable onus was placed on neighbours to get the issues addressed.

The multiplier risk factor that the proposed concentration of social housing in Sarsfield Heights represents is consequently extremely alarming for existing residents – both owner occupiers, renters and social housing tenants.

5. The Loss of Tenure Mixing solutions and Risk of Social Segregation and Stigmatisation of future Sarsfield Heights Tenants

The proposed use of *Sarsfield Heights* for Social Housing represents a major change that is antithetical to the objectives of the Government's Mixed Tenure policy by reverting to the mono tenure Social Housing estate with the associated stigmatisation and historical experience in the concentration of social problems associated with local authority estates. Indeed, the study *'Social Housing in Mixed Tenure Communities'*, 31st March 2022, from the Irish Council for Social Housing and the Housing Agency says that large concentrations of low income households have been found to result to a number of effects including higher unemployment, stigmatised neighbourhood reputations and extra pressure on social services. The emphasis now is supposed to be on *"mixed tenure"* projects with homes divided between social housing for local authority tenants, affordable housing for people on low incomes and private housing, all in one development (See *Rebuilding The Irish Neighbourhood 2018, The Housing Agency*

<https://www.housingagency.ie/sites/default/files/News%20and%20Events/Rebuilding-the-Irish-Neighbourhood.pdf>).

Just before the launch of *Rebuilding Ireland*, then Minister for Housing Simon Coveney told Pat Kenny that *"Building new social housing estates is not the answer to solving the current homeless crisis"*. This was because concentrated areas of social housing *"create areas of deprivation and disadvantage"*. Coveney committed not to make "the same mistake" but instead to create *"integrated communities"* to encourage social mobility (From *"Are we right to fear the 'ghetto'?"*, <https://www.focusireland.ie/fear-ghetto/>)



2.2.1. Public Consultation Process

S.I. No. 600/2001 - Planning and Development Regulations, 2001, PART 8 lays out the requirements in respect of Specified Development **By, on Behalf of, or in Partnership with Local Authorities** where the construction or erection of a house is a prescribed class of development. Respond is undertaking this development in partnership with Cork City Council.

It is the Association's submission that if a planning application for the proposed use of the development as Social Housing, the Planning Authority would take into account materially different planning matters, including the contribution of citizens, and the public consultation process known as Part 8 would be employed and the public would have an opportunity to make submissions or observations. The benefits of the Part 8 process is that the Council is seen to be open and transparent in its business and the public are given the opportunity to voice their opinions

The Association points to a recent 2021 Part 8 Application Process for a development of 67 social housing units in Bishopstown which neighbours Sarsfield Road. The public consultation process received over 900 submissions on planning considerations. The development was consequently reduced to 64 units and these units were redesignated to a mix of social housing, private affordable housing, and both social and private downsizing housing – with 35 Units now designated as Affordable Housing. In addition, the Council also took on board the public's concerns on road traffic and stated that the operations directorate intend to review the existing urban freight study in 2021 with a view to possibly excluding HGV's from using the road.

Indeed there is a notable absence of transparency and information on the proposed use of the units by Respond, the number of tenants likely to occupy each unit and the likely duration of their occupancy, the likely level of support services required by each tenant and the overall level of engagement required for each unit (i.e. frequency of visits, times of visits, duration of visits etc), and whether any works were necessitated to facilitate their use as support housing. As a stakeholder and partner in the *Sarsfield Heights* development, Cork City Council has a conflict of interest in making this declaration.

Finally, in the case of RL3502: Metro Apartments, Santry Cross/Ballymun Road, Dublin 9 (<https://www.Pleanála.ie/en-ie/case/RL3502>), the Inspector noted:

"It may well be that the particular circumstances of the site and the surrounding area mean that a change of use ... would not injure the amenities of the area or unduly restrict the supply of housing so that the proposal was actually in keeping with the proper planning and sustainable development of the area. Or it might not be. These are planning matters which would need to be considered by the planning authority in the course of an application for permission upon which the public would have the opportunity to comment. Once it has been determined that such questions could reasonably be held to arise, it would be inappropriate to try and determine them in the course of a section 5 application which does not provide for any public consultation or the imposition by condition of any detailed or technical requirements that might be necessitated by the change of use."

2.3. Is Not Exempted Development

With respect to the Planning and Development Act, 2000 as amended (Sections 2, 3 and 4) and the Planning and Development Regulations 2001 as amended (Articles 5, 6, 9 and 10 and Schedule 2), it is submitted that there is no exemption provided for the proposed development which may allow for the change of use of multiple dwellings to a supported housing scheme.

Class 9 Use specifically excludes the use of a House from exemption "or the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose)"

The exemption set out in Class 14(f) of Schedule 2 Part 1 does not apply to *Sarsfield Heights* as it specifically refers to "a house" rather than "houses", a scheme of houses/dwellings. Further It is a specific exemption for persons with an intellectual or physical disability. It is not a general exemption for persons requiring personal care, including help with social needs. As *Sarsfield Heights* has at least 65 properties and shared services and support will be provided to all residents within these properties, an exemption cannot apply due to the established concept of the intensification of a use as summarised in *Butler V Dublin Corporation* "that a particular use could be so altered in character by the volume of activities or operations being carried on that the original use must be regarded as having been materially changed"





3. Extracts from Planning Documents relating to Use and Tenure

All three planning applications presented the *Sarsfield Heights* development as a mixed tenure development, combining social housing, affordable housing and residential units for sale to individual purchasers.

3.1. Parent Planning Permission #174877 References Cork County Council

3.1.1. #174877 Application Completed Form 11th April 2017

(1) Question 9 clearly describes the development as Residential

9. Description of Proposed Development:

The construction of 73 no. residential units and all associated ancillary development works including access roads, parking, footpaths, landscaping, drainage and amenity areas. Access to the proposed development will be via the existing entrance and access on to the Eagle Valley Road.

(2) Question 10 confirms that the proposed development is not a 'Strategic Infrastructure Development' as defined in the Planning and Development Acts 2000-2010?

10. Are you satisfied that the proposed development does not constitute a 'Strategic Infrastructure Development' as defined in the Planning and Development Acts 2000-2010? (Please tick)

YES

(3) Question 17 selects the intention to sell the houses as distinct from other options to let the houses long-term or short-term

17. If Permission is granted do you intend to: Please tick as appropriate:

Sell the house/site	<input checked="" type="checkbox"/>
Use the house as your permanent house for year round occupation	<input type="checkbox"/>
Let the house long-term	<input type="checkbox"/>
Let the house short-term	<input type="checkbox"/>
Use as a second home/holiday home	<input type="checkbox"/>
Other: (Please state intended use)	<input type="checkbox"/>

Note: If the use is for Short Term/Holiday Letting, this must be stated in the Press Notice and Site Notice

(4) Question 18 affirms that the application is for a residential development with a breakdown of the residential mix

18. In the case of a residential development please provide the breakdown of the residential mix: You are advised that applications for residential developments should be accompanied by a design statement in order to facilitate the proper evaluation of the proposal relative to key objectives of the Development Plan with regard to the creation of sustainable residential communities.

Number of:	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses			51		8		59
Apartments		14					14
Number of car parking spaces to be provided	Existing: 0	Proposed: 148		139			Total: 139

(5) Question 21 affirms Social & Affordable Housing element where Part V of the Planning & Development Act 2020 applies with the Part V Costs & Methodology attached to the completed application form.

21. Social and Affordable Housing:

Please tick appropriate box

	Yes	No
Is the application an application for permission for development to which Part V of the Planning and Development Act 2020 applies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>If the answer to the above question is 'yes' and the development is not exempt (see below) you must provide, as part of your submission, details as to how you propose to comply with section 95 of Part V of the Act including, for example:</p> <p>(i) Details of such part or parts of the land which is subject to the application for permission as is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing; and</p> <p>(ii) Details of the criteria, tests and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development costs as required to comply with the provisions of Part V of the Act</p> <p>If the answer to the above question is 'yes' but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2020, please submit a copy of the Certificate of Exemption under section 97 for, where an application has been made but has not yet been decided, please submit a copy of the application.</p> <p>If the answer to the above question is 'no' by virtue of section 95 (14) of the Planning and Development Act 2020, please submit details indicating the basis on which section 95 (14) is considered to apply to the development.</p>		



- (6) **Application Form Attachment: Part V Costs & Methodology calculations** under Cork County Council Planning Register Reference 174877. Marketing Costs for the future sale of a House in the Development are included based on the report prepared on behalf of the Irish Home Builders Association in July 2014 by Walsh & Associates **in the context of selling to individual house buyers** "When selling houses fees are required for sales agents and solicitors. A show house is constructed to assist sales in conjunction with marketing and advertising campaign." <http://www.walsh-associates.ie/wordpress/wp-content/uploads/2014/06/Report-On-Construction-Cost-of-3-Bedroomed-Semi-Detached-House-31-May-2012.pdf>

Sarsfield Road Part V Costs Methodology
March 2017

House Cost Summary - House Type C2

	sq m/ ha
House Cost Summaries	
Unit Size	90
No. of Units	4
Total No. of Units on site	73
Total Site Area	2.5
Assumed Costs	
Construction Cost (per sq m) [1]	1,175
Site Works & Indirect Site Cost (per sq m) [2]	528.75
Existing Use Value of land (per ha) [3]	49,400
	€
Construction Costs (excluding Construction Profit)	
Estimated Construction Cost per unit	105,750
Estimated External Works; Site Works & Indirect Site Costs per unit	47,588
Sub Total	153,338
Attributable Development Costs @ 22.5% of House Construction Costs [4]	23,794
Design Team Fees	
Legal & Estate Agents Fees	
Marketing Costs	
Assigned Certifier - Building control	
Other Costs (specify)	
Sub-total ex-VAT	177,131
Profit on construction costs, but not attributable development costs @15%	23,001
House (ex VAT)	200,132
VAT@ 13.5%	27,018
Total Cost (inc VAT) but excluding Development Contributions / Local Authority Bonds [5]	227,150
Average site Existing Use Value per unit (EUUV) [6] Site Area / Total Units	1,692
VAT on Land @13.5%	228
Overall House Cost, with VAT & EUUV of Land	229,070

[1] This is based on cost range of Brice Shaw Average Irish Construction Costs 2015. Cost range for estate house (average 100sq m) is €1,050 to €1,300 per sq m. Cost range for apartments is €1,300 to €1,950 sq m.

[2] Based on an assumption of 45% of house construction unit costs. Informed by report prepared on behalf of the Irish Home Builders Association, July 2014, prepared by Walsh Associates including External Works, Site Development Works and Indirect Site Costs (scaffolding, site security etc. & building contingency of c. 3.5% for unforeseen items)

[3] Based on assumption of €20k per acre / €49,400 per ha for agricultural land, or submitted existing use value for brownfield land

[4] Based on an assumption of 22.5% of construction unit costs. Informed by report prepared on behalf of the Irish Home Builders Association, July 2014, prepared by Walsh Associates. (Includes: Marketing Costs, Legal & Sale Fees, Site & Building Finance costs, and Assigned Certifier Bldg Control Regs. Excludes: Financial Contributions, LA Bonds & Part V Contribution)

[5] Development Contributions & LA Bond will be as levied by the Planning Authority, plus VAT

[6] To be informed by site specific information - example based on Agricultural Land Value



3.1.2. #174877 Application Design Statement, Statement of Housing Mix, Mixed Tenure,
11th April 2017

Figure 1 extracts the Statement of Housing Mix from the 2017 McCutcheon & Halley Planning & Design Statement from Planning Application #170487. It is quite clear in its design description including its **mixed tenure nature** in catering for mixed communities with a range of house types **and tenures** and **saleability** to meet different housing needs in the local market and to appeal to **a broad range of purchasers**, providing affordable homes for both individuals and families alike.

Figure 1 11th April 2017 McCutcheon & Halley Planning & Design Statement from Planning Application #174877

Statement of Housing Mix

New homes need to meet the aspirations of a range of people with different requirements. Households nationally and in Cork are getting smaller and there is a need for units appropriate to the size of households. To meet the changing needs and sizes of households, it is imperative that the market ensures the development of a greater mix of house type and an increase in the delivery of smaller units in tandem with larger family homes. The housing density and grain of the proposed development responds to market demands by supplying a mix of house types and sizes for households of different needs.

Policy objective HOU 3-3: Housing Mix of the Cork County Development Plan aims to improve the range and choice of available housing throughout County Cork by ensuring developers secure a mix of house types and sizes to meet the needs of the likely future population. In response to this, the proposed mix of house types has been influenced by a range of factors including:

- The desirability of providing for mixed communities and a range of house types and tenures;
- The nature of existing stock in the area.

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Planning and Design Statement

affordable homes for both individuals and families alike. Details of the proposed housing mix are given in Table 1 below

The various housing types add to the choice available in the area ensuring the provision of homes that will meet the needs of the future residents of the South Environs. The close proximity to Wilton District Centre will also ensure that the future residents will benefit from the shops facilities and services already available in the area promoting a synergy between the retail hub and the development.

Dwelling Type	No. of Units	Dwelling Form	No. of Beds	Size (sqm)
	4	2 Storey Semi-Detached	4	136.9
	2			138.7
	2			140.3
	8	2 Storey Semi-Detached	3	115.7
	12	2 Storey Townhouse	3	106.6
	4			90.0
	13			90.0
	8	2 Storey Duplex	3	103
	4			103
	1			103
	1			103
	8	Ground Floor Apartment	2	80
	4			80
	1			80
	1			83.3
	73			

Table 1: Proposed Housing Mix

Residential Development - Sarsfield Road, Wilton | April 2017 | 14

- The existing social mix in the area and the need to cater for groups such as the elderly and disabled, and;
- The saleability of different types of housing having regard to the local housing market.

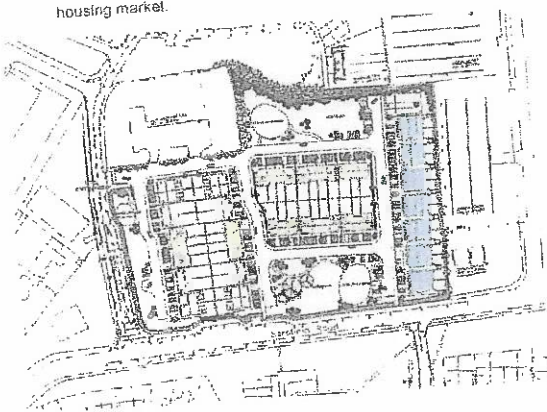


Figure 12: The proposed layout consists of a range of different house types and sizes that will appeal to a broad range of purchasers.

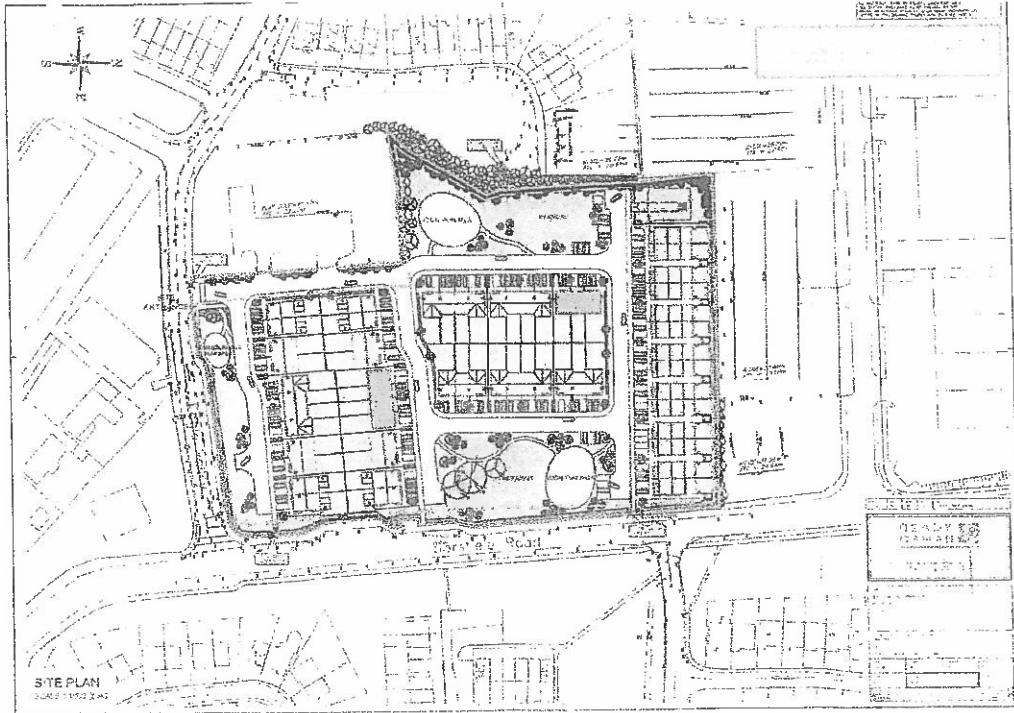
The proposed layout of 73 no. dwelling units will consist of a range of different house types and sizes that will appeal to a broad range of purchasers. The proposed house types provide a mix of style, size and type of housing, and consists specifically of 8 no. 4-bed semi-detached dwellings, 8 no. 3-bed semi-detached dwellings, 29 no. 3-bed townhouses, 14 no. 3-bed duplexes, and 14 no. 2-bed apartments. Ranging in size from 80 sqm apartments to 140.3 sqm semi-detached dwellings, the housing mix will focus on providing





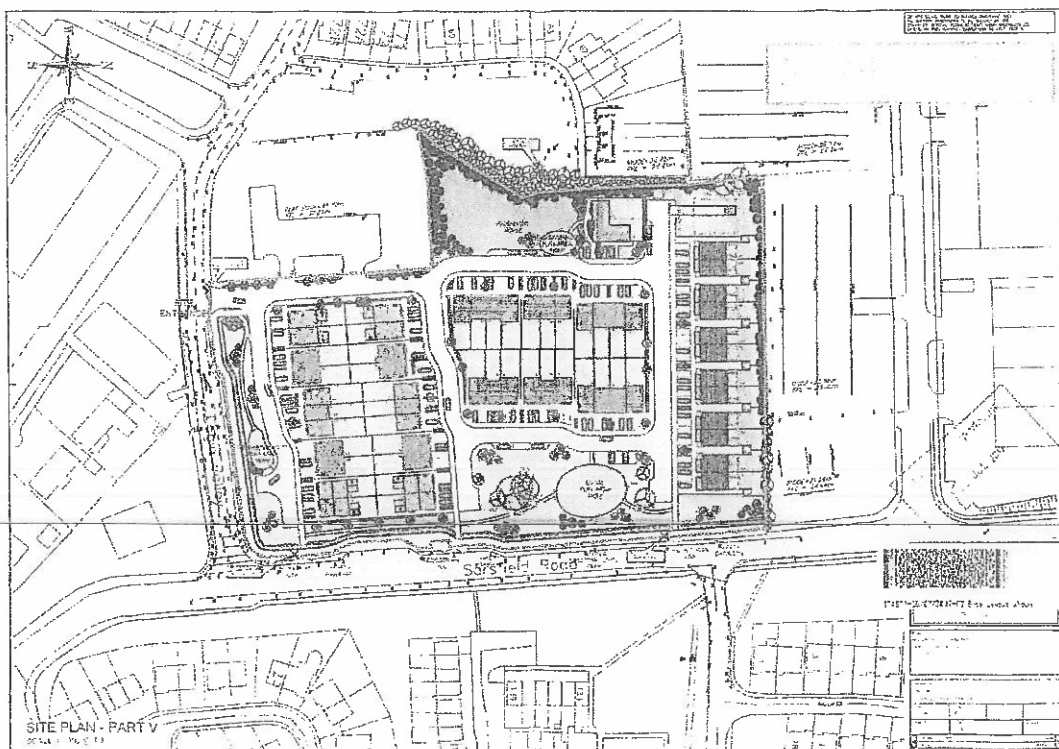
3.1.3. #174877 Application Map showing the proposed location of 7 Part V Units

The 11/4/2017 Application was accompanied with a Map showing in Magenta the proposed location of 7 No. 90 SQM – 968 SQFT (3 Bed) Townhouses allocated for Part V.



3.1.4. #174877 Applicants Further Information Response, 18th July 2017, identifying location of 6 x Part V Units

In response to the Planning Departments 2/6/2017 request for further information, a map was submitted on 18/7/2017 of the proposed location of 6 No. 90 SQM – 968 SQFT (3 Bed) Townhouses allocated for Part V is highlighted in magenta, pepper potted through the Estate as per *Guidelines for Sustainable Communities*





3.1.5. 27/7/2017 Cork County Council Housing Officer's Report on Part V Proposals

On 27/7/2017, Cork County Council's Housing Officer, Keith Jones, reported that his concerns in his recommendation of deferral (16/5/2017) on the location and need to pepper pot the units to keep with the Guidelines for Sustainable Communities had been addressed with the FI Response and he had no objection to planning being granted.

3.1.6. 10/8/2017 Grant of Planning Permission & Condition 1

On 10/8/2017, a Grant of Planning Permission for 67 Units in accordance with plans and particulars lodged by the applicant on 11/04/2017 and 18/07/2017 and subject to the conditions (51 no.) set out in the Second Schedule attached hereto.

Condition 1: *"The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the documents/drawings received by the Planning Authority on the 18/07/2017 except as may otherwise be required in order to comply with the conditions herein. Reason: In the interests of clarity."*

3.1.7. 2/2/2018 An Bord Pleanála Appeal PL 04.249194 Condition 1

Following the appeal to An Bord Pleanála and its Order PL 04.249194 2/2/2018, **Condition 1** was attached

Condition 1 *"The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 18th day of July, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity."*



3.2. Planning Permission #185275 Cork County Council

3.2.1. #185275 Application Completed Form 18th May 2018

1. **Question 9** clearly describes the development as Residential

The construction of 27 no. residential units comprising 12 no. additional apartments, 12 no. additional duplex apartments and change of design to 3 no. previously permitted townhouses and all associated ancillary development works including access roads, parking, footpaths, landscaping, 2 no. bin stores, drainage and amenity areas. Access to the proposed development will be via the existing entrance and access on to the Eagle Valley Road. The proposed development will include modifications and partial change of layout to residential development permitted under An Bord Pleanála Reg. PL04.249194 and Cork County Council Reg. 17/4877.

2. **Question 10** confirms that the proposed development is not a 'Strategic Infrastructure Development' as defined in the Planning and Development Acts 2000-2010?

10. Are you satisfied that the proposed development does not constitute a 'Strategic Infrastructure Development' as defined in the Planning and Development Acts 2000-2010? (Please tick)

YES

18 MAY 2018

3. **Question 17** selects the intention to sell the houses as distinct from other options to let the houses long-term or short-term

17. If Permission is granted do you intend to: Please tick as appropriate:

Sell the house/site	<input checked="" type="checkbox"/>
Use the house as your permanent house for year round occupation	<input type="checkbox"/>
Let the house long-term	<input type="checkbox"/>
Let the house short-term	<input type="checkbox"/>
Use as a second home/holiday home	<input type="checkbox"/>
Other: (Please state intended use)	<input type="checkbox"/>

Note: If the use is for Short Term/Holiday Letting, this must be stated in the Press Notice and Site Notice

4. **Question 18** affirms that the application is for a residential development with a breakdown of the residential mix

18. In the case of a residential development please provide the breakdown of the residential mix: You are advised that applications for residential developments should be accompanied by a design statement in order to facilitate the proper evaluation of the proposal relative to key objectives of the Development Plan with regard to the creation of sustainable residential communities.

Number of:	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
Houses				3			3
Apartments			12	12			24
Number of car parking spaces to be provided	Existing: 0		Proposed: 51			Total: 51	

5. **Question 21** affirms Social & Affordable Housing element where Part V of the Planning & Development Act 2020 applies with the Part V Costs & Methodology attached to the completed application form.

21. Social and Affordable Housing:

Please tick appropriate box	Yes	No
Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>If the answer to the above question is "yes" and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 95 of Part V of the Act including, for example,</p> <p>(i) Details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and</p> <p>(ii) Details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act.</p>	Please refer to the submitted planning report & Part V Costs & Methodology	
<p>If the answer to the above question is "yes" but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000, please submit a copy of the Certificate of Exemption under section 97 (or, where an application has been made but has not yet been decided, please submit a copy of the application).</p>		
<p>If the answer to the above question is "no" by virtue of section 96 (14) of the Planning and Development Act 2000, please submit details indicating the basis on which section 96 (14) is considered to apply to the development.</p>		





6. **Application Form Attachment: Part V Costs & Methodology calculations** under Cork County Council Planning Register Reference #185275. Marketing Costs for the future sale of a House in the Development are included based on the report prepared on behalf of the Irish Home Builders Association in July 2014 by Walsh & Associates in the context of selling to individual house buyers. "When selling houses fees are required for sales agents and solicitors. A show house is constructed to assist sales in conjunction with marketing and advertising campaign." <http://www.walsh-associates.ie/wordpress/wp-content/uploads/2014/06/Report-On-Construction-Cost-of-3-Bedroomed-Semi-Detached-House-31-May-2012.pdf>

Part V Costs Methodology
15th May 2018

Sarsfield Road House Cost Summaries - House Type C2

	sq m/ ha
House Cost Summaries	
Unit Size	90
No. of Units	2
Total No. of Units on site	65
Total Site Area	
Assumed Costs	
Construction Cost (per sq m) [1]	1,100
Site Works & Indirect Site Cost (per sq m) [2]	456.50
Existing Use Value of land (per ha) [3]	49,400
	€
Construction Costs (excluding Construction Profit)	
Estimated Construction Cost per unit	99,000
Estimated External Works, Site Works & Indirect Site Costs per unit	41,085
Sub Total	140,085
Attributable Development Costs @ 25.5% of House Construction Costs [4]	25,245
Design Team Fees	
Legal & Estate Agents Fees	
Marketing Costs	
Assigned Certifier - Building control	
Other Costs (specify)	
Sub-total ex-VAT	165,330
Profit on construction costs, but not attributable development costs @15%	21,013
House (ex VAT)	186,343
VAT@ 13.5%	25,156
Total Cost (inc. VAT) but excluding Development Contributions / Local Authority Bonds [5]	211,499
Average site Existing Use Value per unit (EUUV) [6] Site Area / Total Units	0
VAT on Land @13.5%	0
Overall House Cost, with VAT & EUV of Land	211,499

[1] This is based on cost range of Bruce Shaw Average Irish Construction Costs 2016. Cost range for estate house (average 100sq m) is €1,100 to €1,400 per sq m; Cost range for apartments is €1,600 to €2,100 sq m.

[2] Based on an assumption of 41.5% of house construction unit costs. Informed by report prepared on behalf of the Irish Home Builders Association May 2012, prepared by Walsh Associates, including External Works, Site Development Works and Indirect Site Costs (scaffolding, site security etc. & building contingency of c 3.8% for unforeseen items)

[3] Based on assumption of €20k per acre / €49,400 per ha for agricultural land, or submitted existing use value for brownfield land

[4] Based on an assumption of 25.5% of construction unit costs. Informed by report prepared on behalf of the Irish Home Builders Association May 2012, prepared by Walsh Associates. (Includes: Marketing Costs; Legal & Sale fees; Site & Building Finance costs; Also includes additional allowance for Assigned Certifier Bldg Control Regs. Excludes: Financial Contributions, LA Bonds & Part V Contributions)

[5] Development Contributions & LA Bond will be as levied by the Planning Authority, plus VAT.

[6] To be informed by site specific information - example based on Agricultural Land Value





3.2.1. #185275 Application Design Statement, 18th May 2018

- (1) The Design Statement emphasises its full regard in its Design Approach to support Sustainable Residential Communities i.e. promoting social integration and provide for a diverse range of household types, age groups and **mix of housing tenures.**

5 Design Approach

Introduction

This section has been prepared by McCutcheon Halley in conjunction with Deady Gahan Architects and the landscape team. It has been prepared in accordance with the requirements of Objective HOU 3-2 (c) of the Cork County Development Plan 2014 which specifies that it is an objective of the Council to:

'Require the submission of design statements with all applications for residential development in order to facilitate the proper evaluation of the proposal relative to the key objectives of the Development Plan with regard to the creation of sustainable residential communities.'

The Design Statement has full regard to advice provided in Objective HOU 3-2 and the relevant supporting text of the Cork County Development Plan 2014 in relation to the content and detail of the required Design Statement and also to the *Urban Design Manual – A best practice guide*, the *Planning Guidelines on Sustainable Residential Development in Urban Areas* and *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018*. Regard has also been given to Cork County Council's *Design Guide for Residential Estate Development 2011*, which supplements these governmental guidance documents and gives additional practical guidance on how the policies on Developing Sustainable Residential

Planning and Design Statement

Communities in section 3.3 of the County Development Plan can be realised to achieve the optimum layout and design for residential estates.

These documents require a description of the site context and the planning policy context, which has been covered in detail in Sections 2 and 3 of this report. This statement summarises the reasoning and design principles that have led to the proposed arrangement. It describes the site and its immediate and wider context, and the constraints imposed by the site conditions. It demonstrates how the design response addresses these to provide an appropriate, sustainable and site-specific response.

- (2) The Design Statement is specific as to the quantity and location of Part V Units

The 18/5/2018 McCutcheon & Halley Planning & Design Statement that accompanied the Application #185275 was specific as to the Part V units in terms of number – **6 no. units** consisting of Type 'C2', 'C3' and 'C4' houses – and their location in the Estate on site layout plan no. 16118-P-010.

Part V Proposal

Part V, s.96 of the Planning and Development Act 2000 (as amended) applies to this application. New provisions relating to Part V under the Urban Regeneration and Housing Act 2015 were formally enacted on 1st September 2015. As highlighted above the proposed planning application will result in an overall development of 65 no. residential units and the applicant proposes to meet the Part V obligations through the transfer of 6 no. units consisting of Type 'C2', 'C3' and 'C4' houses permitted in accordance with the 10% requirement. The location of units to be transferred are detailed on the site layout plan (refer to drawing no. 16118-P-010). As all the proposed units are located within the previously permitted scheme granted by An Bord Pleanála under ABP Ref PL.04.249194, the applicant can agree the provision of the Part V housing with the Planning Authority as part of the compliance submission of same.

A Part V Costs & Methodology Pro-forma accompanies this application. All identified construction costs are based on average estimates and additional costs may arise during detailed site investigation works or as a condition of planning.



(3) The Statement of Housing Mix proposed was stated as being influenced by a range of factors including the desirability of providing mixed communities and a range of house types **and tenures.**

Planning and Design Statement

Statement of Housing Mix

New homes need to meet the aspirations of a range of people with different requirements. Households nationally and in Cork are getting smaller and there is a need for units appropriate to the size of households. To meet the changing needs and sizes of households, it is imperative that the market ensures the development of a greater mix of house type and an increase in the delivery of smaller units in tandem with larger family homes. The housing density and grain of the proposed development responds to market demands by supplying a mix of house types and sizes for households of different needs

Policy objective HOU 3-3: Housing Mix of the Cork County Development Plan aims to improve the range and choice of available housing throughout County Cork by ensuring developers secure a mix of house types and sizes to meet the needs of the likely future population. In response to this, the proposed mix of house types has been influenced by a range of factors including:

- The desirability of providing for mixed communities and a range house types and tenures;
- The nature of existing stock in the area;
- The existing social mix in the area and the need to cater for groups such as the elderly and disabled, and;
- The saleability of different types of housing having regard to the local housing market

The proposed layout includes 27 no. units, which will result in a total of 65 no. units in the overall scheme, with a density of 26 dwellings per hectare. The proposed units specifically comprise 3 no. townhouses, 12 no. duplexes, and 12 no. apartments. Ranging in size from 79.6m² apartments to 108.3m² duplex apartments, the housing mix will focus on providing affordable homes for both individuals and families alike. Details of the proposed housing mix are given in Table 1 below.

HOUSE TYPE SCHEDULE			
HOUSE TYPE	NO. OF BEDS	AREA	NO. UNITS
C-1 TOWNHOUSE	3 BED	106.6 m ² (1147 sq ft)	2
C-2 TOWNHOUSE	3 BED	90 m ² (968 sq ft)	1
D-1 DUPLEX	3 BED	108.3 m ² (1164 sq ft)	6
D-2 DUPLEX	3 BED	108.3 m ² (1164 sq ft)	4
D-3 DUPLEX	3 BED	108.3 m ² (1164 sq ft)	1
D-5 DUPLEX	3 BED	108.3 m ² (1164 sq ft)	1
E-1 APARTMENT	2 BED	79.6 m ² (857 sq ft)	6
E-2 APARTMENT	3 BED	79.6 m ² (857 sq ft)	4
E-4 APARTMENT	2 BED	79.6 m ² (857 sq ft)	1
E-5 APARTMENT	3 BED	33.2 m ² (356 sq ft)	1
TOTAL NUMBER OF UNITS:			27

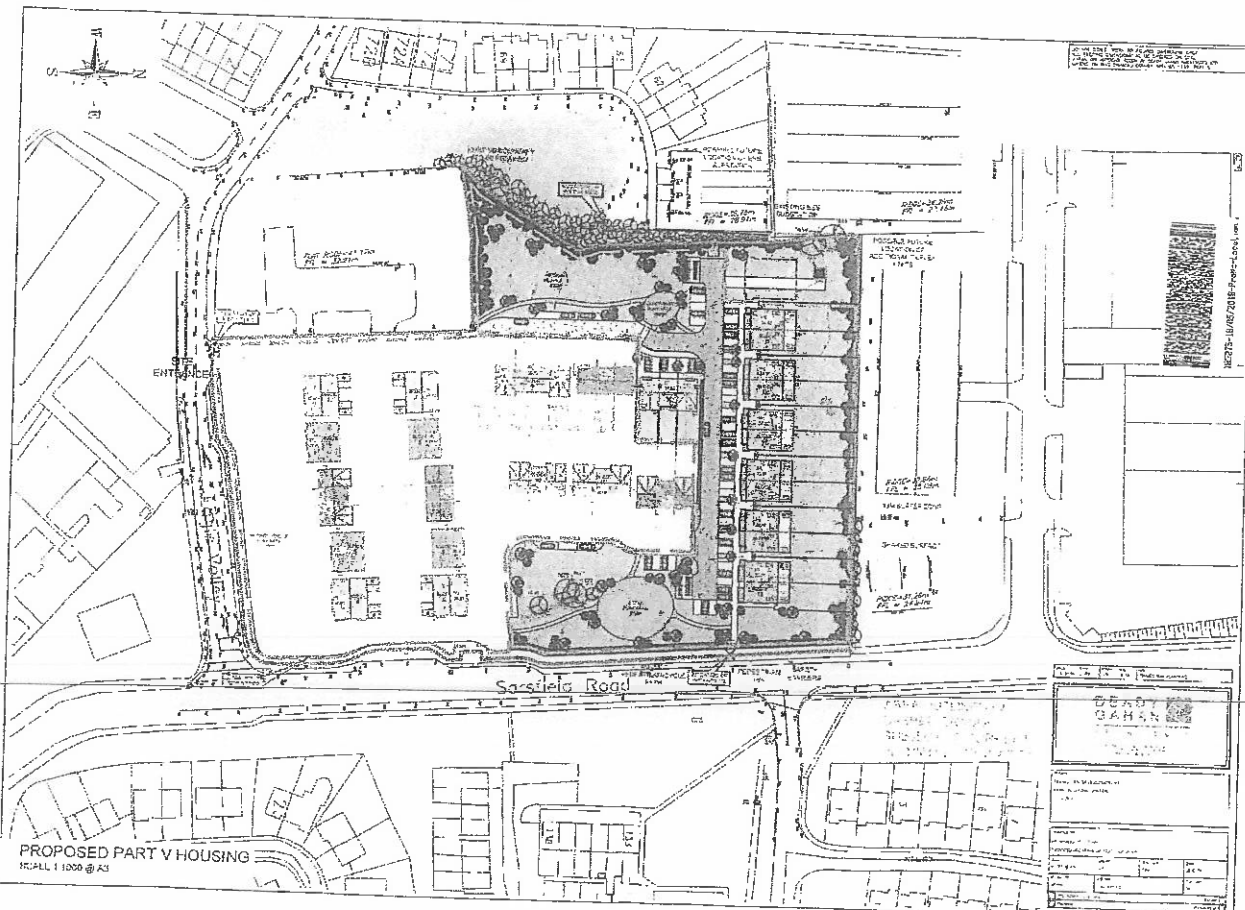
Table 1 - Proposed Housing Mix.

The overall development provides a mix of style, size and type of housing, arranged to provide a selection of units in varying configurations. The previously permitted semi-detached units are single fronted while the detached units are double fronted, all with wide gable ends. The layout of these mixed units will exploit views within the site and also provide passive surveillance over the streets and spaces. The proposed design will provide a pleasant environment for families to live and will include a play area where children can play.

The various housing types add to the choice available in the area ensuring the provision of homes that will meet the needs of the future residents of the South Environs. The close proximity to Wilton District Centre will also ensure that the future residents will benefit from the shops, facilities and services already available in the area promoting a synergy between the retail hub and the development.

3.2.1. #185275 Application Map of Proposed Part V Housing, 18th May 2018

Accompanying the #185275 Application was site layout plan no. 16118-P-010 illustrating in yellow the specific locations of the 6 proposed Part V Housing units.





3.2.1. 7/6/2018 Housing Strategy Officer's Report on Part V Proposals

On 7/6/2018, Barry Owens, Cork County Council, confirmed that the Application Part V proposal 18/5276 may be validated.

Part V Report - B. Owen

Conrad Daly

From: Barry Owens
Sent: 07 June 2018 09:30
To: Conrad Daly
Subject: RE: Part V proposal 18/5276

Hi Conrad

Planning Department, Cork County Council

Regards

Barry Owens MScS, IAPRICS
Chartered Quantity Surveyor & RICS Registered Valuer
Property Section
Telephone: 021 438 3484
Fax: 021 434 6254
An t-Éil: 096 408 1825



185276-07/06/2018-Part V Report

From: Conrad Daly
Sent: Wednesday, June 06, 2018 5:57 PM
To: Barry Owens
Subject: Part V proposal 18/5276

Hi Barry,

Is the attached proposal acceptable for Housing Strategy (Part V)?

Regards,

*Conrad Daly
Planning Department
Cork County Council*

3.2.2. 19/6/2018 Housing Engineers Report

On 19/6/2018, Keith Jones, Housing Engineer, Cork County Council, reported he was satisfied with the Part V proposal 18/5276.

Housing Engineers Report

Site Location: Doughcloyne, Togher

Date: 19/06/18

Assessment

The site is well located and is well suited for Social Housing. The Council has significant demand for housing in this area and would have a need for the two bed units proposed to be purchased under the developers Part V obligation.

The proposed site layout plan is cohesive and sustainable and the Units are laid out in such a manner that they are well distributed throughout the estate, which will help to foster a sense of community and integration. The units proposed for Social use are designed and laid out in accordance with the Guidelines on Quality housing for Sustainable Communities, whilst the floor areas proposed are in keeping with these guidelines. The units themselves are well laid out with separate living and dining areas, adequate utility & storage and reasonable sized garden and parking areas.

I am satisfied that these proposed units are suitable for social housing purposes and as such, I have no objection to planning being granted for this development.





3.2.3. 6/9/2018 Grant of Planning Permission & Condition 1

On 6/9/2018, a Grant of Planning Permission for 67 Units in accordance with plans and particulars lodged by the applicant on 18/5/2018 and 10/08/2018 and subject to the conditions (38 no.) set out in the Second Schedule attached hereto.

Condition 1: *"The proposed development shall comply with the terms and conditions of Planning Permission Reg. No. 17/4877 (Pl.04.249194) which governs the overall development of the lands of which the site forms part, save where amended by the terms and conditions herein. Reason: In the interests of clarity."*



3.3. Planning Permission #2140139 Cork City Council

3.3.1. #2140139 Application Completed Application Form 4th August 2021

In #2140139, the 4/8/2021 Completed Application Form for 4 Units No. 66-69 were identified as Family Homes and the permanent private residence of the Applicants, Finbar, Tony and Patricia O'Flynn, O'Brien O'Flynn Construction Unlimited, for the purposes of determining the level of Development Contribution payable. At the final grant of PA Ref 2140139 on 2/9/2021, Condition 9 was added relating to Part V requirements. However, unlike the previous grants, there were no planning documents in the public file relating the location and number of these units.

5. Name of Applicant:

(Address to be supplied at Question 1.1 at the front of the application form)

Name(s)	Finbar O'Flynn Tony O'Flynn Patricia O'Flynn
---------	--

6. Where Applicant is a Company (registered under the Companies Acts 1963 to 2017): (Address and Contact details to be supplied at question 1.4 at the front of the application form)

Name(s) of company director(s)	O'Brien O'Flynn Construction Unlimited
Company Registration No.	IE113117

Cork City Council

Comhairle Cathrach Chorcaí

SUPPLEMENTARY APPLICATION FORM

Please answer all questions fully

1. Is this application in respect of a redevelopment to the family home: Yes [] No []

N.B – The *family home* above must be your permanent private residence.
Your response will determine the level of Development Contribution payable.

2. If the response to *Question 1* is Yes and if the Applicant's address supplied at *Question 23* is not the location of the proposed development, please clarify why this is the case:

No.66 - 69,
Sarsfield Road,
Doughcloyne,
Wilton,
Cork.

3.3.1. #2140139 Application Planning Report 19/4/2021

In its 19/4/2021 Planning Report which accompanied the 4/8/2021 Application #2140139, the Applicant's Engineer O'Shea Leader Consulting Engineers, stated that Part V of the Planning Act 2000 (as amended) did not apply as it is providing 4 one bedroom units which is less than the 9 housing unit standard for Part V.

Development Standards

There is also a clear need for residential accommodation within the area to ensure economic growth within the cork city area.

Part V of the planning Act 2000 (as Amended) does not apply to this application as we are providing 4 No. one bedroom units less than nine housing units which means it does not form Part V.

With the housing and population growth there is need of expansion to cover the service needs of the community near and passing.





3.3.2. 2/9/2021 Grant of Planning Permission & Conditions

On 2/9/2021, a Grant of Planning Permission:

"for the construction of 4 no. residential units at Doughcloyne, Sarsfield Road, Wilton, Cork. To comprising 2 no. additional apartments, 2 no. additional duplex apartments and all associated ancillary development works including access roads, parking, footpaths, landscaping, 1 no. bin stores relocation of ESB substation and all ancillary site works. Access to the proposed development will be via the existing entrance and access on to the Eagle Valley Road. The development will include modifications and partial change of layout to residential development permitted under An Bord Pleanála Reg. PL04.249194 and Cork County Council Reg. 18/05275."

10 Conditions were attached including:

Condition 1: The development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on 28.04.202, and the Further Information plans and particulars submitted to the Planning Authority on 06.08.2021 except where otherwise required by the conditions in this schedule.

Condition 2: The proposed development shall comply with the terms and conditions of Planning Permission No. 17/4877 (PL04.249194) and 18/5275 which governs the overall development of the lands of which the site forms part, save where amended by the terms and conditions herein.





4. Appendices

4.1. Appendix 1 Sources of information on the scope of Social Housing at Sarsfield Heights



4.1.1. 4th May 2022 – Cllr. Thomas Moloney Facebook post re 22 Units in Sarsfield Heights under Cork City Council's CBL System

4th May Post re 22 Units in Sarsfield Heights, Wilton available on Cork City Council's Choice Based Letting System <https://www.facebook.com/Vote-No1-Thomas-Moloney-659942690720163>

- 4 x 4 Bed Semi-Detached House
- 18 x 3 Bed Terrace House
- Property Manager: Respond! Housing Association

Sarsfield Heights, Sarsfield Road, Wilton Cork. (4 properties)
Southside
4 bed Semi-detached House
Property Manager: Respond! Housing Association

Sarsfield Heights, Sarsfield Road, Wilton, Cork. (18 properties)
Southside
3 bed Terrace House
Property Manager: Respond! Housing Association



4.1.2. 5th October 2021 – Respond Housing tweets 65 new social homes at Sarsfield Road.

<https://twitter.com/RespondHousing/status/1445371224855547908>

twitter.com/RespondHousing/status/1445371224855547908



← Tweet

Explore

⚙ Settings



Respond Housing
@RespondHousing

It was raining down but there were smiles all around as we welcomed Minister [@DarraghOBrienID](#) to our site in Cork yesterday. Sarsfield Road will deliver 65 new social homes for people who need them in partnership with [@corkcitycouncil](#) [@HFA_Ireland](#) and [@DeptHousingIRL](#)



Declan Dunne and 2 others

1:52 PM · Oct 5, 2021 · Twitter Web App





4.2. Appendix 2 Planning Application History

1. 2017 August 8th – Cork County Council Planning Permission Decision Ref # 174877

- Cork County Council Planning Register Reference 174877 for 73 No. residential units by George Maloney Joint Statutory Receiver of O'Brien & O'Flynn Unlimited Company (In receivership and liquidation) which was granted by Cork County Council
- Cork County Council granted permission for 67 units.
 - <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/174877/0>
 - <http://planning.corkcity.ie/AppFileRefDetails/174877/0>
- Objections were received from
 - Eagle Valley Association of Residents & Home Owners
 - Mainline Place
 - South Coast Sales
 - Siobhan Lydon

2. 2018 February 2nd: An Bord Pleanála Appeal PL 04.249194

<https://www.Pleanála.ie/en-ie/case/249194> An Bord Pleanála downscaled the development to grant permission for 41 number units only for the site and permission was refused for 32 no. units following an appeal by Eagle Valley Association of Residents & Home Owners and other appellants.

- The Association took the appeal because of its concerns of the density of the housing units and no provision for alternative access to the main Sarsfield Road given the traffic issues with the funeral home. The Developers were relying on a Traffic Report which measured traffic on a single day and did not reflect the regular bottleneck issues associated with the Eagle Valley road
<https://www.Pleanála.ie/en-ie/case/249194>
- Appellants & Observations were received from
 - Eagle Valley Association of Residents & Home Owners
 - Cllr. Seamus McGrath
 - Mainline Group
 - Donnchadh O'Laoghaire, TD
 - Garrane Darra Management Company Ltd

3. 2018 September 9th: Cork County Council Planning Decision Ref # 185275

Cork County Council **granted Planning Permission for an additional 27 No. residential units** further to Planning Register Application 185275 by George Maloney Joint Statutory Receiver of O'Brien & O'Flynn Unlimited Company (In receivership and liquidation) which was granted by Cork County Council

- <http://planning.corkcoco.ie/ePlan/AppFileRefDetails/185275/0>
- <http://planning.corkcity.ie/AppFileRefDetails/185275/0>
- According to the Planners Primary Report 6/7/2018, Susan Hurley, Executive Planner, 24 new housing units were proposed and a change of use to 3 previous permitted units were included coming to the 27 total in the development description.

"It is noted that 41 units have been permitted and an additional 24 units are proposed which result in a total development of 65 units. The development description mentions 27 as it includes a change of design to 3 previous permitted units but these are not adding to the overall total. In terms of new housing units, the 12 apartments and 12 duplex apartments (24 in total) are proposed."

Planners Primary Report 6/7/2018, Susan Hurley, Executive Planner

Objections from

- O'Connor Funeral Homes



- Eagle Valley Association of Residents & Home Owners

4. 2021 September 2nd - Cork County Council Planning Decision Ref # 2140139

Cork City Council **granted permission for an additional 4 No. residential units** under Planning Register # 2140139 by O'Brien O'Flynn Construction Unlimited – 2 additional apartments and 2 additional duplex apartments

- <http://planning.corkcity.ie/AppFileRefDetails/2140139/0>

No objections

5. 2021 September 27th – Eagle Valley Association Leave to Appeal Request to An Bord Pleanála
 6. 27th October 2021 An Bord Pleanála's Refuses Leave to Appeal
 7. On 14th February 2022, Eagle Valley Association sought a Section 5 declaration from Cork City Council as to "Whether the use of development Sarsfield Heights PA Ref 174877/PL 04.249194, PA Ref 85275 & PA Ref 2140139/ABP-311519-21 for institutional purposes and as predominantly/exclusively Part 5, PDA, housing is or is not development or is or is not exempted development."
- 3rd April 2022 – Follow Up letter to Cork City Council as no reply received within the four week time period
 - 22nd April 2022 – Cork City Council Section 5 Declaration R705/22 Sarsfield Heights, Doughcloyne, Sarsfield Road, Cork

4.3. Appendix 3 About Respond Housing Association

Respond is Ireland's leading housing association. We seek to create a positive future for people by alleviating poverty and creating vibrant, socially integrated communities. We do this by providing access to education, childcare, community development programmes, housing and other supports.

Respond was established in 1982 and has built more than 5,500 homes nationwide. Respond has provided homes for traditional families, lone-parent families, older persons, the homeless and people with disabilities.

Respond aims to:

- Establish and maintain vibrant, socially integrated communities rather than simply providing just shelter or accommodation
- Advance education among residents of our estates
- Promote other charitable purposes beneficial to the community
- Prevent and relieve hardship and distress amongst those who are homeless and amongst those in need who are living in adverse housing conditions

Respond believes in providing housing for social investment rather than financial profit. Therefore, we provide housing for some of the most vulnerable groups in society including those who have lived for long periods in hostels, temporary and insecure accommodation.

From Respond Housing Association's About Us website page <https://www.respond.ie/about-us/>

Respond Support is a leading provider of local community services in Ireland. We seek to empower individuals, families and communities and to help create vibrant, social integrated and inclusive communities.

We do this by providing quality Day Care services for older people, Early Education, Childcare, Family Support and Resettlement services.

The objectives for Respond SUPPORT was established to:

Prevent and relieve hardship and distress amongst those who are homeless and amongst those in need who are living in adverse housing conditions for the benefit of the community as a whole.

Provide care, support and services for those in housing promoted or provided by voluntary housing associations and charitable bodies.

Advance education, to relieve poverty and to further other charitable purposes beneficial to the community and in furtherance of the foregoing objects where appropriate.

From Respond Support's About Us website page <https://respondsupport.ie/respond-support-clg-about-us/>



4.4. Appendix 4 Unresolved Traffic & Access Issues with Eagle Valley Road

4.4.1. 2017 Planning Application #1748777 Third Party Submissions

None of the Third Party submissions in relation to Access & Traffic appeared to have been addressed in the publicly available internal Cork County Council planning reports.

Third Party Submissions were made by commercial and residential interests in the area, all of which related to the Access & Traffic Issues on Eagle Valley Road related to the very heavy traffic at the junction when there are Funerals and events in the adjacent Church.

- (1) Eagle Valley Association of Residents & Home Owners
- (2) Mainline Place
- (3) Siobhan Lydon
- (4) South Coast

4.4.2. 2/2/2018 An Bord Pleanála Appeal

The Inspector's Report notes that the Inspector undertook a visit to the site on Tuesday 24th October, 2017 but did not say the time of day or whether any event was in progress at the Funeral Home or Church which was the main focus of the Appellants.

On 27/10/2017, the Respondents made a response to An Bord Pleanála's request for further information, relying on the April 2017 Traffic & Transport Assessment (TTA) Report from MHL & Associates, Consulting Engineers. The Baseline was a single day, Thursday 2/3/2017, for a morning peak of 8:00 – 9:00 and an evening peak of 17:00 - 18:00. **There was no reference in the TTA to Funeral or Church Event traffic which is a regular occurrence.**

The Appellants were not appraised of the Respondents response and were afforded no opportunity to further comment.

The Inspector's Report made no comment or specific evaluation of Funeral and Church traffic and access issues saying:

In terms of general roads and traffic issues, and acknowledging the third party submissions in this regard, I am satisfied, based on the information submitted to date, the details of the reports of the City Councils roads engineers, the requirements of the Design Manual for Urban Roads and Streets, the existing residential developments in the area and the potential impact of the proposed development and the traffic generated by same on the local road network, that the proposed development would not result in a significant traffic hazard for existing residents in the area, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider Eagle Valley area and the carrying capacity of either the Eagle Valley Road or Sarsfield Road by reason of the additional traffic resulting from the proposed development.

4.4.3. 2018 Planning Application #185275

4.4.3.1. 18/5/2018 Access & Traffic Impact in the Application Planning & Design Statement

In the 18/5/2018 Planning Application #185275, the Access & Traffic Impact section of the McCutcheon & Halley 2018 Planning & Design Statement states that "~~Considering the reduction in proposed units and following a discussion with the Traffic & Transport Section of Cork County Council, it was agreed that revising the TTA would be unnecessary.~~

4.4.3.2. 2018 June, Third Party Submissions

Two Third Party Submissions were submitted by O'Connor Funeral Homes and Eagle Valley Association of Residents and Home Owners, with specific concerns detailed on the Traffic and Parking Issues



- The proposed development will have a negative future impact on the existing, established businesses in the area
- Future residents are likely to complain or object to certain nonresidential activities in the long run and this particular proposal immediately adjoins light industrial uses in the Doughcloyne Industrial Estate,
- The proposed development will significantly increase the number of cars using the already very busy existing junction at Sarsfield Rd particularly at peak times and especially when there are removals at the adjacent Church,

4.4.3.3. 3/7/2018 Area Engineer Report

In his 3/7/2018 Area Engineer's Report, Martin McCormack's overall assessment was that further information on access was required:

1.1 External access

Traffic modelling as submitted with the previous application has been undertaken which indicates that the Eagle Valley/Sarsfield's Road Junction will operate within capacity with the proposed development in place. Since the last application was made, a number of concerns have been highlighted by the Residents of Eagle Valley and local businesses in relation to traffic generated by the Funeral Home at Funeral times. This blocks access to and from the estate. It is considered that the proposed development may increase this problem. Applicant shall review the site layout with a view to dealing with problems from Funeral Traffic. Applicants could investigate providing an additional direct access onto the Sarsfield's Road or the provision of additional Set Down within the development. Also restrictions on parking near the entrance should be addressed. Proposals shall include a Road Safety Audit.

Sightlines at the proposed access on to the Eagle Valley Road are adequate but could be impeded by funeral traffic.

A 4m wide pedestrian and cycle path along the perimeter boundary with the public road was provided for in the previous application.

It is proposed to provide pedestrian accesses onto Sarsfield's Road. All footpath accesses onto Sarsfield's road should allow for disabled access and have barriers to prevent children from running on to the public road.

4.4.3.4. 6/7/2018 Planners Report, Susan Hurley, Executive Planner and Further Information Request 9/7/2018

In the 6/7/2018 Planners Report, Susan Hurley, Executive Planner, noted the LAP requirement for a Traffic Impact Assessment and the need to address road and junction improvements in the vicinity.

8. Policy Context

The site is zoned SE-R-12 in the Ballincollig Carrigaline Municipal District Local Area Plan 2017. It has the following objective:

"Medium A density residential development. Any proposals for this site will include a detailed traffic impact assessment and will address the need for road and junction improvements in the vicinity."

Other policy objectives of the Cork County Development Plan 2014 apply.

The 6/7/2018 Planners Report concluded to defer permission subject to further information being received on a number of issues, including the Area Engineers recommendations on the Funeral Traffic. A Further Information Request to the Developers followed on 9/7/2018

Conclusion: Defer

1. (a) Review the site layout with a view to dealing with problems from Funeral Traffic and in this regard you asked to investigate the possibility of providing an additional direct access onto the Sarsfield's Road or the provision of additional Set Down within the development. Also restrictions on parking near the entrance should be addressed. Proposals shall include a Road Safety Audit.





4.4.3.5. 10/8/2018 McCutcheon Halley's Response to Request for Further Information

On 10/8/2018, MHL Consulting Engineers, for the Developers, made the following response to the Further Information Request:

As requested by the Planning Authority, MHL Consulting Engineers reviewed the site layout and examined the above proposals to deal with problems from funeral traffic generated by the nearby funeral home. MHL concluded that it is not feasible to provide an additional direct access onto the Sarsfield's Road or an additional set down within the proposed residential development for the following reasons:

- 1. An additional entrance/exit via Sarsfield Rd would create a rat run through the estate;*
- 2. This would cause an unsafe level of traffic travelling through the estate, leading to road safety issues for the residents;*
- 3. The entrance would require an additional signalised junction on Sarsfield Road — a key public transport link, leading to delays along this route;*
- 4. An additional set-down would encourage excessive parking within the proposed development, which would lead to a road safety issues as well as create conflicts with the residents;*
- 5. In light of the foregoing a Road Safety Audit is deemed unnecessary as we are not proposing to provide an additional entrance; and*
- 6. The entrance to the site has been approved and addressed in the original application 17/4877 (ABP Ref. PL.04.249194). In this context, we would like the Planning Authority to note the Inspectors comments in relation to traffic, "the proposed development would not result in a significant traffic hazard for existing residents in the area, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider Eagle Valley area and the carrying capacity of either the Eagle Valley Road or Sarsfield Road by reason of the additional traffic resulting from the proposed development "*

4.4.3.6. 29/8/2018 Engineering Report, Further Information

In the Engineering Report, Further Information 29/8/2018, Martin McCormick recommended refusal as follows:

Roads:

Applicants were asked to address the difficulties with Funeral Traffic at the access from Eagle Valley. Applicants have not done anything to address this issue which has become an increasing concern for residents of Eagle Valley who regularly get blocked trying to enter or leave the estate.

Applicants have confirmed the provision of a 4m wide pedestrian & cycle path.

Safety barriers would be provided as requested.

Traffic calming is proposed, should be agreed prior to commencement of construction.

Conclusion:

As the applicant has been unable to propose any remedial measures to deal with the issue of traffic congestion at the entrance from Eagle Valley caused by Funeral Traffic, it is felt that the additional traffic from the development would increase the traffic hazard on the estate road.

Conclusion

Refuse





Conditions/Reasons

No.	Reason
1	The proposed development would endanger public safety by reason of traffic hazard because of the pedestrian and vehicular conflict which it would generate on the adjoining road.
2	The proposed development would endanger public safety by reason of traffic hazard because it would generate traffic onto a roadway which is inadequate to cater for the additional traffic.

Martin McCormick

Martin McCormick

29/08/2018

4.4.3.7. 5/9/2018 Senior Executive Planners Report, Greg Simpson

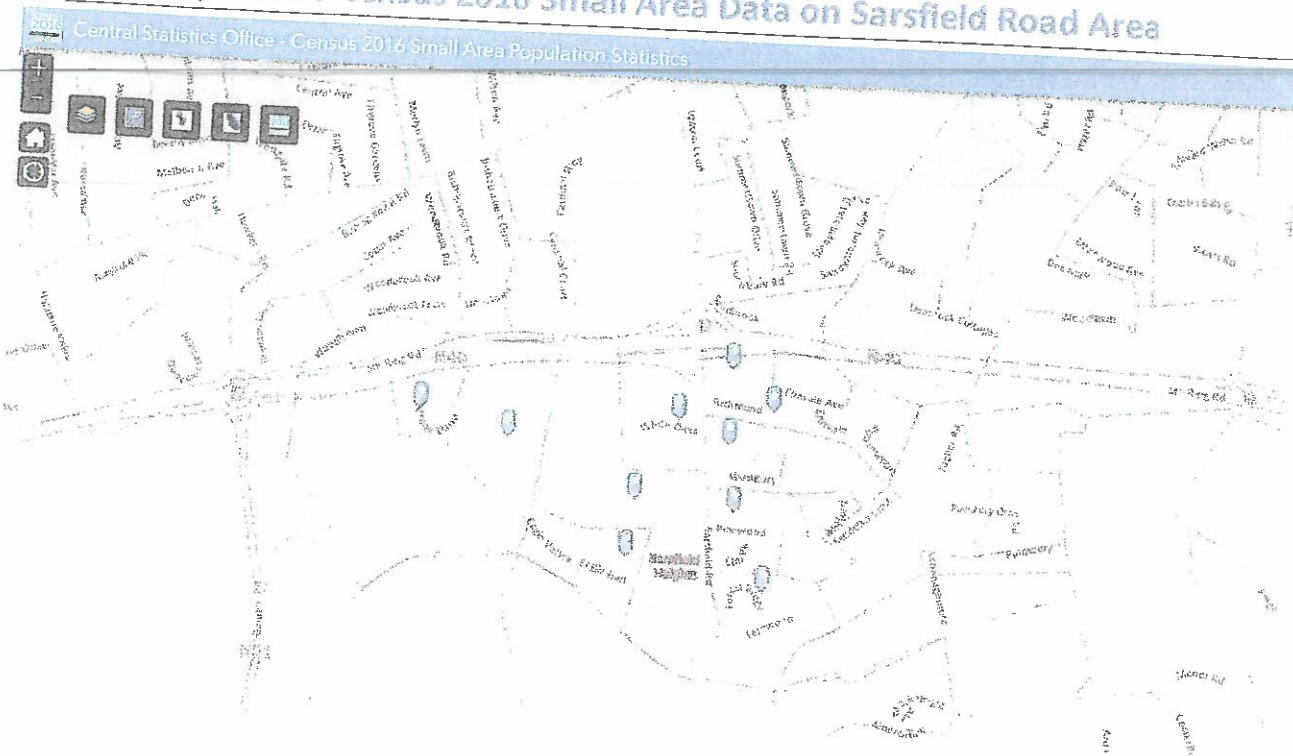
On 5/9/2018, the Senior Executive Planners Report, Greg Simpson, over ruled the Area Engineer's recommendation to refuse permission on the basis of the An Bord Pleanála Inspector's opinion.

The major outstanding issue relates to the concerns highlighted by the Area Engineer in relation to traffic issues and the recommendation that permission be Refused. I would not agree with the recommendation of the Area Engineer. In reaching this conclusion I note that the overall development (17/4877) was assessed by the Planning Authority and resulted in a decision to grant permission. While this decision was not upheld by An Bord Pleanála there is no evidence that concerns about traffic were a factor in the final decision. Indeed the Inspector concluded that; "the proposed development would not result in a significant traffic hazard for existing residents in the area, would not contribute significantly to traffic congestion within the local road network and would not adversely affect the existing residential amenities of the wider Eagle Valley area and the carrying capacity of either the Eagle Valley Road or Sarsfield Road by reason of the additional traffic resulting from the proposed development." I have also discussed the matter with the Senior Planner who agrees that the refusal recommendation is not appropriate in this instance.





4.5. Appendix 5 Census 2016 Small Area Data on Sarsfield Road Area



Small Area	Other/ Not Stated	Owner Occupied		Owner Occupied Total	Rented			Rented Total	Grand Total
		Owner occupied no mortgage	Owner occupied with mortgage		Rented from Local Authority	Rented from Private Landlord	Rented from Volunta ry Body		
Sa2017_047178005	8%	13%	8%	21%	5%	66%	0%	71%	100%
Sa2017_047178009	3%	31%	10%	40%	8%	47%	1%	57%	100%
Sa2017_047178011	4%	8%	29%	37%	8%	51%	0%	58%	100%
Sa2017_047178013	6%	28%	12%	40%	3%	51%	0%	54%	100%
Sa2017_047178015	10%	9%	10%	18%	5%	67%	0%	72%	100%
Sa2017_047178016	6%	29%	16%	45%	3%	45%	0%	49%	100%
Sa2017_047178018	5%	2%	21%	24%	4%	66%	2%	72%	100%
Sa2017_047178020	3%	17%	13%	30%	4%	63%	0%	67%	100%
Grand Total	6%	16%	14%	30%	5%	58%	0%	64%	100%





4.6. Appendix 6 Precedent Cases

4.6.1. RF29N.RF1066 59 Hollybank Rd. Dublin 9

Date 30/08/2002

Link <https://archive.Pleanála.ie/en-ie/case/RF1066>

Description Whether the use of dwelling house for womens resettlement project supported by the probation & welfare service is or is not exempt development.

Decision Is development and is not exempted development

Parties

PACE (Landowner)

The Hollybank Road Residents Against the PACE Development (Appellant)

4.6.2. RL03.307064 Westbrook House, Gort Road, Ennis, Co. Clare. (R209)

Date 25/09/2020

Link <https://www.Pleanála.ie/en-ie/case/307064>

Description Whether the change of use of Westbrook House from a commercial guesthouse to a homeless hostel run by an approved housing body at Westbrook House, Gort Road, Ennis, Co. Clare is or is not development and is or is not exempted development

Decision Is development and is not exempted development

Parties

Aughanteeroe Residents' Association (3rd party Referrer)

4.6.3. RL3304 Carrickmines Manor, Glenamuck Road, Carrickmines, Dublin 18

Date: 04/02/2015

Link: <https://archive.pleanala.ie/en-ie/case/RL3304>

Description Whether the change of use of 19 residential units to use as a support housing scheme is or is not development, or is or is not exempted development.

Decision Is not development

Participants

Housing Association for Integrated Living (Party)

Housing Association for Integrated Living (H.A.I.L) (Party)

Carmanor Management Limited (Referrer)

4.6.4. RL29N.308540 15/17, Lower Drumcondra Road, Dublin, 9 (0313/20)

Date 19/04/2021

Link <https://www.Pleanála.ie/en-ie/case/308540>

Description Whether the change of use from residential to hostel, is or is not development or is or is not exempted development.

Decision Is development and is not exempted development

Parties

Dublin City Council

Anthony Corbett (1st party Referrer)

Residents of Lower Drumcondra Road (1st party Referrer) (Active)



4.6.5. RL04.300805 Carrigaunroe, Shanballymore, Co. Cork (D/278/17)

Date 12/11/2018

Link <https://www.Pleanála.ie/en-ie/case/300805>

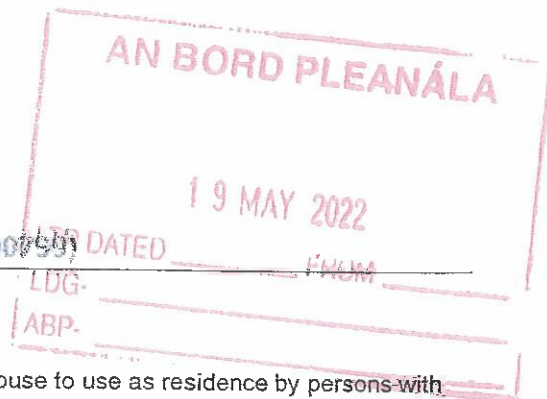
Description Whether conversion of attic space and change of use from residential to use for residential care is or is not development or is or is not exempted development

Decision Is development and is exempted development

Parties

Cork County Council

Tony Gallagher and Thomas O'Flynn (1st party Referrer)



4.6.6. RL09.308306 Mylerstown, Naas, Co. Kildare. (ED00750)

Date 17/02/2021

Link <https://www.Pleanála.ie/en-ie/case/308306>

Description Whether a development comprising the change of use from a house to use as residence by persons with an intellectual or physical disability or mental illness at Mylerstown, Naas, Co. Kildare is or is not development and is or is not exempted development.

Decision Is development and is exempted development

Parties

Kildare County Council

New Beginnings Childcare & Residential Services Ltd (1st party Referrer) (Active)

4.6.7. RL17.309642 Ledwidge Hall Green, Drogheda Road, Slane, Co. Meath (LB552102)

Date signed 15/10/2021

Link <https://www.Pleanála.ie/en-ie/case/309642>

Description

Whether the imminent use of development LB160659, LB180519 & LB190293 as exclusively Part 5, PDA, housing is or is not development or is or is not exempted development

Decision Is not development

Parties

Mairead Phelan and Others (3rd party Referrer)

4.6.8. RL3502: Metro Apartments, Santry Cross/Ballymun Road, Dublin 9. (0260/16)

Date Signed: 23/03/2017

Link: <https://www.Pleanála.ie/en-ie/case/RL3502>

Description: Whether the use of permitted residential apartments as serviced apartments constitutes a material change of use.

Decision: Is development and is not exempted development

Parties:

Metro Santry Hospitality Ltd (Owner/Occupier)

Metro Santry Hospitality Ltd (Referrer)

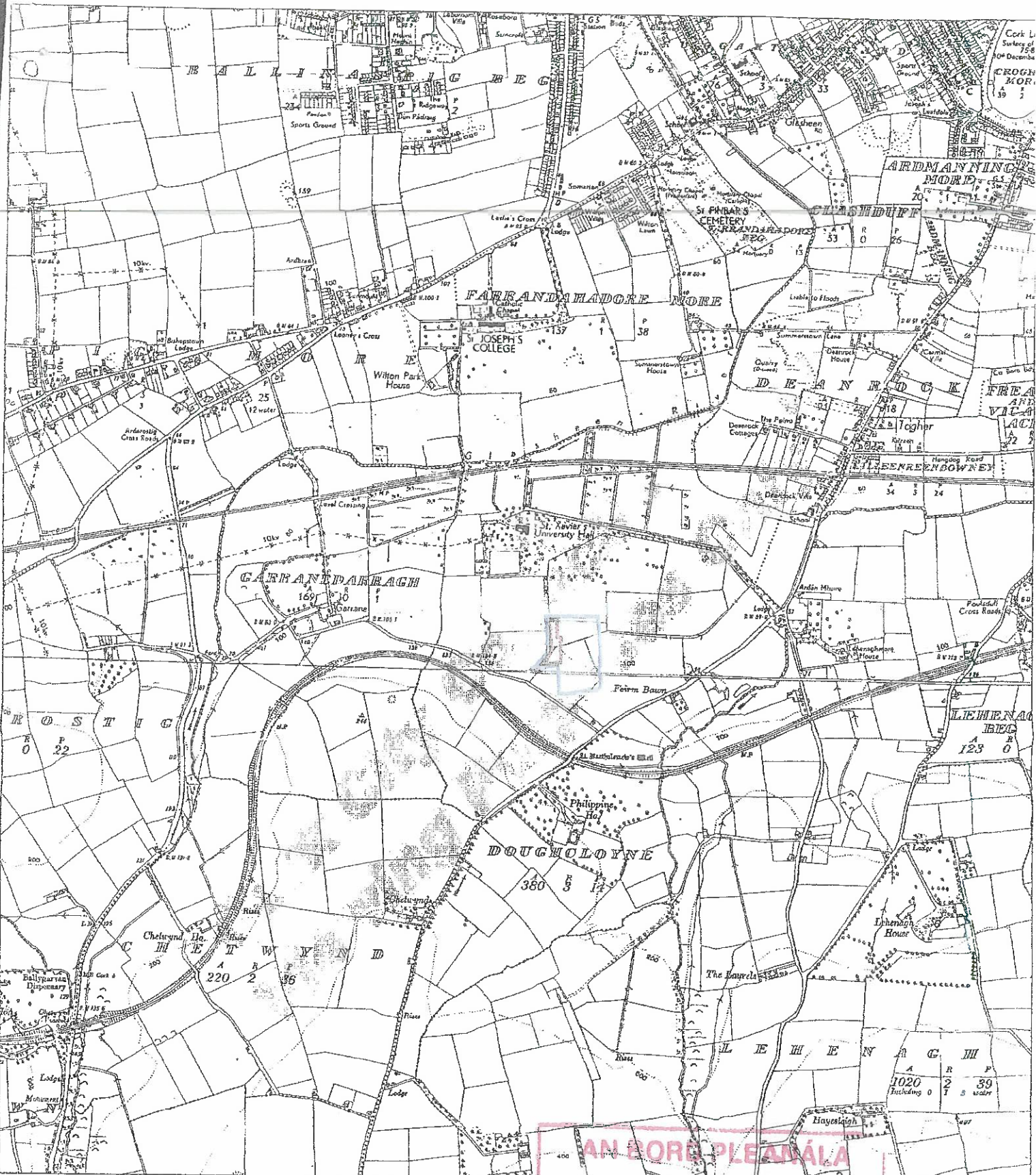
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Identify Item
 Historic 6th Latest Edition
Publisher / Source
 Ordnance Survey Ireland (OSI)
Data Source / Reference
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Revision Date
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 Levelled Date = 31-Dec-1939
OS27
Revision Date
 Survey Date = 31-Dec-1928
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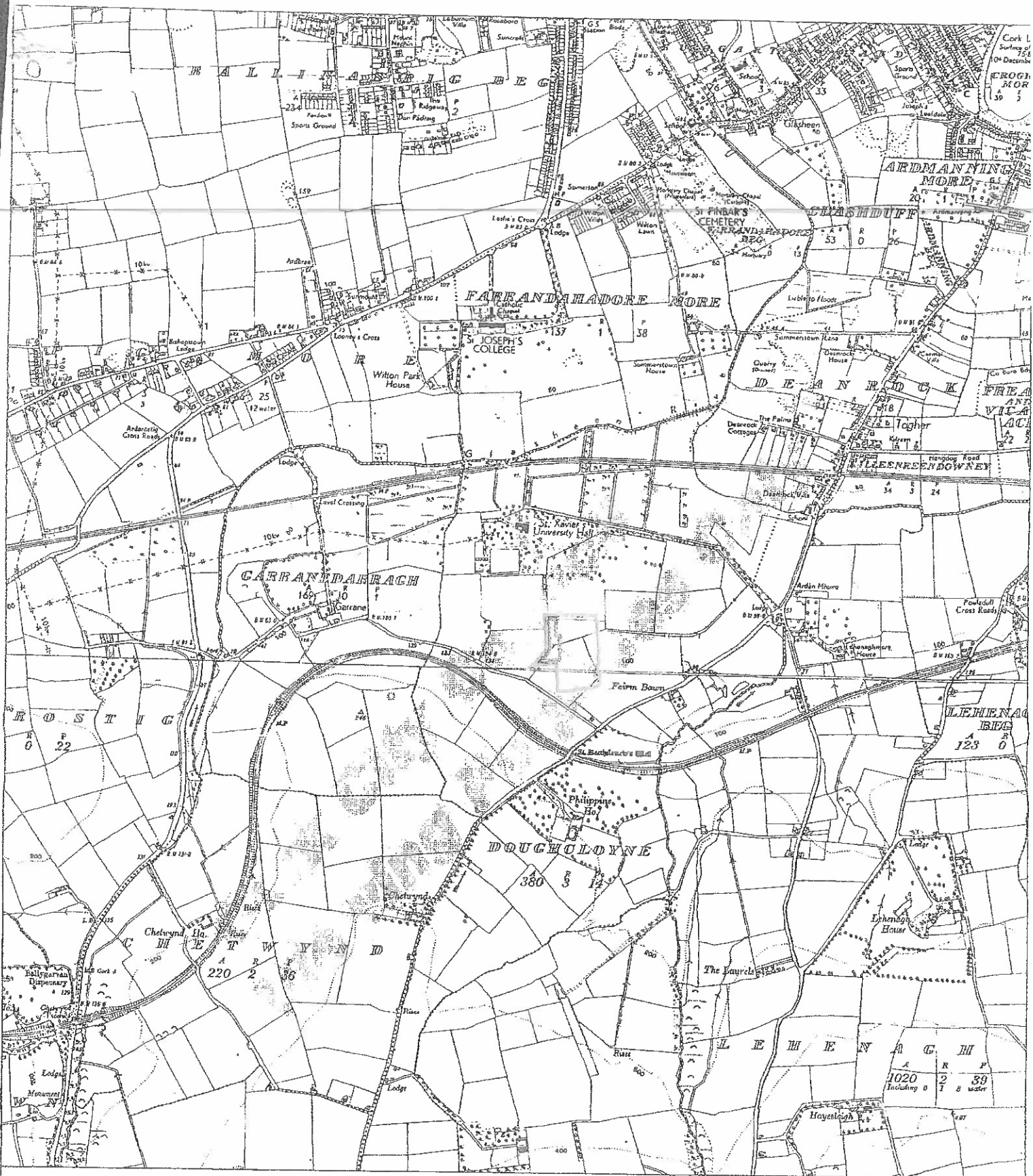
AN BORE PLEANÁLA

19 MAY 2022
 LTHGATED
 LDG.
 ABP.

OSHEA LEADER CONSULTING ENGINEERS
 RED LINE INDICATED OUTLINE OF PROPOSED SITE FOR PLANNING BY O'BRIEN & O'FLYNN
 BLUE LINE INDICATES EXTENT OF LAND OWNED BY O'BRIEN & O'FLYNN

O.S. MAP 1:10560
 28 APR 2021
 21/40139

AN BORD PLEBANJA
18 MAY 1961
MORNING 10:30 AM
101
102



Description
 Historic & Latest Edition
Publisher / Source
 Ordnance Survey Ireland (OSI)
Data Source / Reference
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 Levelling Date = 31-Dec-1924
 OSN74
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 BLUE LINE INDICATES EXTENT OF LAND OWNED
 BY O'BRIEN & O'LYNN

O.S. MAP 1:10560

