

Development Plan Submission



**Draft Cork City Development Plan 2022-2028
(Stage 2)**

Lands at Glenanaar, Boreenmanna Road, Cork.

On behalf of: Helen Finucane

Executive Summary

- This submission is made by Keystone Planning Consultancy Ltd, on behalf of our client, Helen Finucane, 28, Norwood Court, Rochestown, Cork and is submitted to Cork City Council in the context of the Draft Cork City Development Plan 2022-2028, which is currently on public display.
- Our client owns the subject site at Glenanaar, Boreenmanna Road, Cork.
- Under the current draft Development Plan the site is zoned ZO 16 "Open Space"
- This submission seeks to have these lands designated as ZO 02 'New Residential Neighbourhood'. A copy of the detailed submission is attached.
- Our client, who is the legal owner of the site is both capable and desirous of developing these lands in the short term
- The development of a modest home on the site will allow Ms. Finucane and her husband to downsize their home and in doing so the proposal is in accordance with the broad policies and objectives of the Development Plan and national and regional planning policy.

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1.0 Introduction

In accordance with Section 9, 10, 11 and 12 of the Planning and Development Act 2000 (as amended), Keystone Planning Consultancy Ltd, Rossbrin, Frankfield View, Old Youghal Road, Cork, on behalf of our client, Helen Finucane, 28 Norwood Court, Rochestown, Cork, wish to make this submission to Cork City Council regarding the Draft Cork City Council Development Plan 2022-2028.

Our client owns a small site at the entrance to Glenanaaar Estate, Boreenmanna Road, Cork. Under the Draft Development Plan, and under previous plans, these lands have been zoned ZO 16 "Public Open Space" and this submission seeks to have these lands designated as ZO 02 'New Residential Neighbourhood'. A copy of the detailed submission is attached.



Fig. 1 Site Outlined in Red

This written submission is made in response to an invitation for comments from interested parties by Cork City Council. This submission is being made within the specified timeframe for submissions i.e. 4th October 2021, as set out on the City Council's website.

This submission requests that the zoning objectives for the subject site be amended to have regard to:

- national and regional planning policy which requires 50% of the projected growth in the housing stock of the Cork Metropolitan Area to be achieved on brownfield land or infill sites within or close to the existing built up area,
- the substantial target for population and housing growth in the suburbs of the City.

2.0 Planning Legislation

Section 9 of the Planning and Development Act, 2000 (as amended) provides that, subject to the requirements set out in Section 9, 10, 11 and 12 of the Act, that a planning authority must adopt a new Development Plan every six years. The contents of the Development Plan are set out within Section 10 of the Planning and Development Act, 2000 (as amended) and must include a strategy for the proper planning and sustainable development of the area of the Development Plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question. The process for the preparation of the Draft Development Plan is contained within Section 11 of the Planning and Development Act, 2000 (as amended) and the consultation process of the Draft Development Plan is contained within section 12 of the Planning and Development Act, 2000 (as amended), which states:

"12 - (1) Where the Draft Development Plan has been prepared in accordance with section 11, the planning authority shall within 2 weeks of the period referred to in section 11(5)(c)— (a) send notice and a copy of the Draft Development Plan to the Minister, the Board, the relevant regional authority, the prescribed authorities, any town commissioners in the area and any city or county development boards in the area, and

(b) publish notice of the preparation of the draft in one or more newspapers circulating in its area.

(2) A notice under subsection (1) shall state that—

(a) a copy of the draft may be inspected at a stated place or places and at stated times during a stated period of not less than 10 weeks (and the copy shall be kept available for inspection accordingly), and

(b) written submissions or observations with respect to the draft made to the planning authority within the stated period will be taken into consideration before the making of the plan".

This submission to the draft of the Development Plan is being made in accordance with Section 12 (2) (b) of the Planning and Development Act, 2000 (as amended) and is being submitted within the specified timeframe (4th October 2021) as set out on the City Council's website.

3.0 Site Location and Description

The subject lands are located at the entrance to Glenanaar, Boreenmanna Road, which is within the functional area of Cork City Council. The site is comprised of undeveloped land currently zoned 'Public Open Space'. The site may be accessed via Boreenmanna Road.

The subject site enjoys excellent connectivity to the amenities and community facilities within the area.

The subject site is well supported by schools, shopping, recreational areas and sports facilities.

The surrounding built environment is characterised by residential, educational, sporting and recreational developments, with a mix of building types, all of which have resulted in varying building heights and forms within the area.

4.0 Planning History

Keystone Planning have carried out a detailed examination of the planning history pertaining to the subject lands, which is summarised as follows:

2139873 – Permission for the construction of a two storey detached family dwellinghouse and associated ancillary development works at Glenanaar, Boreenmanna Road, Cork – Refused by Cork City Council on 29th March 2021 and subsequently An Bord Pleanala.

Glenanaar Estate itself was developed in the 1970's by Ms. Finucane's father – Mr. Noel Parkes.



5.0 Planning Context

5.1 National Planning Context

Project Ireland 2040: National Planning Framework

In line with the recommendations set out in Rebuilding Ireland, the Government launched Ireland 2040, which comprises the National Planning Framework (NPF) and National Development Plan (NDP) 2018-2027. The National Planning Framework (NPF) is *"the Government's high-level strategic plan for shaping the future growth and development of our country out to the year 2040"*. It is a Framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment- from our villages to our cities and everything in between. It is stated within the National Planning Framework that *"a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages"*.

One of the core objectives of the Plan is that development across the southern region, especially around the cities of Cork, Limerick and Waterford, should act as a counterbalance to the concentration of development in the Dublin region. The Plan identifies Cork as *"an international centre of scale and is well placed to complement Dublin but requires significantly accelerated and urban focused growth to more fully achieve this role"*.

The overarching emphasis of the NPF is on renewing and developing existing settlements, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. In this regard, the NPF sets a target for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites.

The NPF states that *"the long-term vision for Ireland's housing future aims to balance the provision of good quality housing that meets the needs of a diverse population, in a way that makes our cities, towns, villages and rural areas good places to live now and in the future."*

It is outlined within the Plan that future homes are required to be located where people have the best opportunities to access a high standard quality of life. In Ireland, the location of housing has taken on a dispersed and fragmented character which has led to people living further away from their jobs and often being at a sizeable remove from important services such as education and healthcare. It is stated that it is important to *"prioritise the location of new housing provision in existing settlements as a means to maximising a better quality of life for people through accessing services, ensuring a more efficient use of land and allowing for greater integration with existing infrastructure"*.

“National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”

“National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site- based regeneration and increased building heights”.

The Plan anticipates growth of between 50- 60% for Cork City and surrounding suburban areas by 2040 which is two to three times higher than the national average. Cork’s population is expected to grow by 49,580 within the next 7years

To accommodate this growth the housing output will have to deliver to 3000 units each year during the next City Plan. The Core Strategy suggests that this will be Compact Growth: -

Compact Growth in Cork

3.18

In response to the NPF and the RSES (e.g. RPO 10 Compact Growth in Metropolitan Areas) Cork City Council has ambitious housing targets for brown-field sites, as well as seeking to optimise the supply of housing on greenfield sites. Increasing the supply of housing on brownfield sites is challenging for a broad variety of reasons, including site constraints, complexity and viability). Cork City Council aims to work with landowners, the development industry, state agencies and its other partners to ensure that a substantial supply of housing on brownfield sites is brought to fruition. Cork City Council will seek to unlock suitable brownfield sites with the resources at its disposal.

Thus, at least 50% of that growth in Cork is required to be located within or near to infill or brownfield sites or the existing built up areas. This will enable the sustainable use of currently under-utilised land, with higher housing and employment densities

The Regional Spatial & Economic Strategy for the Southern Region (RSES) states that in order to support the NPF, the distribution of population and employment growth in the city and surrounding metropolitan area must align with public transport investment, and focus on regeneration, consolidation and infrastructure led growth.

Targeted growth in the urban area would also support the delivery of the key transport infrastructure outlined in the Cork Metropolitan Area Transport Strategy (CMATS).

The Core Strategy

The Core Strategy accepts that these ambitious goals targets require a doubling of the annual increase in the housing stock from 1,511 to 3,023 units per annum

Year	2022	2023	2024	2025	2026	2027	2028	Total
Homes	1,511	3,023	3,023	3,023	3,023	3,023	1,512	17,118

Table 3.2: Housing Supply targets per annum.

In relation to the area the Draft Plan states: -

City Suburbs	
	Consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations. Prioritise walking, cycling and public transport access. Deliver uses, layouts and densities that enhance existing local character. Deliver high quality sustainable transport orientated development in combination with high frequency bus routes, the new commuter station at Blackpool (Kilbarry) and prioritised cycling and walking routes set out in CMATS.

Table 2.5 of the Draft Development Plan

The provision of a residential development on the subject site in this instance will therefore be in accordance with the NPF's and the Regional planning policies

5.2 Regional Planning Context

The Regional Spatial & Economic Strategy advises that the distribution of population and employment growth in the city and surrounding metropolitan area must align with public transport investment, and focus on regeneration, consolidation and infrastructure led growth. The proposal to develop these lands aligns perfectly with these goals. Positioning development in urban area will also contribute to delivering the transport aims of the Cork Metropolitan Area Transport Strategy).

5.3 Local Planning Context

The subject site is zoned 'Open Space' under the current Draft Cork City Development Plan 2022-2028.

6.0 Justification and Grounds of Rezoning Submission

1. The subject site is legally owned by the Applicant, Helen Finucane who was bequeathed the land by her father who owned the property for many decades.
2. Cork City Council zoned the site public open space without notice or reference to the landowner.
3. This site has never been maintained by the Council until Ms Finucane made a planning application when some trees were felled without informing me.
4. The site is not suitable or used as an open space and as such potentially conforms to the objective of developing infill sites within the city suburbs.

Mr. and Mrs. Finucane wish to downsize to this site as their current home is now unsuitable to their needs. The Finucanes originally lived in Glenanaar but moved to accommodate their increasing family. Ms. Finucane's father was the developer of the Glenanaar estate. The two sites outside the entrance to Glenanaar were outside the development boundary and it was always the developer's intention that these should be developed separately - as is evident by the development of the site to the right of the entrance,

There was no intention, (nor indeed any acceptance on the part of the legal owner) that these sites would be offered as additional amenity space for the Glenanaar development. The intention was that the site opposite No 12 would be retained until the circumstances and need arose for family use.

The Finucanes now wish to downsize for personal family and health reasons. The site's location, size and proposed design are ideal for this purpose and the fact that the site is in their ownership reduces the financial burden of building a new home suited to their needs.

The Draft Development Plan states:-

Open Space in Residential Areas

12.10

Many green areas of open space in residential areas are not specifically zoned as public open space and may be zoned ZO 1 Sustainable Residential Neighbourhoods or another land use zoning objective. Irrespective of zoning, there will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes.

With regard to the subject site, its part in contributing to these aims is negligible. In the first instance the lands are in private ownership. These lands did not form part of an executed planning permission for development and was never identified for the purposes of recreation or amenity open space. Furthermore, the site has not been used habitually used as public open space, except as a public convenience and a drinking den.

It is our client's contention that the site was incorrectly zoned as Open Space. The fact is that the site was never proposed or offered as open space by the then registered landowner, Noel Parkes.

Mr. Parkes was never asked to transfer or dedicate the land to the City Council and was never offered compensation or issued with a CPO.

It is evident from the development of the site to the right of the entrance to Glenanaar, (No 12) ,that it was always intended to develop this subject site when needed. Furthermore, there was no condition imposed when No 12 was built requiring this current subject site to be reserved as public open space. The Council made no contact with the legal owner to confirm his ownership of the mirroring site and his intentions for same.

The decision not to erect hoarding around the subject site in 1987 after No 12 was completed was made out of consideration to the residents as Mr. Parkes did not want to create an unsightly area. This subject site create a visual imbalance with the developed site directly opposite.

The purpose of this zoning request is to provide a family dwelling house which will mirror the previously developed site directly across the road. The additional unit can easily be provided without any negative impact on the adjoining residential units or on the overall development.

This incorrect zoning of site as an open space has given a degree of public expectation on the part of a few residents of Glenanaar that the site is an open space. However, as stated earlier, the legal owners were never informed or compensated and always intended the site for future development when needed. This land has been in Mrs. Finucane's family ownership since the mid-seventies.

We respectfully submit that the subject site was never intended to be an dedicated as open space and was incorrectly zoned by the City Council as such.

To the best of our knowledge, the City Council have never maintained the site save the cutting of some trees on 23rd March 2021, - a few days before the issuing of a refusal of permission for the construction of a dwelling.

Residents have confirmed that the City Council have never maintained the site.

This site does not serve any meaningful function as a recreation or amenity space due to the amount of unkept overgrown trees. The area is too small for any kind of sports use or as a dog walking area.

The area is being used as a public toilet and an outdoor drinking area. This antisocial behaviour further confirms the unsuitability of the site as a recreational amenity.

Residents have confirmed that the site is not used by children in the park as there are no children living there. We would ask the Council to note that residents have confirmed they do not use the site as an open space and also confirmed that it is regularly used as a public toilet.

The Council's reason for refusal of the original planning application stated that the resultant loss of open space would seriously injure the amenities of properties in the area. There would seem to be no basis for this statement given that our investigations have clearly demonstrated that the site was never intended to be made available as Open Space and that the residents do not view it or treat it as such.

6.1 Serviceability of the lands

The subject lands have existing water and foul and surface water drainage infrastructure either on the site itself or adjacent – all with the required capacity to permit development of the scale envisaged.

7.0 Conclusion

This rezoning of these lands to allow for the construction of a dwelling will address a long standing error in how this site has been designated from a planning standpoint and correct an infringement of the legal owner's property right, albeit that that infringement was unintentional.

Our client is the full owner of the site Glenanaar, Boreenmanna Road, Cork and is both capable and desirous of developing it in the short term should the eventual zoning designation permit her to do so.

Section 5 of this submission has identified that the rezoning of the lands to residential can align with national and regional planning policy. The proposal to designate these lands as 'Open Space', at local level, whilst understandable, will not change the fact that it is not used or enjoyed as open space and that it is in private ownership and was never intended or offered as Open Space to the Council.

We respectfully request that Cork City Council amend the Draft City Development Plan 2022-2028 by changing the zoning on this site from 'Open Space' to "New Residential'.