



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-306133-19

Strategic Housing Development	121 no. apartments with a crèche and all associated site works.
Location	Old Fort Road, Ballincollig, Cork.
Planning Authority	Cork City Council
Prospective Applicant	O' Flynn Construction Co. Unlimited Company
Date of Consultation Meeting	23 rd January 2020
Date of Site Inspection	15th January 2020
Inspector	Erika Casey

1.0 Introduction

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

2.0 Site Location and Description

2.1 The subject site with a stated area of 1.13 ha is located in Ballincollig Town Centre, approximately 200m to the north of the main street. Ballincollig is within the Metropolitan area of Cork City and is located c. 8km from the city. The Ballincollig Bypass is located c. 1.9km to the south of the site. The site has a varying topography with a drop of 5-6m from the Old Ford Road northwards. There is a steep landscaped berm located along the northern part of the site. There are a number of mature oak trees on the site of value.

2.2 The site forms part of the overall Ballincollig town centre redevelopment which was originally granted permission in 2003 and was subject to a number of amendment permissions. Development in the vicinity of the site is primarily commercial and residential in nature. There are also a number of community facilities in proximity. The Castlewest Shopping Centre is located c. 100m to the south. The residential estate Waltham Abbey is located to the west and the Crescent apartment scheme is to the south. The employment centre Barrack Square is located to the east of the site. A wastewater treatment plant is located to the north. The site is served by public transport and is served by the no. 220 and 233 bus routes. Access to the site is from the Old Fort Road.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 121 apartments in 5 no. blocks ranging in height from 2 to 6 storeys and a crèche of 262.2 sq. m. The development provides for the provision of landscaping and amenity areas to include

play areas and courtyard type outdoor amenity spaces at podium level and a gym at lower ground floor level. Also included are all associated infrastructure and services, the provision of a drop off area on Old Fort Road and all other associated ancillary development works.

- 3.2 A range of apartment types and sizes are proposed comprising 31 no. 1 bed units, 2 no. 2 bed 3 person apartments and 88 no. 2 bed 4 person apartments.

Type	No.	%
1 bed apartment	31	25.6
2 bed apartment – 3 person	2	1.6
2 bed apartment – 4 person	88	72.7
Total	121	100

- 3.3 The open space area comprises 4,726.7 sq. metres or 41% of the sites area.

Key Development Parameters

No. of Units	121
Housing Mix	1 bed (25.6%) 2 bed (74.4%)
Residential amenity including gym (150^{m2}), communal lounge, multi function area, entrance lobbies and podium courtyards	402.7 sq. m.
Crèche	262 sq. metres
Density	107 units per ha
Plot Ratio	1.2
Site Coverage	44.6%
Active Open Space	41.8%
Car Parking	98

Bike Parking	277
Dual Aspect	48%

4.0 **Planning History**

4.1 There have been a number of previous applications on the site which are summarised below:

Application Reference 03/122

4.2 Permission granted in September 2003 for a mixed use town centre development including residential, retail/service, civic and office uses.

Application Reference 06/13556

4.3 Permission granted in July 2007 for the construction of a two storey extension to the shopping centre to include 7 no. retail units and all ancillary staff facilities and storage areas; partial removal of existing surface car park and construction of 78 no. space surface car park; construction of a four storey building with 2 no. retail units and retail showroom at ground floor level and 4 office units above; single storey drive through restaurant; 20 no. surface car parking spaces with access onto the Spine Road; 210 no. basement/surface car parking spaces with access via existing entrance from Main Street; construction of 2 storey office building with 6 no. units; 3 level multi storey car park to accommodate 444 spaces; all ancillary site development works to include pedestrian facilities, landscaping, 3 no. kiosk access points to underground parking; substations and signage.

Application Reference 08/5508

4.4 Permission granted in July 2008 for the provision of 46 no. additional car parking spaces, adjoining and with access from the multi-level car park permitted under application reference 06//13556.

Application Reference 08/6613

4.5 Permission granted in August 2008 for the provision of 47 no. additional car parking spaces adjoining and with access from the multi-level car park permitted under application reference 06/13556.

5.0 National and Local Planning Policy

5.1 National Policy

National Planning Framework 2018-2040

5.1.1 Objective 2a of the National Planning Framework 2018-2040 is a target that half of future population growth will be in the cities or their suburbs. Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. Objective 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

5.1.2 Objective 8 of the framework sets ambitious growth targets for Cork, proposing a c.50% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built up area, including increased densities and higher building format than hitherto provided for. Brownfield sites, in particular, are identified as suitable in this context.

5.2 Section 28 Ministerial Guidelines

5.2.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009.
- 'Design Manual for Urban Roads and Streets' 2013.
- 'Urban Development and Building Heights – Guidelines for Planning Authorities', 2018.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.

5.3 Cork City Development Plan 2015-2021

5.3.1 The subject site is located in the administrative area of Cork City Council and the operative Development Plan is the Cork City Development Plan 2015-2021. Under the core strategy, there is a target of 64,955 households in Ballincollig by 2022 with a requirements for approximately 20,032 new housing units. The vision is that the town will continue to grow as a major centre for population and employment within the Metropolitan Area. Core Strategy, strategic goals include:

- **Goal 1** – Increase population and households to create a compact sustainable city. This refers to an ambitious target for population growth in the city.
- **Goal 2** – Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live/work/visit/invest in.

5.3.2 The site is zoned Town Centre. The following specific objective applies to the site:

BG-T-03 – *“Completion of the Ballincollig Town Centre (former Murphy Barracks) site for town centre use. The redevelopment of vacant properties for office based activities including incubator units and start ups will be considered in this area.”*

5.3.3 Objective 6.1 of the Plan sets out a number of residential strategic objectives including to encourage the use of derelict or underused land and buildings to assist in their regeneration.

5.3.4 Objective 6.8 states that it is the objective to encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided. Under Objective 6.9, residential densities of 35-50 units per ha are promoted in suburban areas. Paragraph 16.12 further states however, that the appropriate density of any site will be determined by a wide range of factors including the surrounding context, building heights and conservation of the setting. Section 16.41 further refers to Residential Density and details that densities higher than baseline levels will be appropriate in other types of location:

- Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);
- At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character;

- Major development areas and mixed use areas (including the central areas, District, Neighbourhood and Local centres).

5.3.5 Chapter 16 of the City Plan refers to development management and outlines the qualitative and quantitative standards against which it is proposed to assess proposals. Policy 16.59 of the plan addresses infill development and states that infill proposals should:

- Not detract from the built character of the area;
- Not adversely affect the neighbouring residential amenities;
- Respect the existing building line, heights, materials and roof profile of surrounding buildings;
- Has an appropriate plot ratio and density for the site;
- Adequate amenity is proposed for the development.

Draft Cork Metropolitan Area Transport Strategy

5.3.6 CMATS advocates a coordinated land use and transport strategy for the Cork Metropolitan Area up to 2040. It proposes the delivery of a Rapid Bus/Light Rail Transport corridor from Ballincollig to Mahon and indicates that in the short term (first 5 years of the strategy), the focus will be in the identification and protection of the alignment for the light rail scheme.

6.0 Forming of the Opinion

6.1 Introduction

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

6.2 Documentation Submitted

6.2.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development)

Regulations 2017. This information included, inter alia, the following:

Cover Letter, Pre Planning Minutes, Confirmation of Feasibility from Irish Water, Application Form, Statement of Consistency, Planning and Design Statement, Schedule of Drawings, Architectural Drawings, Design Statement, Landscaping Plan, Tree Survey Report and Drawing, Photomontages, Civil and Structural Engineering Support Document, Engineering Drawings, Daylight and Sunlight Report, Summary of Traffic Engineering Issues and Approach, DMURS Compliance Statement.

6.2.2 Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the Development Plan or Local Area Plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required. Key points from this statement can be summarised as follows:

- The proposed site is located on brownfield land within the town of Ballincollig. It will add to the densification of Cork City and is in line with the objectives of the National Planning Framework.
- The proposed site has a density of 107 units per ha. This is considered appropriate having regard to the town centre location of the site, its proximity to public transport and the objectives of the Cork City Development Plan to promote development within towns in the Metropolitan Area. The variety of apartment sizes focuses on providing smaller units, affordability and quality housing.
- The development is set around a network of streets, interlinked pedestrian and cyclist pathways and open spaces. All buildings are designed and sited to provide passive surveillance of the public realm including streets, paths and open spaces.
- A distinct and recognisable scheme is proposed through the architectural design treatment of the form, fenestration and material colour and finishes. The layout of the development will create an individual neighbourhood. It has been designed in accordance with the 12 design criteria of the Urban Design Manual.
- The layout has been designed to ensure that each residential unit will have a high standard of residential amenity and privacy. Windows and balconies are

sited to prevent direct overlooking into adjacent units and private spaces. All of the apartments have been designed in accordance with the qualitative and quantitative standards set out in the 2018 Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities. The development has been designed in accordance with the principles of DMURS.

- The site is considered an appropriate location for increased height. A range of buildings from 2 to 6 storeys are proposed. The scale, massing and urban grain have been developed to reflect the prevailing context of the surrounding area. The development considers the site constraints, potential and topographical context.
- The development will provide the appropriate scale of residential density to support the proposed transport investments as outlined in the Draft Cork Metropolitan Area Transport Strategy 2019. The development is consistent with the policies and objectives of the Cork City Plan.

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

6.3 Planning Authority Submission

Cork City Council

6.3.1 In compliance with section 6(4)(b) of the 2016 Act the Planning Authority for the area in which the proposed development is located, Cork City Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on the 17th of January 2020. The Planning Authority's 'opinion' included the following matters.

- The principle of residential use is generally acceptable under the zoning objective for the site in which residential development is encouraged particularly in mixed use development and having regard to the levels of retail vacancy in the existing town centre. Density is not considered inappropriate subject to all other assessment criteria.
- Impact of the development on the Waltham Abbey Estate is a key consideration in terms of visual impact, overlooking and overshadowing. Further sections are required. Shadow study considered inadequate. This is particularly important

for those units at podium level which back onto the retaining wall. Further consideration of these issues would be desirable as well as cross sections/drawings to demonstrate potential impact.

- It would be helpful to obtain a tabular form of accommodation referenced against the requirements/standards of the 2018 Apartment Guidelines. Note inconsistencies in the documentation.
- Details of the management of the amenity facilities should be provided.
- The Environment Section recommends that consideration of noise impact from the treatment plant be made as this would be a key consideration for future development/assessing any impact on future residential amenity.
- Urban design issues such as permeability from the development to the Regional Park and adjoining estates and the town centre are key considerations and should be fully thought through and proposed for various modes of transport. Issues such as appropriate site boundary treatment and management of such linkages require further elaboration. Clarification on whether public access to the communal open space areas will be available from the street level or whether this will be restricted to residents needs to be provided.
- The design detailing of the change in level between the Old Fort Road and the rear of the site and the potential impact on amenity of future occupants of the apartments would be a key consideration of the design scheme.
- The visual impact of the scheme should be clearly demonstrated. An additional photomontage from within the main park would be helpful. Context elevations from Old Fort Road should be provided.

Technical Reports

Area Engineer

- Full details/sections of the roads construction are to be submitted as part of the submission.

Drainage

- The flood extents do not encroach within the site boundary, hence no fluvial flood risk is anticipated. Groundwater issues are not anticipated.
- There should be no capacity reduction in the proposed storm water network. Agreement required regarding Irish Water storm water diversion.

Roads Design

- Quality Audit required.
- Raised table crossing required across Old Fort Road and the development access junction.
- Concerns regarding design of crèche set down area.

Transportation Operations

- Detailed construction management plan will be required.
- Road Safety Audit and Outline Mobility Management Plan required.
- Additional bus point should be provided for within the development. The option of providing an additional pedestrian crossing point outside the development should be investigated.
- Further detail required regarding the shared access proposed to the underground car and bicycle parking. Further detail required regarding upgrades to public footpaths and public realm.
- Car and bicycle parking is acceptable.
- Overall, there is a lack of information on proposed entrance junction design, public realm works, road safety and sustainable travel strategy

6.4 Prescribed Bodies

Irish Water ()

- No submissions received.

6.5 Consultation Meeting

6.5.1 A section 5 Consultation meeting took place at the offices of Cork City Council on the 23rd of January 2020. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.5.2 The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issue:

1. Development strategy having particular regard to the overall architectural approach, public realm, finishes and materials and impact to residential amenities particularly in relation to sunlight and daylight.

2. Traffic and transportation.
3. Other matters.

6.5.3 In relation to the **development strategy**, ABP representatives sought further elaboration/discussion on:

- The evolution of the architectural and urban design response to the site.
- The interface of the development with the Old Fort Road and particularly the design approach regarding road frontage and urban edge, building height and treatment of the public realm.
- How the scheme responds to the differentiated levels across the site and the need for further clarity regarding the treatment of retaining walls. The quality of units at podium level adjacent to retaining wall was also discussed.
- The design of the two storey blocks fronting the Old Ford Road and implications for sunlight and daylight and aspect of apartment units fronting the side elevations of these blocks.
- The impact on residential amenity in terms of potential overlooking and overshadowing to adjoining residential properties.
- The appropriateness of render and the requirement to provide high quality and sustainable finishes which seek to create a distinctive character for the overall development.
- Potential for connections and permeability through the site, particularly to the regional park and sporting facilities.

6.5.3 In relation to the **traffic and transportation**, ABP representatives sought further elaboration/discussion on:

- Details of works to public realm in terms of pedestrian crossings and raised tables.
- Design of set down area for crèche.
- Requirement for a bus stop.
- How pedestrian and cyclist connections along natural desire lines would be catered for.

- 6.5.4 In relation to **other matters**, ABP representatives sought further elaboration/discussion on potential for noise impact from the water treatment plant; the need to ensure consistencies in all drawings; drainage issues.
- 6.5.5 Both the prospective applicant and the Planning Authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 306133' which is on file. I have fully considered the responses and comments of the prospective applicant and Planning Authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plans for the area.
- 7.3 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: **constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.**
- 7.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:
1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the development provides the optimal urban design and architectural approach for the site. The application should be accompanied by a detailed architectural design report setting out the full rationale for the adopted design to demonstrate that the development provides for a suitable urban frontage and interface with the Old Fort Road; creates an attractive, usable and functional public realm; is the optimal height and massing; protects residential amenity and provides for suitable connections and permeability.
 2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive

character for the development.

3. Landscaping proposals including and overall landscape masterplan for the development site including detail of tree planting, quantity, type and location of all proposed hard and soft landscaping including details of play equipment, public lighting, pedestrian entrances and boundary treatments. Detail to be provided in particular regarding boundary treatments and works to the public realm along the Old Ford Road and treatment and potential greening of retaining walls in the scheme.
 4. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
 5. A report that addresses residential amenity, specifically how the development will limit the potential for overlooking and overshadowing within the proposed development and should incorporate a comprehensive daylight and sunlight analysis addressing proposed units and open spaces. Additional cross sections and contextual elevations should be provided to demonstrate the relationship and impact of the development on the Waltham Abbey Estate.
 6. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
 7. Full Traffic Impact Assessment Quality Audit, Road Safety Audit and Outline Mobility Management Plan and Outline Construction Management Plan.
- 8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. Irish Water
 2. Cork City Council Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Erika Casey
Senior Planning Inspector

3rd February 2020