

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 14/04895**

An Bord Pleanála Reference Number: PL 04.244668

**APPEAL** by Noreen Canty of 39 Brookvale, Ballyvolane Cross Roads, Ballyvolane, County Cork and by others against the decision made on the 6<sup>th</sup> day of March, 2015 by Cork County Council to grant subject to conditions a permission to Ballyvolane Development Company Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Integration of the existing mixed use retail/commercial development known as the Fox and Hounds, into a mixed use retail district centre at Fox and Hounds, Ballyhooly Road, Banduff, Ballyvolane, County Cork. The development comprises of the construction of eight number units in two blocks with a total gross floor area of 1,570 square metres ranging in size from 98 square metres to 321 square metres and containing one number restaurant, one number community building and six number retail service units, the construction of an anchor unit of 9,545 square metres gross floor area, including 2,920 square metres of net convenience retail sales area (including alcohol sales area), 1,434 square metres net comparison retail sales area, two number retail service units, café and a 844 square metres dedicated home shopping delivery service area. The proposed development includes 468 number car parking spaces which includes the incorporation of 22 number existing car parking spaces, 50 number of the car parking spaces are provided at ground level to the north of the site and 418 number are provided at undercroft level (under the anchor store and the eight number units). The proposal also includes landscaping, ESB substation, service yard, elevation signage, bicycle stands and all associated services and ancillary development. Vehicular access is provided for through the existing Fox and Hounds access and two access points on the Ballyhooly

Road one of which is an ingress only access to the undercroft car park and the other the primary access and egress to the site is located within the jurisdiction of Cork City Council and is the subject of a concurrently planning application to the City Council.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **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, and
- 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 public 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, and
- 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), and would be 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**