



## Board Direction

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**Ref: PL04.244668**

The submissions on this file and the Inspector's report were further considered at a Board meeting held on April 6<sup>th</sup> 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### Reasons and Considerations

1. Having regard to:-

- the information submitted in this application and appeal, including the details of traffic and junction capacity assessments and the assumptions and surveys informing these assessments,
- the fact that the road infrastructure improvements, proposed by the applicant, to the Ballyhooly Road / North Ring Road junction, and to the North Ring Road, and to the "Fox and Hounds" junction, are not all within the subject site nor within the applicant's ownership or legal interest,
- the existing levels of traffic congestion on the surrounding road network,
- the proximity of the proposed entrance to the Ballyhooly Road / North Ring Road junction,

the Board is not satisfied that it has been demonstrated that the proposed development, if permitted, would not adversely affect the use of major roads, the R635 (North Ring) and the R614 (Ballyhooly Road), by traffic due to the increased traffic likely to be generated by it. It is therefore considered that the proposed development would endanger road safety by reason of traffic hazard, would cause serious traffic congestion, and would be contrary to the proper planning and sustainable development of the area.

Furthermore, it is considered that, in the absence of delivery of the Northern Outer Ring Road, which critical infrastructure, inter alia, would provide for additional road and junction capacity on the Ballyhooly Road and at the Ballyhooly Road / North Ring Road and “Fox and Hounds” junctions, the proposed development would be premature.

2. Having regard to:-

- the nature of the proposed development, being a retail development anchored by a large convenience/comparison goods store, with a minimal mix of uses proposed;
- the scale and layout of the proposed development, which includes a large warehouse facility, that is, the proposed dot.com area and associated loading/unloading areas;
- the car-dominated layout and design of the site, with inadequate provision for pedestrians and cyclists;
- the lack of appropriate or effective continuity with the existing Ballyvolane Shopping Centre and other retail outlets in the area;
- the inappropriate design response to the challenging topographical nature of the subject site.

it is considered that the proposed development would not accord with the definition of a District Centre, as provided in the Retail Planning Guidelines issued by the Minister for the Environment, Community and Local Government in 2012, and would be contrary to the layout and design principles set out in its companion document the *‘Retail Design Manual’*. Furthermore, it is considered that the development would be contrary to the objective for district centres under the *‘Cork Strategic Retail Study 2008’* (section 6.31) and the *‘Cork County Development Plan 2015’* (objective TCR 4-5), contrary to Government transport policy as set out under *‘Smarter Travel: A New Transport Policy for Ireland 2009-2020’* and Government development policy and standards as set out under the *‘Design Manual for Urban Roads and Streets’* (2013). The proposed development would, therefore be contrary to the proper planning and overall sustainable development of the Ballyvolane area.

3. The proposed development is located within and proximate to the Glen Valley, an area designated as an Area of High Landscape Value, which also functions as an ecological corridor and is of local social and

cultural importance. It is considered that the elevating of the proposed development on raised piles over the existing flood zones as a flood prevention measure, together with the extensive removal of existing natural vegetation including trees, hedgerows and scrub area, notwithstanding the landscaping and planting proposals for the site, would seriously injure the visual amenities of the riverine corridor and habitat of the Glen Valley, would seriously injure the visual amenities of lands that are zoned open space to the south within the Cork City Council area, and would significantly militate against the potential for the future development of the area as an amenity for Ballyvolane, which is identified as a strategic growth area under the Cork Area Strategic Plan. The development, if permitted, would set an undesirable precedent for similar development within the Glen Valley, would represent a significant and negative visual impact on this landscape and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note 1. The Board concurred with the views of the Inspector in respect of the impact of the proposed development on the residential amenity of existing residential properties in the vicinity of the site, and in particular those of the Brookvale estate, as outlined in the Inspector's fifth refusal reason. However, the Board considered that this impact could have been ameliorated by conditions providing for a reduction in scale and height of the development, and the omission of the warehouse element, had the development otherwise been acceptable. The Board therefore decided not to include this aspect as a further reason for refusal in its Order, in the light of the substantive reasons for refusal set out above.

Note 2. The Board noted the Inspector's recommendation regarding the use of its power under Section 138 of the Act, in relation to one of the third party appeals. The Board was of the view that this appeal included material planning and traffic issues, and therefore did not consider that it would be appropriate to dismiss the appeal concerned. The Board therefore took the content of this appeal into account in its decision.

*[Please issue a copy of this Direction with the Board Order.]*

Board Member: \_\_\_\_\_ Date: 8<sup>th</sup> April 2016  
Philip Jones