

An  
Bord  
Pleanála

## Board Order ABP- 313642-22

### Planning and Development Acts 2000 to 2022

#### Planning Authority: Cork City Council

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25<sup>th</sup> day of May 2022 by O'Flynn Construction Co. Unlimited Company, care of McCutcheon Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork.

#### **Proposed Development comprises of the following:**

A five-year planning permission for a strategic housing development consisting of -

- (a) The construction of 123 number residential units in three number blocks which range in height from three to six storeys and comprising a mix of one-bedroom and two-bedroom apartments;
- (b) One number creche/childcare facility, internal residential amenity space and multi-purpose amenity room;
- (c) The provision of landscaping and amenity areas including play/amenity areas at podium level;
- (d) The provision of a set-down area, footpaths, cycle lane and table-top junction arrangement at the access to the development on the Old Fort Road, and
- (e) All associated ancillary development to include pedestrian/cyclist facilities, lighting, drainage, boundary treatments, bin storage, plant, Electricity Supply Board Sub-station and bicycle, motorbike and car parking provided at ground and under-croft level,


all located at Old Fort Road, Ballincollig, Cork.

## Decision

**Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.**

## Reasons and Considerations

Objective 11.2 Dwelling Size Mix and Table 11.9 of the Cork City Development Plan 2022 - 2028 sets out clear unit mix requirements to be adhered to, except in exceptional circumstances when justification is provided, and flexibility is provided according to the ranges specified. The applicant did not provide a justification for the unit mix proposed. It is considered that the proposed development would, therefore, materially contravene the Development Plan in relation to the provision of unit mix requirements. This issue has not been addressed in the applicant's Material Contravention Statement or the subject application, and does not, therefore, comply with the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. The Board, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, and is precluded from granting permission.



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**Declan Moore**

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

**Dated this 23<sup>rd</sup> day of MAY 2025.**