



An
Bord
Pleanála

Inspector's Report ABP-304573-19

Development

Demolition of the former Gaelscoil Ui Riordain and the removal of the roadside boundary wall to facilitate the construction of a four-storey apartment building containing 24 no. units (4 no. one-bed units, 15 no. two-bed units, and 5 no. three-bed units).

Vehicular access will be via a new entrance off the Inniscarra Road (L2211-0) to an under-croft car parking area which will also accommodate various ancillary facilities.

Location

Inniscarra Road, Coolroe, Ballincollig, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

19/4595

Applicant(s)

Tuath Housing Association

Type of Application

Permission

Planning Authority Decision

Refusal

| | |
|--------------------------------|--|
| Type of Appeal | First Party -v- Decision |
| Appellant(s) | Tuath Housing Association |
| Observer(s) | Gerard & Mary Hannon Victor & Carmel Barry Joanne Murphy Christopher & Miriam Casey Jeremiah Duggan Joseph & Aisling Evans Orla & Ross Sheehan & Others Jeremiah & Kathleen Kearney |
| Date of Site Inspection | 16 th August 2019 |
| Inspector | Hugh D. Morrison |

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2.0 Site Location and Description

- 2.1. The site is located in the north western suburbs of Ballincollig, c. 1.3 km from the town centre. This site lies on the southern side of the Inniscarra Road (L2211) and in a position adjoining the Westcourt housing estate. This Road is accessed 0.6 km to the east south east from the R608, the main east/west route through Ballincollig. Further to the north west, it provides access to Ballincollig Regional Park, after which it crosses the River Lee, on Inniscarra Bridge.
- 2.2. The site itself is of regular shape and it extends over an area of 0.25 hectares. This site maintains a frontage of 64m with Inniscarra Road. It is subject to significant gradients: Thus, it rises from the north eastern corner towards the south and towards the west.
- 2.3. The site is presently vacant. It was last used as a school, Gaelscoil Ui Riordain, and so it accommodates a row of attached school buildings, which are two storeys in height, although towards the south western corner they present as single storey to a raised playground. Vehicular access is afforded via a gated entrance in the north eastern corner. This access is from Inniscarra Road, via an adjoining set down area in front of a row of dwelling houses to the east of the site. A public footpath runs on a north/south axis through the eastern extremity of the site. This footpath links Inniscarra Road to an area of public open space within the Westcourt housing estate. It affords pedestrian access to the site via gates on its western side. A turning head to a cul-de-sac in the Westcourt housing estate adjoins the south western corner of the site. Pedestrian access to the site from this turning head was formerly available as is evidenced by a raised platform in this corner of the site.
- 2.4. The boundaries of the site are presently secured by means of retaining walls and palisade fencing.

3.0 Proposed Development

- 3.1. The proposal would entail the following works:
 - The demolition of the former school (1074.7 sqm) on the site, along with the removal of the roadside boundary wall.

- The construction of a four-storey apartment building (3191.5 sqm) containing 24 units. These units would comprise the following:
 - 4 one-bed units,
 - 15 two-bed units, and
 - 5 three-bed units.
- Vehicular access to the apartment building would be via a new entrance off the Inniscarra Road to an under-croft car parking area (21 spaces + 61 cycle stands), which would also accommodate an ancillary bike storage area, caretaker store, cold water storage room, boiler room, refuse storage area, and utilities plant.
- The proposed development would incorporate public amenity space at the same level as the undercroft on either side of the apartment building and, at first floor level, to the rear of this building.

At the appeal stage, revised plans were submitted. These are described in my summary of the applicant's grounds of appeal.

4.0 Planning Authority Decision

4.1. Decision

Permission was refused for the following reasons:

1. *Having regard to the scale, massing, density and layout of the proposed development, it is considered that the proposal would constitute over development of the site resulting in inadequate parking provisions, restrictive turning space for larger vehicles, poor quality public open space provision and insufficient recreational amenity facilities for children. The proposed development would offer a poor standard of amenity for future residents. The proposed development would also result in overshadowing of adjoining third party properties and would ultimately detract from and be seriously injurious to the residential and visual amenities of the area. The proposed development would not enhance the character and amenity of the area and as such would not be consistent with the policy objectives of the "Existing Built Up Area" and other policy objectives in the County Development Plan 2014. The*

proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. *The proposed development would, by reason of overlooking, be seriously injurious to the residential amenities of the adjoining properties. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
3. *The proposed development would endanger public safety by reason of a serious traffic hazard because the site layout is inadequate in area to allow the satisfactory provision of on site parking to serve the development, would generate roadside parking which would cause serious traffic congestion, has inadequate off road parking, would result in cross traffic movement which would interfere with the safety and free flow of traffic on the adjoining heavily trafficked public road, would generate pedestrian traffic across a busy road and endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

4.2. Planning Authority Reports

4.2.1. Planning Reports

See decision.

4.2.2. Other Technical Reports

- IFI: Defers to Irish Water.
- Irish Water: Further information requested.
- IAA: No observations.
- Cork County Council:
 - Public lighting: Further information requested.
 - Area Engineer: Objects, see reasons for refusal above.
 - Environment (Waste): Further information requested.
 - Estates: Further information requested.

5.0 Planning History

Since the school closed in 2012, the following is the site's planning history:

- 16/5753: Conversion of existing school to residential use and addition of a second floor to provide 19 no. apartments (9 no. one-bed and 10 no. two-bed (1,531.8 sqm)), primary vehicular and pedestrian access from enhanced entrance off Inniscarra Road and secondary pedestrian access from new entrance off and footpath along Inniscarra Road, and 20-space car park with 12 no. cycle stands): Refused at appeal PL04.247348 for the following reason:

Having regard to the scale, density, design, and layout of the proposed development, it is considered that the proposal would constitute overdevelopment of the site resulting in unacceptable and restrictive turning facilities, inadequate parking provision and insufficient communal open space. Furthermore, the Board is not satisfied that the external materials proposed are of an appropriate quality and durability to ensure satisfactory integration into the area. The proposed development would, therefore, seriously injure the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

- 17/5127: Conversion of existing school to residential use and addition of a second floor to provide 14 no. apartments (6 no. one-bed and 8 no. two-bed (1,197.3 sqm)), primary vehicular and pedestrian access from enhanced entrance off Inniscarra Road and secondary pedestrian access from new entrance off and footpath along Inniscarra Road, and 18-space car park with 16 no. cycle stands): Refused for the following reasons:

1. *Having regard to the scale, density, design, and layout of the proposed development, it is considered that the proposal would constitute overdevelopment of the site resulting in unacceptable and restrictive turning facilities, inadequate parking provision, unacceptably restrictive and steep sloping access roads and insufficient play areas. The proposed pedestrian crossing and bin storage area would constitute a serious hazard. Furthermore, the external materials proposed are not of an appropriate quality and durability to ensure satisfactory integration into the area. The proposed development would, therefore, seriously injure the residential amenities of the area, would*

result in a serious traffic hazard and would be contrary to the proper planning and sustainable development of the area.

2. *The proposed development would, by reason of overlooking, be seriously injurious to the residential amenities of the adjoining properties. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

- Pre-planning consultations occurred in November 2017 and 27th February 2018.

6.0 Policy and Context

6.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), Ballincollig is identified as a metropolitan town and it is shown as lying within the County Metropolitan Cork Strategic Planning Area.

Under the Ballincollig-Carrigaline Municipal District Local Area Plan 2017 (LAP), the subject site is shown as lying within the development boundary and in an “existing built up area.”

6.2. Natural Heritage Designations

- Lee Valley pNHA (site code 000094)

6.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 0.25-hectare site to provide 24 dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The applicant begins by critiquing the Planning Authority's approach insofar as it considers that national planning guidelines have not been allowed precedence over the LAP and its revised design approach has not been recognised as a thorough going response to previous refusals on the site.

The following grounds of appeal are cited:

- The site is both an “intermediate urban location” and an appropriate location for higher density development.

With respect to the former, the applicant points out that the three-fold criteria set out in the Sustainable Urban Housing: Design Standards for New Apartments (SUHDSNA) Guidelines for an “intermediate urban location” would be met by the site.

Specifically, the nearest bus stop to the site is 229m away. It is accessed via the Westcourt housing estate and this stop serves the high frequency 220/220X routes. It is also within c. 500m of a significant employment centre, c. 600m of a neighbourhood centre, and between 1 – 2 km of the town centre and future employment centres.

- The proposal would be of an appropriate scale and it would not be injurious to residential amenity in terms of overlooking and overshadowing.

Specifically, under Section 1.9 of the SUHDSNA Guidelines, residential developments of at least three to four storeys must in principle be supported in suburban locations. This the Planning Authority has failed to recognise.

The proposed public amenity space at 347.3 sqm would exceed the 10% site area requirement cited in Section 4.20 of the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines. Likewise, it would come within the range of 12 – 18% cited in the CDP, i.e. at 13.9%, and the SUHDSNA Guidelines standard of 170 sqm.

Not only is the Ballincollig Regional Park near to the site, but there are other open space amenity areas nearby.

Specifically, under Section 4.13 of the SUHDSNA Guidelines, a children's play area is not required for the scale of the current proposal.

Private open space provision would either meet or exceed the relevant standards in this respect set out in the SUHDSNA Guidelines.

- The applicant has responded to the concerns of the Area and Estates Engineers by bringing forward revised proposals, which are shown on drawing no. 18202-JBB-1B-ZZ-DR-T-0016

Given the density of the proposal, under the SUHDSNA Guidelines, a reduced overall car parking standard must be applied. In this respect, walking and cycling alternatives to local shops, services and places of employment are highlighted.

Specifically, the set down area along the front of the site would be omitted by means of bollards, thereby safeguarding the proposed sightlines, which would accompany the proposed site access. Demountable bollards would be installed at the western end of this frontage, to facilitate refuse collection. There would be room here to for bins to be left out. No turning space would be available for the refuse vehicle, but then no such space is available to it along the Inniscarra Road with its residential frontages at present.

While the Planning Authority expresses concern over the cross-traffic movements on Inniscarra Road that would be generated by the proposal, it did not voice such concern for the residential development permitted under 16/04581, which would generate comparable numbers of traffic movements on this Road. Furthermore, the Road Safety Audit (RSA) does not raise the movements now envisaged as an issue and attention is drawn to the eastern bound nature of most anticipated trips from the site and so right hand turning movements from Inniscarra Road would not arise in these cases.

The Planning Authority's concern over the width, surface, and gradient of Inniscarra Road is misplaced. Again, the RSA did not raise these items as an issue and the Design Manual for Urban Streets and Roads (DMURS) recognises that narrower roads contribute to traffic calming. In the case of Inniscarra Road, recently installed signals at the bridge over the River Lee on this Road are calming traffic, too. Additionally, since a 50 kmph speed limit is

applicable, the applicant proposes the introduction of a raised table to coincide with the proposed site entrance, which would have a further calming effect upon traffic.

The said raised table would also incorporate an informal courtesy crossing, which would facilitate the safe crossing of Inniscarra Road by pedestrians. Concern over pedestrian safety would thereby be allayed.

While the RSA does not raise the 4.4m width of the entrance as an issue, the applicant is prepared to widen this entrance to 5m to facilitate ease of manoeuvre between vehicles entering and exiting the site simultaneously.

- The following existing services would be adequate to meet the needs of the proposal:
 - Surface water would discharge to the combined public sewer via the proposed foul sewage pump. An attenuation tank of 124.6 cubic metres would be installed and a hydro-brake that would mimic the greenfield run-off rate. Surface water drainage arrangements would ensure that there is no run-off onto Inniscarra Road.
 - Water supply: Fire flows would be addressed under a subsequent application for a Fire Safety Certificate.
 - Foul sewage disposal: The PE suggested by the Planning Authority of 2.7 per unit is considered to be excessive for apartments, as distinct from dwelling houses. Irish Water's agreement would be secured for the proposed foul water pump and accompanying pipework, e.g. 100 mm rising main, and for the diversion of the existing combined sewer.
 - Retaining structures: These are depicted on the submitted plans and none would be taken-in-charge by the County Council.

7.2. Planning Authority Response

None

7.3. Observations

(i) Gerard & Mary Hannon of 28 Westcourt

Object:

- Traffic generation would cause health and safety issues,
- Traffic movements generated on Inniscarra Road would add to congestion at peak times,
- Overspill parking in the area by users of the nearby Regional Park is already jeopardising road safety. Extra traffic would worsen this situation,
- Insufficient parking is proposed and so overspill parking would result, and
- While no objection would be raised to a smaller residential proposal, the above cited concerns must be attended to.

(ii) Victor & Carmel Barry of 91 Westcourt

Observe:

- Inniscarra Road is a heavily used commuter route,
- This Road is also used by those attending the nearby Regional Park,
- The absence of a means of enclosure between the proposed apartment building and the said Road would pose a risk of accident, especially to children,
- Insufficient parking is proposed and so overspill parking would result,
- Water supply would be an issue,
- Refuse collection and heating fuel delivery would be an issue,
- Insufficient green space would be provided, and local alternatives would entail crossing roads,
- Insufficient lighting would be available to lower level apartments,
- The proposed retaining walls would change the ambience of the area,
- The existing public footpath may be adversely affected, and
- The extent of excavation and levelling of the site is of concern.

(iii) Joanne Murphy of 43 Westcourt

Objects:

- The proposed apartment building would lead to overshadowing of adjacent dwelling houses,
- Its height would dominate the nearby Regional Park,
- Extra traffic would be generated on the narrow Inniscarra Road,
- Overflow parking from the said Park in Westcourt would be added to,
- An additional entrance on the Inniscarra Road would add to the hazard that pedestrians face, and
- Proposed excavations would adversely affect existing dwelling houses.

(iv) Christopher & Miriam Casey of 67 Westcourt

Object:

- Inadequate parking is proposed, and extra traffic on the busy Inniscarra Road would be unsustainable,
- Refuse collection on the narrow Inniscarra Road would be an issue,
- No recreational or green area is proposed,
- The height of the proposed apartment building would be overbearing and overshadowing and overlooking of adjacent dwelling houses would result,
- The proposed entrance would be off a particularly narrow portion of Inniscarra Road. An extra entrance would add to the hazard faced by pedestrians,
- The proposed apartment building would be out of keeping with its surroundings,
- Twenty-one car parking spaces would fail to meet the needs of residents, let alone visitors, and so overspill parking would ensue, and
- Proposed excavation and piling works would undermine the stability of adjacent dwelling houses.

(v) Jerimiah Duggan

Objects:

- The proposal would be too dense,
- Inadequate proposed parking would lead to overspill parking on the adjacent hill in Westcourt, thereby jeopardising road safety and impeding emergency vehicles,
- Sightlines envisaged as accompanying the proposed entrance would be obstructed by parked vehicles in the proposed set down area,
- The proposed green space would be hazardous, as it would be accompanied by a low wall to voids, which would vent the car park below,
- The levels of and exit to the public footpath would be altered, discommoding pedestrians,
- The south western corner of the site is adjacent to the observer's driveway. The proposed excavation of this corner would undermine his driveway,
- Construction traffic would cause pollution to local residents and attendant manoeuvres would disrupt traffic flows on Inniscarra Road,
- Construction machinery may well spill over onto the adjoining public open space with attendant hazard to the public, and
- The adequacy of the combined public sewer to serve the proposal is questioned, in view of overflow incidents during heavy rainfall.

(vi) Joseph & Aisling Evans of "Kielder" off Westcourt

Observe:

- Scale and density
 - Notwithstanding the refusal of previous proposals for the site, the current one proposes a higher density again,
 - The site is not in the town centre, but on the periphery of Ballincollig,
 - Any suggestion that bus services to the north of the River Lee would serve the site fails to reckon with the inaccessibility of such services to pedestrians from the south of the River,

- Inniscarra Road is not an urban street but a critical arterial route: Sightlines should, therefore, be at least 70m long, not 50m,
 - Urban location parking standards make no sense: Overspill parking would ensue on the hill in Westcourt, thereby undermining road safety and impeding the attendance of emergency vehicles,
 - The proposed amenity area would be sited in a sunken space, which, notwithstanding fencing, would be hazardous from above and which would be accompanied by a low wall accompanied by a drop into the car park below,
 - The corollary of the unsatisfactory amenity area is that existing public open space in Westcourt would be used, thereby adding to the pressure upon such space,
 - The proposal would entail the unacceptable re-routing of an existing public footpath,
 - The submitted plans fail to reflect the reality that Inniscarra Road descends to the west as it passes the site,
 - They also appear to show north facing apartments with a floor-to-ceiling height of 2.6m, a non-existent woodland in the north western corner of the site, and retaining walls are inadequately depicted, and
 - The scale of the retaining walls themselves would require a lot of concrete and attendant truck movements would be significant.
- Fire safety
 - The vehicular entrance to the undercroft would have a height of 2.6m, whereas 3.7m would be needed to facilitate attendance by emergency vehicles, and
 - A fire in the car park would spread upwards to the apartments via the void between the amenity area and the southern elevation of these apartments.

- Compatibility with existing site services
 - Attention is drawn to the public sewer, which has a diameter of 225 mm. This sewer already serves dwelling houses in the vicinity of the site. If it were to be obstructed downstream, then the volume of waste water discharged into it from the proposal would quickly lead to back/overflows.
 - Needed clearance from Irish Water is absent from the submitted application, and
 - Refuse collections would be undertaken without a turning facility and so lorries would be forced to use the car park in the Regional Park to undertake such manoeuvres.
- Concerns raised by the works required to build the development
 - Construction traffic would be considerable and consequent pollution would adversely affect the amenities of the area,
 - The demolition and removal of the school may require the input of specialists. The proposed excavations of gravel would be hazardous, as evidenced by similar excavations in the locality. They would cause further pollution,
 - The observers have a retaining wall to their dwelling house that is sited within 1m of the site boundary. Given the aforementioned excavations, concern is expressed over the stability of this dwelling house and, indeed, other dwelling houses, too,
 - Given the volume of gravel that would need to be excavated, it is inevitable that construction traffic would use Inniscarra Road and Westcourt housing estate with attendant issues of obstruction and hazard to other road users, and
 - The opportunity to wash down trucks exiting the site would not exist and the cleaning of Inniscarra Road would add to congestion on the same.

(vii) Orla & Ross Sheehan and Linda & Paul Fox of Nos. 10 & 12 Westcourt

Observe:

- The applicant's reliance upon the 220 bus service to justify a relaxation in standards that would otherwise apply is misplaced, as this service is only a pilot scheme and so there is no guarantee of its perpetuation,
- The applicant's reliance upon public open space in Westcourt is misplaced, as this space is designed to serve the housing estate in question. The applicant should provide amenities within the boundaries of the subject site for the use of future residents, as exemplified by a recent scheme for 8 dwelling houses nearby (16/4581),
- Under the Sustainable Urban Housing: Design Standards for New Apartment Guidelines (SUHDSNA), while there is a neighbourhood centre within 10 minutes walking distance of the site, Ballincollig town centre is 25 – 30 minutes away.
- The proposal would neither facilitate set down and collection by taxis nor grocery deliveries and, while the inbound bus stop on the R608 is 229m from the site, the corresponding outbound bus stop can only be safely accessed by an additional more circuitous route. This latter distance would militate against the use of public transport.
- The use of retractable bollards in conjunction with refuse collection would not be full proof, i.e. if damaged and rendered inoperable, then lorries would stand on Inniscarra Road. Furthermore, the practicalities of the use as intended have not been thought through, i.e. the gradient between the lorry refuge and the bin store would militate against its on-going use.
- The raised table proposed at the appeal stage to accompany the proposed entrance to the site is critiqued on the basis that its design has not allowed for the ascending nature of east bound traffic movements. The risk of damage to vehicles passing over this table is highlighted. The accompanying RSA fails to address this issue or other issues raised by the applicant's appeal stage proposals for Inniscarra Road,

- The swept path of the bin truck assumes that it approaches from the east. No allowance is made either for a westerly approach or turning manoeuvres,
- Will the retaining walls and other communal structures, such as the amenity areas, pumping station, bin store, external lighting, and set down areas be taken in charge? and
- A demolition and construction plan should have been submitted. Likewise, fire safety and water service issues should be resolved at the planning stage.

Additionally, at the application stage, the observers raised the following points:

- Legal rights and access
 - Under Folio CK22758F, the applicant does not own a portion of the site adjacent to the south western corner,
 - Under Folio CK28757F, a public right of way exists across the eastern extremity of the site, under which run services. This right of way needs to be maintained at all times. Concern is expressed over the incidence of anti-social behaviour, which might worsen under the means of enclosure that is proposed for the eastern boundary to the development site, and
 - The proposed diversion of the public sewer would occur partly in lands outside the subject site and yet the necessary consents have not been obtained. The affected lands would comprise public open space and their disruption is unacceptable to local residents.
- Environmental issues
 - Attention is drawn to the Lee Valley pNHA (site code 000094), which lies to the north of the site. The applicant has failed to assess the proposal in the light of this proximity, and
 - Attention is also drawn to the likelihood that there is rock at shallow levels underneath the site. Insufficient regard has been had to this likelihood in the proposed layout of the site.
- Foul sewer network
 - The applicant's sewer calculations are critiqued on the basis that they seriously under estimate the likely PE loading,

- Discrepancies between the submitted data sheets and the submitted plans are highlighted, and
- The applicant has not identified what contingencies would be made for a failure of the proposed waste water pump.
- Storm sewer network
 - Alarm is expressed over the capability of the proposed pumping station to cope with the storm water flows as well as waste water flows. The risk of flooding to the car park and beyond is signalled. Likewise, the capacity of the combined public sewer to cope is questioned, too, and
 - Discrepancies between the calculations for the design of the attenuation tank and that which is depicted in the submitted plans are highlighted.
- Water services
 - The submitted application does not include a copy of any pre-application connection enquiry to Irish Water,
 - Would there be sufficient water available for fire-fighting purposes? and
 - Would the proposal as design be capable of meeting all relevant fire safety requirements?
- Noise and disruption
 - Given the potential for rock within the site, the environmental impact upon the amenities of local residents of the established Westcourt housing estate would be considerable and sustained, and
 - Inevitably, the overspill of construction activities and traffic would prove disruptive to the operation of Inniscarra Road and the estate roads.
- Parking and cyclists
 - Attention is drawn to the inadequate parking proposed, i.e. under CDP standards each apartment should be accompanied by 1.25 spaces, with a minimum of 2 for the mobility impaired, provision for E cars and motorbikes, too. Attention is also drawn to the need to properly provide for bicycle parking,

- There is no provision for cycle lanes on Inniscarra Road and pedestrian provision is constrained and road crossing movements are hazardous,
- Under NRA standards, the sightlines accompanying the proposed entrance should be 3m x 70m. In this respect, the proposed set down areas should be re-specified for soft landscaping, and
- Refuse collection from the roadside would be fraught, e.g. bins would obstruct the western sightline and they would, in practise, be a cause of littering.
- Building forms
 - While the building form is viewed as well considered, the specification of only one stairwell is likely to be inadequate from a fire safety perspective, thus necessitating revisions to this form,
 - The need for the proposed apartment building on this site in Ballincollig is questioned, given the incidence of such buildings elsewhere, which are either existing or proposed, and, given too the engineering challenges posed by the site, and
 - Essentially any redevelopment of the site should be to a lower density, which maintains existing site levels and the profile of existing buildings on the site.

(viii) Jeremiah & Kathleen Kearney of 60 Westcourt

Object:

- The proposed apartment would not be in keeping with the area,
- There are existing issues with overspill car parking in Westcourt arising from users of the Regional Park,
- Extra traffic on Inniscarra Road would exacerbate existing problems,
- The proposal is bereft of a green space, and
- The operation of the existing combined public sewer is unsatisfactory as it is.

7.4. Further Responses

Observers (i), (ii), (iv), (v) and (vi) have written to express their support for observer (vii). Observer (vi), in particular, has interacted with observer (vii) and elaborated on some of its observations as follows:

- Amenity space
 - While a children's playground is not a requirement under the SUHDSNA Guidelines, given that the proposed apartment is for social housing, children would feature and so a playground would have been welcome,
 - The sunken form of the proposed amenity area would pose an on-going maintenance problem with respect to the ensuing damp and shady conditions. It would also form a disruptive echo chamber if, as is likely, it is actively used, and
 - Proposed first floor apartments with southerly aspects would, due to the height of the retaining walls around the adjacent amenity area, be light deficient and yet they would not have any compensatory features such as higher floor-to-ceiling heights.
- Site emergency and service access
 - Refuse collections would entail a bin truck utilising the "set down area", which due to the fall in the adjoining carriageway would be at an increasingly higher level than this carriageway in a westerly direction. While this area could be accessed in forward gear, egress would entail potentially a lengthy reversing manoeuvre along the said carriageway and over the proposed pedestrian crossing. The proposed dropped kerbs to the set down area would likewise entail a significant change in levels. Accordingly, inherently hazardous manoeuvres with, variously, a risk of collision or toppling over would arise.
 - Attention is drawn to the bollards, to the east of the site, erected at the entrance to Westcourt off Inniscarra Road in order to safeguard sightlines of 120m.

- Transport links
 - Attention is drawn to the Macroom to Cork bus service route 233, which runs to the north of the River Lee. Pedestrian access to this route is fraught, especially at night and during inclement weather, and so it would not be suitable.
- Water
 - Attention is drawn to surface water run-off along Inniscarra Road, which occurs during heavy rainfall. At present, this water passes by the subject site, due to its elevated position. However, under the proposal, this site would be excavated and the proposed levels in its eastern portion would be below that of this Road. A flood risk would thereby be created.
 - During heavy rainfall, stormwater would discharge from the proposal to the public sewerage system, which can overflow through raised manholes in Inniscarra Road, thus leading to more flooding of the proposal, resulting in an unproductive loop.
- Ecology
 - Attention is drawn to the proximity of Ballincollig Regional Park and Lee Valley pNHA. Bats have been sited in the vicinity of the subject site and bat boxes have been placed on trees in the said Park opposite. The redevelopment of this site to provide a larger building would entail disruptive excavations and less connectivity between the Park and an area of public open space to the south of the site. Concern is thus expressed for the welfare of bats and other sensitive species.
- The status of Inniscarra Road
 - Attention is drawn to the link that Inniscarra Road provides as the L2211, which runs between the R618 and the N22. Rather than being an urban street, it thus fulfils the role of a critical arterial route. Under DMURS it should be classified as an urban relief road and so the “y” distances at the proposed site entrance should be 70m and the introduction of a raised platform would be inappropriate, as it would impede the progress of traffic.

The applicant has responded to observer (vii) as follows:

The applicant summarises relevant national and local planning policies that are supportive of its proposal for the subject site.

It makes the following points by way of response:

- Intermediate urban location
 - Figure 2 in the applicant's grounds of appeal simple shows, accurately, the 5, 10, and 15 minute walking parameters of the subject site, in accordance with SUHDSNA Guidelines. This site would meet two of the relevant thresholds for an "intermediate urban location" within these Guidelines, i.e. it would be within c. 500m of a significant employment centre (Greta Island Enterprise Centre, DELL EMC Campus, and a neighbourhood centre) and it would be within c. 250m of a reasonably high frequency bus service (220/220X operates at 15-minute intervals and the 233). (The 220/220X bus service is of relevance not because of the current 24-hour pilot scheme, but because of the said 15-minute intervals).
 - The walking distance from the west bound bus stop on the R608m is exaggerated as there is a pedestrian sequence within the signals at the junction between this regional road and Wyndham Downs, 165m to the west, which would not add appreciably to walking distances.
- Local issues
 - The proposal would benefit the locality by providing much needed social housing for local people through the redevelopment of a vacant and derelict site.
 - The applicant reiterates its contention that the Planning Authority's decision fails to respect the hierarchy of national and local planning policies, especially as certain of the former have been introduced since the CDP and LAP were adopted.
 - References to it being "presumptuous" for the applicant to rely in part upon the existing provision of green areas in the Westcourt housing estate are misplaced, as these areas are public open spaces.

- Access design issues
 - The retractable bollards would control access/egress to a standing space for a weekly refuse collection only. Other vehicles in attendance, e.g. taxis, doctor's, and visitors, would be able to use the car park.
 - The scenario of a refuse vehicle using the public road rather than the said standing space would be one for the Roads Authority to address.
 - The gradient of Inniscarra Road is c. 1: 34, i.e. a gentle one under Part M of the Building Regulations.
 - The applicant's engineer advises that the proposed standing space would be capable of being accessed satisfactorily by an eastbound lorry, too, and the absence of turning facilities for such lorries on the site is not unusual for apartment schemes.
 - The proposed raised table would be designed for the stretch of Inniscarra Road in question, i.e. the 125mm step would be negotiated by means of a 1: 20 gradient c. 4m long ramp to the west and a 1: 20 gradient c. 2.5m ramp to the east.
 - The RSA is defended as it was undertaken by independent, approved and certified road safety auditors.
- Taking-in-charge of retaining structures
 - The applicant is a voluntary housing association and, as its application is for social housing, it is not subject to Part V of the Planning and Development Act, 2000 – 2019. Consequently, the applicant would be responsible for the future maintenance of the development, including the retaining structures.
- Other issues raised at the application stage
 - Legal entitlements: Section 34(13) of the aforementioned Act is of relevance.
 - Environmental impact of the NHA: The case planner screened out the need for AA and its environment consultee requested the submission of a Construction and Demolition Environmental Management (CDEM) Plan.

- Inadequate water services: See the applicant's grounds of appeal.
- Major engineering works: The applicant would welcome the continued conditioning of a CDEM Plan.
- Parking: See the applicant's grounds of appeal.
- Access/egress: See the applicant's grounds of appeal.
- Footpaths, cycle lanes, and buses: See the applicant's grounds of appeal.
- No green space for residents to play: See the applicant's grounds of appeal.
- No proposal for soft landscaping: The observers have not elaborated on this matter.
- No additional requirement for apartments in Ballincollig: The observers have not elaborated on this matter. It is contrary to national and local planning objectives to increase densities and the mix of dwelling types on residential sites.

8.0 Assessment

8.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, the LAP, relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) Land use, type of urban location, density, and height,
- (iii) Development standards and future amenities,
- (iv) Visual and residential amenity,
- (v) Traffic, access, and parking,
- (vi) Water, and
- (vii) Screening for Stage 1 AA.

(i) Legalities

- 8.2. The submitted application is accompanied by a letter from the registered owner of the site edged red on the submitted plans, in which consent is given to the applicant to make the current application.
- 8.3. Observers (vii) contend that a portion of the said site in its south western corner is in separate ownership. They also draw attention to the public right of way that crosses the eastern extremity of the site and to the route of the route of the diverted public sewer, which they contend would lie outside this site.
- 8.4. The applicant has responded to the first of the observers' points by citing Section 34(13) of the Planning and Development Act, 2000 – 2019, (hereafter referred to as the Act). I note the provisions in this Section and I note, too, that the Board is not in a position to arbitrate over any competing ownerships that may be applicable to the said portion of the site.
- 8.5. In relation to the second point, the submitted plans acknowledge the presence of the identified public footpath and the proposal would be compatible with the retention of this footpath. Whether it would be capable of being kept open through the entirety of any construction phase, is a question that would be capable of being addressed under any Construction Management Plan for the site.
- 8.6. In relation to the third point, the submitted plans show the diverted public sewer within the red edge of the site.
- 8.7. I conclude that there are no legal impediments to the Board proceeding to assess and determine the application/appeal in the normal manner.

(ii) Land use, type of urban location, density, and height

- 8.8. Under the CDP, Ballincollig is identified as a metropolitan town, which lies within the County Metropolitan Cork Strategic Planning Area. Under the LAP, the subject site is shown as lying within the development boundary and in an “existing built up area.” As this area is predominantly in residential use, there is no in principle land use objection to this site, which was last used as a school, being redeveloped for a residential after use.
- 8.9. Under the heading of “Location”, the SUHDSNA Guidelines advise on locations that are suitable for apartments in the following general terms: “...the scale and extent of

apartment development should increase in relation to proximity to core urban centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.”

8.10. The said Guidelines go on to distinguish between three types of location, i.e. central and/or accessible urban locations, intermediate urban locations, and peripheral and/or less accessible urban locations. The parties to this appeal disagree over the appropriate categorisation of the subject site. Thus, the applicant favours the second, while the Planning Authority favours the third.

8.11. These Guidelines state that intermediate urban locations are suitable for, amongst other things, higher density development that may wholly comprise apartments. The following three alternative criterion are cited for these locations:

- *Sites within or close to, i.e. within reasonable walking distance (i.e. up to 10 minutes or 800 – 1000m) of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;*
- *Sites within walking distance (i.e. between 10 – 15 minutes or 1000 – 1500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5 – 10 minutes or up to 1000m) of high frequency (i.e. 10 minute peak hour frequency) urban bus services or where such services can be provided;*
- *Sites within easy walking distance (i.e. up to 5 minutes or 400 – 500m) of reasonably frequent (min. 15 minute peak hour frequency) urban bus services.*

8.12. If the site is reviewed in the light of these alternative criterion, then the following comments are of relevance:

- In relation to the first criterion, under the LAP, the main body of the town centre is shown, along with a minor area closer to the site. Thus, the nearest portion of the former is the Tesco Superstore, which is 1500m away, while the latter, which is centred on a SuperValu food store is 700m away. (A further Lidl food store is located centrally in the Great Island Enterprise Park, 800m away). This Enterprise Park is an employment centre, which includes Dell

EMC. Its accessibility is made marginally more convenient for pedestrians by means of a public footpath from the L2211.

- In relation to the second criterion, no high capacity or high frequency public transport services are available in Ballincollig.
- In relation to the third criterion, a bus stop, known as Ballincollig West (opposite Old Quarry), on the R608 serves Bus Eireann's Route No. 220, which runs between Ovens and Camden and includes within it Ballincollig to Cork City Centre. This service operates at 15-minute intervals during peak times and under a current pilot scheme it operates on a 24-hour basis. The said bus stop, which serves westbound buses, has been calculated by the applicant to be precisely 229m away from the subject site. The corresponding bus stop, which serves eastbound buses, can be accessed via a pedestrian sequence in the signalled junction between the R608 and Wyndham Downs/Coolroe Meadows. This extended pedestrian route, which would ensure a safe crossing of the regional road, adds c. 300m to the distance.

The aforementioned bus stops are also served by the Bus Eireann's Route No. 220X. However, this route has, currently, only 3 services during peak times.

The applicant also refers to Bus Eireann's Route No. 233, which runs between Cork City Centre and Macroom. This route passes through Ballincollig town centre on the R608 and it also serves Inniscarra Bar, to the north of Inniscarra Bridge over the River Lee. (Observers (vi) and (vii) have critiqued the 700m pedestrian route between the site and Inniscarra Bar). The route does not operate at a high frequency during peak times.

- 8.13. I, therefore, consider that, on the basis of the first and third criteria, the site is sufficiently close to the town centre, an employment area, and the nearest bus stops serving east and westbound buses on the Route No. 220 to be classified as an intermediate urban location.
- 8.14. The SUHDSNA Guidelines envisages the suitability of intermediate urban locations for, amongst other things, "higher density development that may wholly comprise apartments." These Guidelines do not state what "higher density" is, but they do state that medium – high density is greater than 45 dwellings per hectare net and so,

by implication, higher density is in excess of this figure. The Sustainable Development in Urban Areas (SDUA) Guidelines discuss density. They state that where sites are within public transport corridors, which include 500m walking distance from a bus stop, that minimum net densities of 50 dwellings per hectare are appropriate, “subject to appropriate design and amenity standards.”

- 8.15. The current proposal is for 24 dwellings on a site of 0.25 hectares. This proposal would thus represent a net density of 96 dwellings per hectare.
- 8.16. Paragraph 1.9 of the Urban Development and Building Heights (UDBH) Guidelines requires that on sites outside town centres where two storey development may be the norm that, in principle, “at least three to four storeys” be supported.
- 8.17. The current proposal would replace two storey buildings on an elevated site with a four storey one on a lowered site.
- 8.18. I conclude that, in the light of the LAP, the proposed residential after use of the redeveloped site would, in principle, be an appropriate land use. I also conclude that, in the light of relevant national planning guidelines, this site is situated in an intermediate urban location. Its redevelopment as proposed would prompt no, in principle, objection on the grounds of either density or height.

(iii) Development standards and future amenities

- 8.19. The proposal is for 24 dwellings, of which 4 would be one-bed (16.7%), 15 would be two-bed (62.5%), and 5 would be three-bed (20.8%). Thus, a good mix of dwelling sizes would ensue.
- 8.20. The applicant has submitted a Housing Quality Assessment Table, which sets out the overall areas of the proposed dwellings, as well as the areas of individual rooms and their widths. Compliance with quantifiable standards set out in the SUHDSNA Guidelines, in these respects, would be achievable.
- 8.21. The aforementioned Table also refers to floor-to-floor heights and aspects.
 - With respect to the former, 3m would be achievable, although this would translate into a 2.6m floor-to-ceiling height. The said Guidelines recommend 2.7m for upper floors and 2.7m as a minimum for ground floors with 3.0m preferable.

- With respect to the latter, the Table shows 6 of the 24 dwellings as being single aspect and the remaining 18 as being dual aspect. Each of the 6 would have a southerly aspect and yet 5 would be three-bed, which the SUHDSNA Guidelines specifically states should ideally be dual aspect.

Of the 18 dual aspect dwellings, 12 would have predominantly northerly aspects. The subsidiary aspects would be problematic in the following cases: Ground floor apartments nos. 1 and 2 would have, variously, westerly and easterly habitable room windows abutting enclosed public amenity spaces. In the case of apartment no. 1, due to the existence of a high retaining wall opposite at a distance of only 4.265m, lighting of the said windows would be poor. Likewise, the first-floor apartment above, no. 3, would have correspondingly poor lighting.

The first floor apartment no. 10 in the south western corner of the first floor would be poorly lit, too, due to the presence of high retaining walls to the south and to the west. The southern retaining wall would taper down progressively in an easterly direction and so its presence and that of the metal railings above it, at a distance of 7.635m, would have an impact on the outlook of the single aspect apartments nos. 9 and 8. (The second floor apartments above these ones, i.e. nos. 18, 17, and 16, would be impacted more by the aforementioned metal railings, an embankment beyond these railings and a solid wall along the southern boundary of the site with the existing green area).

- 8.22. Accordingly, while I acknowledge that the proposal would accord with the vast majority of the quantifiable standards of the SUHDSNA Guidelines, the combination of a low ceiling to the ground floor apartments and low amenity value to their easterly and westerly windows and low amenity value to windows, doors, and balconies to the majority of the first floor southern apartments, one of which would be a three-bed unit with a single aspect, would render these apartments qualitatively unsatisfactory.
- 8.23. Turning to open space, the aforementioned Table shows that the proposed provision of private open space would either coincide or exceed the area required by the SUHDSNA Guidelines. Such space would be provided by means of balconies, apart from the two ground floor apartments where it would be provided by means of

enclosed front patios. As these patios would be continuous with publicly accessible paved areas adjoining the southside of Inniscarra Road, their privacy and security would be limited.

- 8.24. Under Appendix 1 of the aforementioned Guidelines, minimum floor areas for communal amenity space are set out. Under these Guidelines, a minimum of 162 sqm of communal amenity space would be required.
- 8.25. Under the proposal, three communal amenity spaces would be provided, i.e. at ground floor level on the eastern (52.8 sqm) and western (66.7 sqm) sides of the apartment block and at first floor level to the rear (227.8 sqm) of this block. Thus, a total of 347.3 sqm would be provided, i.e. considerably in excess of the minimum cited above.
- 8.26. The two side spaces would be enclosed, especially the western one, which would be silo like due to its sunken form between the western elevation of the four storey apartment block and the corresponding retaining wall adjacent to the western boundary of the site. The amenity value of this western space would thus be extremely limited.
- 8.27. The rear amenity space would be enclosed, too, between the rear elevation of the apartment block and the corresponding southern retaining wall. Lighting of this space would be limited, and observers have critiqued its design, on the basis that voids between it and the ground floor car park would be enclosed by means of a 1m high wall, which would pose a safety risk to children especially.
- 8.28. Observers have also expressed concern that none of the proposed amenity areas would be laid out as an on-site children's play area. Under the SUHDSNA Guidelines, such areas only become obligatory in developments where 25 or more dwellings have two or more bedrooms. As the current proposal is for 24 dwellings, of which 20 would have two or more bedrooms, this threshold would not be reached. That said, as this proposal would be for social housing, it may well accommodate households with more children than would be normal in an apartment scheme of the scale envisaged and so the omission of a play area is regrettable.
- 8.29. The applicant has drawn attention to the proximity of green areas within the adjoining Westcourt housing estate and the Ballincollig Regional Park. I noted during my site visit that one of the said green areas adjoins the site. I noted, too, that the Regional

Park and Ballincollig playground are at some remove from this site and in both cases on the far side of Inniscarra Road (L2211). Thus, their location and the availability of only a narrow public footpath on the northern side of this Road militates against their fuller use by children.

- 8.30. The SUHDSNA Guidelines address communal facilities, too. While the scale of the proposal, again, would be below that for many such facilities, the absence of communal laundry facilities and an area for drying clothes in well ventilated spaces is a significant omission from a proposal that would seek to accommodate families.
- 8.31. I conclude that, while the proposal would meet the vast majority of relevant quantifiable standards, qualitatively it would be unsatisfactory and so I am concerned that it would fail to secure an adequate standard of amenity for future residents.

(iv) Visual and residential amenity

- 8.32. Existing levels on the site rise from the north eastern corner (22.442m) to the south and to the west resulting in spot heights of c. 28m in the south western corner.
- 8.33. Under the proposal, the ground floor finished level would be 21m and so the development would entail not only the demolition and clearing of the existing school building on the site, but its significant excavation and lowering to facilitate the construction of the proposed apartment building.
- 8.34. The footprint of the proposed apartment building and adjoining amenity areas would extend over the greater portion of the site, leaving landscaped margins, which would be hard landscaped to the front (northern side) and banked and soft landscaped to the rear (southern) and western sides. The remaining eastern side would mainly accommodate the retained public footpath between Westcourt housing estate and Inniscarra Road.
- 8.35. The siting of the proposed apartment building would be further forward (7.5m) in relation to Inniscarra Road than that of adjacent dwelling houses to the east on the far side of the aforementioned public footpath (c. 8m separation distance between corresponding side elevations). As this part three/part four storey building would be constructed at a lower level than these dwelling houses the discrepancy in their respective heights would be relieved somewhat. Thus, the forward three storey portion would be 30.300m high, while the adjacent eaves would be 29.385m, and the

recessed four storey portion would be 33.600m, while the adjacent ridge line would be 31.943m.

- 8.36. To the west of the site and off an adjacent turning head on the Westcourt housing estate, the nearest dwelling house, which is of split-level form, has an eaves and a ridge height of 32.830m and 35.869m.
- 8.37. As indicated above, the mass of the proposed apartment building would be relieved by the differences in its height, the inclusion in its more public front elevation of projecting features, and the specification of a variety of finishing materials.
- 8.38. The front elevation of the proposed apartment building would overlook Inniscarra Road and Ballincollig Regional Park to the north, while the rear elevation would overlook the main proposed communal amenity area and at third floor level the existing green area to the south. As indicated above, dwelling houses lie to the east and to the west. In the former case, overlooking of this dwelling house would be avoided by the specification of high level windows in the rear portion of the eastern side elevation and the specification of privacy screening to the eastern sides of the nearest balconies. In the latter case, the presence of retaining walls, metal railings and boundary walls would largely screen the proposed apartment building.
- 8.39. Observers express concern over the environmental impact of any construction phase, including the environmental impact of construction traffic and machinery. They express particular concern over the prospect of the site's excavation and the possible risk to the stability of adjacent dwelling houses.
- 8.40. Clearly, under any permission, the said environmental impact would be capable of being addressed by means of conditions which would control the days and hours of operations and which would ensure that construction proceeded in accordance with management plans designed to ensure that the said impact was mitigated. Clearly, too, any risk to protected species, such as bats, would need to be mitigated, too, e.g. by the timing of the demolition of the school buildings.
- 8.41. The specific issue of stability is one that the developer would be responsible for addressing by ensuring good engineering practice and the incorporation in working methodologies of all necessary safeguards.
- 8.42. I conclude that the proposal would be compatible with the visual and residential amenities of the area.

(v) Traffic, access, and parking

- 8.43. The last use of the site was that of a school, Gaelscoil Ui Riordain. Clearly, this use would have generated vehicular and pedestrian traffic, which would have overlapped in part with the morning peak.
- 8.44. The proposed residential use of the site would entail its redevelopment. Observers express concern that any construction phase would generate a disproportionate amount of traffic, due to the need to excavate the site and construct extensive retaining walls. As Inniscarra Road (L2211) is heavily trafficked and the only alternative means of access would be through the Westcourt housing estate, they express concern over obstruction/congestion/hazard to road safety.
- 8.45. I acknowledge that construction traffic would be likely to be an issue. However, this would be capable of being addressed under a construction traffic management plan, which could deal in particular with the need to avoid peak time traffic flows on Inniscarra Road.
- 8.46. The proposal would entail the provision of 21 car parking spaces in an under-croft car park, which would be accessed directly off Inniscarra Road. As originally submitted, a set down area was proposed for the entire frontage of the site, too. The Planning Authority's third reason for refusal is essentially a critique of the level of car parking provision proposed and the likely incidence of overspill car parking in the set down area with implications for sightlines at the site entrance. Observers, likewise, envisage a scenario wherein existing problems of overspill car parking generated by the proximity of Ballincollig Regional Park would be exacerbated.
- 8.47. Under SUHDSNA Guidelines, Planning Authorities are advised to consider reducing car parking provision on sites in intermediate urban locations, especially in denser developments, such as the current proposal. Under CDP standards, apartments should be accompanied by 1.25 spaces and, so for 24 apartments, 30 spaces would normally be required, whereas under this proposal 21 would be provided.
- 8.48. I note that the applicant has not elucidated the rationale for providing 21 spaces. In the absence of evidence to the contrary, I consider that a reasonable response to the aforementioned advice would be to allocate provisionally 1 space to each apartment, thereby requiring the provision of 24 spaces. I note, too, that at the appeal stage, the

applicant has removed the risk of the set down area being used for car parking, by proposing that it be cordoned off by means of bollards.

- 8.49. Under CDP standards, one and two-bed apartments should be accompanied by 0.5 cycle spaces and three-bed apartments should be accompanied by 1 cycle space. Thus, for the current proposal, a minimum of 15 cycle spaces should be provided. The proposed provision would provide 61 such spaces, based a racking system, and so this standard would be met.
- 8.50. Observers also express concern over traffic that would be generated in the operational phase of the proposal. In particular, they draw attention to the width of the entrance to the proposed under-croft car park, the length of the sightlines that would be available at the site entrance, the incidence of right hand turning manoeuvres into this entrance, the proposed arrangements for refuse collection and the hazards attendant upon pedestrians crossing Inniscarra Road.
- 8.51. At the appeal stage, the applicant has responded to the above cited concerns by offering to increase the width of the said entrance from 4.4m to 5m to facilitate vehicles passing one another while travelling in opposite directions.
- 8.52. The “y” distance at issue would be 50m. This distance presupposes a design speed of 50 kmph, which coincides with the speed limit. The Area Engineer has not questioned this presupposition. DMURS discusses “y” distances and it points to research which indicates that shorter “y” distances do not necessarily lead to an increase in collisions as they tend to have a claiming effect on vehicle speeds. Nevertheless, at the appeal stage, the applicant has submitted a proposal to form a raised table on Inniscarra Road to coincide with the proposed site entrance. This table would entail a step up of 125mm and so it would be accompanied by ramps at either end. Observers (vi) and (vii) have critiqued its design on the basis that it fails to take account of the downwards gradient of Inniscarra Road in a westerly direction. The applicant has responded by stating that the western ramp could be correspondingly longer to allow for this factor. At the eastern end of the ramp an informal courtesy crossing would be included for pedestrians. This crossing would be conveniently situated to connect with the public footpath through the eastern extremity of the site. Its presence would relieve the hazard presently facing pedestrians seeking to cross Inniscarra Road.

- 8.53. The applicant contends that the majority of vehicular movements into and out of the site entrance would be from and to Ballincollig and so the number of right hand movements into this entrance that could cause an obstruction to eastbound traffic on Inniscarra Road would be limited. Clearly, the applicant's offer to widen the entrance to the under-croft car park would assist in this respect, too.
- 8.54. Observers (vi) and (vii) have drawn attention to the difference in levels that would exist between Inniscarra Road and that portion of the set down area that the applicant has identified, at the appeal stage, as being utilised by a refuse collection lorry. This portion would be accessed by means of retractable bollards and it is depicted on drawing no. 18202-JBB-1B-ZZ-DR-T-0016 (revision P01) as being accessed in forward gear, thereby necessitating regress by means of a reversing manoeuvre. This drawing does not depict a detailed design for either the standing space, its accompanying access/egress strip, or the area that would be occupied by bin(s) waiting to be emptied. In the absence of such detail, the applicant has not demonstrated the efficacy or safety of this design solution to the problem of refuse collection, which is prohibited from occurring within the under-croft, due to insufficient headroom. In particular, the reversing manoeuvre that would be integral to the use of this space would be inherently hazardous.
- 8.55. I conclude that the traffic implications of the current proposal need to be weighed against the baseline of the traffic conditions that would have pertained under the site's last use as a school. I conclude, too, that, in principle, the access/egress arrangements proposed at the appeal stage for serving the under-croft car park would be satisfactory. By contrast, the level of car parking provision proposed appears to be inadequate and the refuse collection arrangements would be unsatisfactory, due to the need for an inherently hazardous reversing manoeuvre.

(vi) Water

- 8.56. The applicant proposes to establish a new 100 mm diameter connection to the public water mains in Inniscarra Road. This connection would be linked to a cold water storage room in the south eastern corner of the under-croft to the proposed apartment building. Two fire hydrants would be sited in the immediate vicinity of this building.

- 8.57. The applicant also proposes to establish a new connection to the combined 225 mm diameter public sewer that runs on an east/west axis through the southern portion of the site. This sewer would be required to be diverted to the southern extremity of the site. Both waste water and surface water would discharge to it and because of a difference in levels, a pumping station would be installed towards the south western corner of the under-croft in the proposed apartment building. Surface water would pass through an attenuation tank, which would be sized to cope with a 1 in 100-year storm event and the rate of flow from this tank would be held to a 1 in 2-year storm event (the greenfield site run-off rate).
- 8.58. The applicant's engineer reports on the aforementioned proposed connections in conjunction with a copy of a letter from Irish Water, which is described as being a confirmation of feasibility.
- 8.59. During the application stage, Irish Water submitted observations on the proposal. These observations requested that further information be submitted with respect to the separation of storm water from waste water at the outlet point from the site and to the measures that would be taken to protect or ideally divert a 300 mm diameter asbestos cement trunk main that passes beneath the public footpath in the eastern extremity of the site.
- 8.60. As the Planning Authority refused the current application, the aforementioned further information was not requested. However, I consider that they would be capable of being conditioned.
- 8.61. Notwithstanding the proximity of the site to the River Lee, the OPW's flood maps show it as lying to the south of the flood plain attendant upon this River. The aforementioned engineer's report draws attention to the proposed finished ground floor level, which at 21m would be above the level of the flood plain in the Regional Park to the north and above the level of the majority of Inniscarra Road, as it passes the site. In this respect, the proposed raised table and the site entrance would need to be the subject of some detailed design work to ensure that the surface water drainage arrangements for the Road are not compromised and the proposed under-croft is protected from roadside surface water run-off. Such work would be capable of being conditioned, too.

8.62. I conclude that Irish Water has raised no in principle objection to the proposed new connections to the public water mains and combined public sewer. I conclude, too, that, while aspects of the drainage arrangements for the site would need to be redesigned or designed in greater detail, that such aspects would be capable of being conditioned. The site is not the subject of any identified flood risk.

(vii) Screening for Stage 1 AA

8.63. The site is neither in nor near to any Natura 2000 site. The nearest such sites are downstream of the nearby River Lee in Cork Harbour, i.e. the Cork Harbour SPA (site code 004030) and Great Island Channel (site code 001058). A potential source/pathway/receptor route between this site and these sites exists, by means of a man-made water course behind a boundary wall to Ballincollig Regional Park on the opposite side of Inniscarra Road from the site. (This water course flows into the River Lee). However, subject to good practice during the construction phase, pollutants from the site would not reach this water course, and, during the operational phase, pollutants from the site would be contained within Irish Water's infrastructure. Accordingly, I consider that it would be unlikely that the Conservation Objectives of the said Natura 2000 sites would be significantly effected by the proposal.

8.64. Having regard to the nature and scale of the proposal, the nature of the receiving environment, and the proximity of the site to the nearest European site, no Appropriate assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Conclusion and Recommendation

9.1. I have identified a number of issues with the proposal, even as revised at the appeal stage. These issues relate to the standard of amenity that would be achievable for future residents and to parking.

9.2. I consider that some resolution of these issues would be possible by the omission of the two ground floor apartments. Extra room would thereby be provided for an additional car parking space in the under-croft and the inclusion within it of

communal facilities, such as a laundry. Such resolution would be capable of being conditioned.

- 9.3. I consider that resolution of other issues would go beyond what could be realistically conditioned. Thus, the issues posed by the low amenity value of certain of the first floor apartments and the communal amenity areas, due to the proximity of tall retaining walls, would require a more radical redesign of the proposal. Likewise, the proposed standing space for a refuse collection lorry and the attendant access and egress arrangements should be redesigned to ensure that forward gear only movements are achievable.
- 9.4. In the light of my conclusion, I recommend that the proposal be refused.

10.0 Reasons and Considerations

1. Having regard to the height of the proposed retaining walls and their proximity to the proposed apartment building and their enclosure of the proposed communal amenity areas, the Board considers that the amenity that would be afforded by the ground floor apartments and the north westernmost and the majority of the southern first floor apartments would, in terms of natural lighting and, in the case of the ground floor apartments, overlooking from the eastern and western communal amenity areas, be unsatisfactory and that, likewise, the natural lighting of these amenity areas would be unsatisfactory. Accordingly, the proposal would fail to establish an acceptable standard of amenity for future residents and so it would be contrary to the proper planning and sustainable development of the area.
2. Having regard to advice in the Sustainable Urban Housing Design Standards for New Apartments Guidelines and the car parking standards in the Cork County Development Plan 2014 – 2020, the proposal would fail to provide at least one car parking space per apartment and so it would be sub-standard in this respect and thus be likely to lead to overspill car parking in the surrounding area. Furthermore, the proposed standing space for a refuse collection lorry would of necessity entail an inherently hazardous reversing manoeuvre onto the adjoining Inniscarra Road, which would jeopardise road safety. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

13th September 2019